

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 27 March 2012.

PRESENT: Councillor Brunton (Chair), Councillors Brady (as substitute for Councillor Kerr), Harvey (as substitute for Councillor Cole), Dryden, C Hobson, Mawston, McIntyre, Purvis, J Sharrocks (as substitute for Councillor J A Walker) and Williams.

OFFICERS: J Bennington, P Clark, T Hodgkinson, M Robinson and M Storey.

**** PRESENT BY INVITATION:** Councillor Hudson (originator of the Call-In)
Councillor Rostron, Executive Member for Community Protection.

**** ALSO IN ATTENDANCE:** Councillors Cox, Hawthorne, Hubbard, Lowes, McTigue and Rooney
Mr J Ellwood, Solicitor.
Members of the public.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, Kerr, McTigue, Sanderson, Saunders and J A Walker.

** DECLARATION OF INTERESTS

Name of Member	Type of Interest	Item / Nature of Interest
Councillor Hudson	Personal/Non-Prejudicial	Agenda Item 3: Review of Wilson Street Taxi Marshal Scheme – PSV driver.

REVIEW OF WILSON STREET TAXI MARSHAL SCHEME

The Senior Scrutiny Officer submitted an introductory report outlining the Council's Call-In – procedure; the report considered and the decision taken at an Individual Executive Decision-Making meeting by the Executive Member for Community Protection held on 8 March 2012 and the reasons given to the Authority's Proper Officer initiating the Call-In Procedure in relation to the decision taken in respect of the report on the Taxi Marshal Scheme in Wilson Street, Middlesbrough.

The reasons given for initiating the Call-In were 'It is considered this is the wrong decision to make when taking into account the evidence available to the Council. This decision is simply extending a decision made by the Mayor in April 2011, which was for a trial period ending in October 2011. The decision has been extended on three occasions resulting in the trial period being nineteen months.

These decisions go against the advice of the TPI and the Executive Member had not ascertained all the essential facts before reaching this decision.

The decision is unfair towards private hire trade and fails to consider public safety and fails to consider the other options available.'

The Chair explained the procedure to be followed at the meeting.

The Executive Member for Community Protection confirmed that a decision had been taken after appraising all of the facts and relevant correspondence. The Executive Member introduced Mr T Hodgkinson, Principal Licensing Officer who gave an indication of the background to and the rationale of the report considered at the Individual Executive Decision-Making meeting held on 8 March 2012.

In recent years, concerns by the Police and the taxi trade had been raised in relation to congestion in Wilson Street in the area between Albert Road and Albert Mews and late night disorder generally between 12.00 a.m. and 4.00 a.m. due to large volumes of people visiting the location at peak times. It was reported that there were a large number of hackney carriages and private hire vehicles in the location and several late night take away premises within the vicinity.

In December 2010, a private hire operator, Boro Cars had been granted a licence to operate a booking office in Wilson Street with the aim of reducing congestion and any interference with the operation of the hackney carriage ranks. In an attempt to assist Boro Cars, railings had been removed on Wilson Street to ease the pick up area by Boro Cars and other private hire vehicles.

In December 2009, Transportation Planning International (TPI) had been commissioned by the Council to undertake a review of town centre night time traffic management arrangements and the issues in relation to Wilson Street had been considered in conjunction with other town centre late night hot spot locations. Following extensive surveys and consultation with key stakeholders, TPI produced their final report in August 2010 and as a consensus view could not be established three options had been proposed to be piloted in order to evaluate the best way forward. After subsequent consultation the only proposal where there had been some degree of agreement had been in relation to the use of taxi marshals. On 12 April 2011 the Mayor had considered such issues and it had been decided to approve the use of Taxi Marshals in Wilson Street and that such action be reviewed after three months.

The Taxi Marshals' duties included organising taxi queues in an orderly manner and promoting good conduct by the public, ensuring the smooth flow of traffic in Wilson Street, including the hackney carriage ranks and recording and reporting any unauthorised vehicles using the rank or causing interference with the operation of the rank. Although initial feedback following the first few weeks of the Taxi Marshal trial had been positive there had now been reported conflict between the hackney carriage and private hire trade. Throughout the trial period Boro Cars, their drivers and the Private Hire Association had maintained that there was inadequate provision made by the Council on Wilson Street for members of the public wishing to access private hire vehicles. During the same period the hackney carriage trade had complained about interference with the operation of the rank by Boro Cars Private Hire vehicles. As a result of such ongoing problems the Taxi Marshal trial had been extended following consultation with the Executive Member of Community Protection to allow for further assessment to be carried out.

