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**TITLE: MARKET STREET TAXI RANK CONSULTATION**

**Committee: LICENSING COMMITTEE**

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**[R290]**

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**1.0 ISSUE**

1.1 To report the results of the statutory consultation on the Licensing Authority's proposal to extend the Market Street taxi rank forwards to the junction of High Street Back.

**2.0 RECOMMENDATION(S)**

2.1 Members are requested to consider the options detailed in this report in light of the consultation responses and supporting information.

**3.0 BACKGROUND**

3.1 Taxi ranks are a vital part of a transport network. Ranks are a common feature in many towns and cities, and provide a location where licensed taxis can legally park to wait for a customer who wishes to use their taxi, rather than drive around town centre streets waiting to be hailed.

3.2 Similarly having well defined and managed rank locations can promote public safety through allowing customers to easily obtain a licensed taxi service, and reduces the risks associated with touting and inconvenience to customers searching the streets for a service.

3.3 A local authority can adopt areas on streets or private land as taxi ranks for either continual or part-time use under section 63 of the Local Government (Miscellaneous Provisions) Act 1976. The creation of a taxi rank is not a straightforward process; the local authority must obtain the permission of the Highways Authority (or private land owner), give notice to the Police, publish a public advertisement in a local paper and take into account any comments received within 28 days of publication before a rank can be appointed.

3.4 Currently, East Cambridgeshire District Council provides rank space for its 121 licensed taxis at the following locations:

- Market Place (4/5 spaces)
- Market Street (5 spaces)

There is also a rank provided by the railway company, for which an additional fee is payable, at:

- Ely Railway Station (8 spaces)

- 3.5 The level of rank provision in East Cambridgeshire is low compared to neighbouring authorities. The table shows that with the exception of Fenland Council, East Cambs currently has the highest number of taxis per available space.

Local Authority	Number of Hackneys	Rank Provision	Ratio of vehicles to spaces
Kings Lynn and West Norfolk	91	29 Council appointed spaces 12 Railway Station spaces	2.21:1
Forest Heath	200	32 Council appointed spaces	6.25:1
St Edmundsbury	64	21 Council appointed spaces 6 Railway Station spaces	2.37:1
Huntingdon	159	26 Council appointed spaces	6.11:1
Fenland	116	13 Council appointed spaces	8.92:1
<b>East Cambs</b>	<b>121</b>	<b>9/10 Council appointed spaces 8 Railway Station spaces</b>	<b>7.1:1</b>

- 3.6 Rank provision has not been reviewed by East Cambridgeshire District Council for a number of years. Officers hold regularly meetings with the taxi trade. Rank provision, or the perceived lack of it, is a subject which is raised on a regular basis.
- 3.7 The following paragraphs 3.7.1 to 3.7.8 go into further detail about the highway ranks on Market Place and Market Street.

#### Market Place Rank

- 3.7.1 Market Place is in use daily by the trade, but it is not used as frequently by the trade as the railway station rank and Market Street rank. Due to insufficient road markings and signage, it is not possible to enforce against normal motorists using this location under the Local Government (Miscellaneous Provisions) Act 1976 despite the road indicating that the location is an authorised taxi rank. Vehicles (other than taxis) using this location can be given a fixed penalty notice by the Police or a Traffic Enforcement Officer for parking on double yellow lines, but Licensing Officers currently have no power to deal with these issues as and when they occur.



**Image 1: Market Place rank**

## Market Street Rank

3.7.2 Market Street is a very congested part of the city centre, which has been designated as a one way street. The street scene contains a mixture of traffic restrictions consisting of:

- Bus bays (4 bays)
- 30 minute free parking zones (18 spaces)
- Disabled parking zones (6 spaces)
- Loading only bays (3 spaces)
- Taxi rank (5 spaces)

3.7.3 Market Street has become widely regarded as the main transport hub of the city due to the number of buses which serve this location, the presence of the existing taxi rank, and its proximity to the city centre. It is also a vibrant part of the city's night-time economy, with customers making their way to this location after a night out.

3.7.4 The current arrangements on Market Street have historically caused congestion to accumulate on the bend of Market Street and Newnham Street, which has resulted in buses being unable to get through, and footpath users having difficulty crossing the road between waiting taxis.



**Image 2: Bend joining Newnham Street and Market Street**

3.7.5 To try and reduce the congestion on this bend, Licensing Officers informed the trade that any driver who parked or waited in the red zone shown in image 3 below other than to set down a less-able bodied passenger, or to collect a hailing member of the public, and pulls away as soon as the customer has safely entered the vehicle, would be the subject of enforcement action, as it is a pedestrianised area, and parking on a bend is contrary to road traffic law.



**Image 3: Restricted zone**

3.7.6 The impact of this action by Officers resulted in further pressure being added to the existing parking/ waiting arrangements in Market Street, with an increase in taxis using the small 30 minute free parking bay situated immediately in front of the existing rank (Image 4). This usage is confusing members of the public who see a parked taxi in this location and approach the vehicle believing it to be the first vehicle on the rank, which in turn is creating a large degree of tension within the taxi trade from those who have waited patiently for their turn on the official rank.