Details were given of a consultation exercise which had been undertaken between December 2011 and January 2012 with the taxi trade in relation to the Taxi Marshal trial on which 63 responses had been received. Reference was also made to 78 complaints which had been received following the introduction of the Taxi Marshal trial voicing dissatisfaction with such a scheme stating that they should be withdrawn and that better provision needed to be made for private hire vehicles.

The report had stated that the primary concern for the Licensing regime was that of public safety. Any changes to the management of hackney carriage and private hire vehicles in Wilson Street should be centred primarily on an outcome which would improve and maintain the safety of the travelling public. In addition, consideration must be given to improving traffic flow and reducing congestion in the area.

In considering the extension of the taxi marshal scheme the Executive Member for Community Protection had examined two options as outlined in the report submitted and approved Option 2 'That a temporary extension to the use of Taxi Marshals in Wilson Street until January 2013 be approved. This would allow Officers, the Taxi Trade and other stakeholders, to review the current provision for hackney carriages and private hire vehicles in Wilson Street via the QTP in an attempt to find a permanent solution to the issues surrounding Wilson Street.'

Councillor Hudson was afforded the opportunity of asking questions referring to the TPI report in particular pages 77, 78 and 79 of that report which outlined three options identified for Wilson Street which did not include Taxi Marshals. In response the Executive Member for Community Protection confirmed that she had read the TPI report and stated that the Council was not bound by such a report and could adopt an appropriate alternative method.

Councillor Hudson called Mr J Ellwood, Solicitor, who stated that the TPI report, a copy of which had been circulated to Members had recommended against Taxi Marshals being appointed in Wilson Street. Specific reference was made to page 34 of the TPI report in relation to themes arising from the Rank Audit in particular the 'location of ranks appeared to be based on the principle of establishing a rank upon the opening of a new attraction (pub, bar, nightclub) with a consequential impact on available on-street parking and road safety;'

The Board's attention was drawn to page 48 of the TPI report which recommended the creation of super ranks and explained where they should be located which did not include Wilson Street which had been an area of vehicular conflict. It was stated that the TPI report recommended Taxi Marshals but in the context of super ranks and not in relation to Wilson Street.

The three options identified for Wilson Street on pages 77 to 79 of the TPI report were reiterated. It was stated that references to the use of Taxi Marshals on page 64 of the TPI report was in relation to super ranks.

Concern was expressed that paragraph 16 of the report considered at the Individual Decision-Making meeting by the Executive Member for Community Protection held on 8 March 2012 had been misleading in stating that the use of Taxi Marshals were considered by TPI to be integral to the success of all three options they proposed.

The Executive Member for Community Protection and the Principal Licensing Officer were afforded the opportunity of asking questions of Councillor Hudson during which the Principal Licensing Officer confirmed that paragraph 16 of the report considered by the Executive Member identified above referred to options considered at a Quality Taxi Partnership meeting and that the only proposal where there had been some degree of agreement had been in relation to the use of Taxi Marshals.

Members of the Overview and Scrutiny Board posed questions of all parties the responses from which focussed on the following: -

(a) confirmation of the difficulties which included alcohol related problems in Wilson Street at peak times;

(b) confirmation that Boro Cars, a private hire operator had been granted a licence to operate a booking office in the location in December 2010;

(c) confirmation was given by the Executive Member for Community Protection of the evidence taking into account in taking the decision which included consideration of the TPI report, QTP meetings, consultation with the hackney carriage and private hire trade, Taxi Marshal trial and concerns raised by the Police;

(d) clarification of the issues of public safety prior to the introduction of Taxi Marshals;

(e) Councillor Hudson confirmed that a key factor in relation to the decision failing to consider public safety was in relation to obstruction and the decision being unfair towards private hire trade;

(f) Mr Ellwood suggested that some hackney carriage ranks from Wilson Street should be moved elsewhere to a super rank where Taxi Marshals could operate and private hire vehicles could pick up and drop off passengers in Wilson Street;

(g) Councillor Hudson confirmed that his experience of the problems at Wilson Street was based on information and comments which he had received;

(h) confirmation was given that the decision to approve a temporary extension to the use of Taxi Marshals would allow the opportunity for further consultation to find a permanent solution.

Following closing submissions the Board discussed the evidence received and in particular referred to issues of public safety being of paramount importance.

The Board considered the evidence and voted upon its decision.

ORDERED that the decision taken at an Individual Executive Decision-Making meeting of the Executive Member for Community Protection held on 8 March 2012 in respect of the Taxi Marshal Scheme in Wilson Street be not referred back to the Executive.