**Image 4: In this image the taxi is the first car on the rank. The white markings delineate the 30 minute parking bay.**

3.7.7 Current enforcement of this activity is very difficult, as taxis are permitted to wait or park on a free parking bay in the same way that a normal domestic vehicle can. Offences only become applicable if the driver is considered to be touting from this location, or they contravene the time restrictions on the parking bay.

3.7.8 Another noticeable factor is an increase in taxis driving round and around the Lynn Road and Nutholt Lane loop at certain times in an attempt to lawfully join the taxi rank, thus creating additional traffic congestion and pollution in the area.

### **Taxi Rank Consultation**

3.8 Having received a request from the trade to increase rank space on Market Street at the December 2016 meeting, and having received a significant increase in phone calls regarding rank space since the restricted zone was published, Officers considered that a possible solution to the problem would be to create additional rank space on Market Street by extending the existing rank forwards, see images 5 and 6 below.



**Image 5: Existing street layout**



**Image 6: Proposed street layout**

3.9 It was noted that as a consequence of this proposal the two free 30 minute parking bays would be lost, but it was felt the proposal would provide an estimated three additional dedicated taxi spaces, place the lead car in an

unobstructed position near the junction of High Street Back, and remove confusion for members of the public wishing to hire a taxi. It was also felt that it would remove the potential for conflict between members of the trade for the reasons detailed in paragraph 3.7.6 above.

3.10 Officers approached the Chair of the Licensing Committee, the County Council, and the local County Councillor for the area concerned with the proposal, and obtained permission to run a public consultation exercise.

3.11 As mentioned in paragraph 3.3 above there is a statutory procedure to be followed. Officers obtained all relevant permissions, and the consultation ran in accordance with this procedure from 2 February 2017 to the 2 March 2017.

3.12 The following persons/ bodies were consulted:

- Cambridgeshire County Highways
- Chief of Cambridgeshire Police
- County Councillor for the location
- Ely City Council
- All District Councillors
- Local business trading on Market Street
- Relevant entries registered on the Council's consultation list
- All licensed hackney carriage drivers
- Members of the public via a notice in the paper, a notice on the Council's website, and a notice in the Council Offices.

3.13 Due to the low number of responses received a decision was made to extend the consultation period until 5 April 2017. Parish Councils and the full district wide consultation list were added to the list of consultees in an attempt to obtain as many comments as possible, and a new newspaper advert was published to comply with the statutory procedure.

#### 4.0 SUMMARY OF RESPONSES

4.1 A total of 71 responses were received during the total consultation period. The following table illustrates where these comments were received from, and whether they were in support of, in opposition to, or were considered neutral. Neutral comments included comments where Officers could not arrive at a decision as to whether the comment supported or objected the proposal, as well as no comment responses.

<b>Respondent Type</b>	<b>For</b>	<b>Against</b>	<b>Neutral</b>
Resident	13	8	6
Cllr	2	8	1
Business Owner	1	3	2
Taxi trade	22	0	0
Association	1	3	0
<b>Totals</b>	<b>39</b>	<b>23</b>	<b>9</b>

Full details of these responses can be found in Appendix 1 – Objections, Appendix 2 - Supporting, and Appendix 3 – Neutral, however, the main points raised have been summarised in the following paragraphs.

- 4.2 39 comments support the proposal to extend the taxi rank. These comments believe that the additional rank spaces will support the vital role that taxis play in the local transport network. By providing adequate rank provision taxis will be able to drop off and pick up fares in the centre of Ely right next to the main bus transport hub, and will no longer have to drive around the centre of Ely waiting for a legitimate place to trade, which causes additional city centre pollution and fuel costs. It is further felt that the current situation causes conflict between trade members due to the confusion caused when drivers legally park on the existing 30 minute free parking bay at the front of the rank and members of the public approach them instead of the driver who has patiently queued on the rank.
- 4.3 23 comments oppose the proposal to extend the taxi rank. These comments believe that the loss of the two 30 minute free parking bays will have a detrimental impact on the businesses trading in Market Street, and general public amenity, as members of the public will no longer be able to park up and do a quick shop. There is also a concern that the pavement will become obstructed if the proposal is approved due to Thing Me Bobs placing items on the pavement in this area.
- 4.4 9 other comments have been made, such as the bay should be changed to “disabled parking only” instead as there is insufficient disabled parking in the city centre, and, there are too many taxis in the district parking illegally on every parking bay already. These comments should be given appropriate weight to reflect the proposal being consulted upon, which is limited to discussing whether the rank should be extended or not.
- 5.0 CONCLUSION
- 5.1 Market Street has become widely regarded as the main transport hub of the city due to the number of buses which serve this location, the presence of the existing taxi rank, and its proximity to the city centre. It is also a vibrant part of the city’s night-time economy, with customers making their way to this location after a night out.
- 5.2 The current arrangements on Market Street have historically caused congestion to accumulate on the bend of Market Street and Newnham Street, which has resulted in buses being unable to get through, and footpath users having difficulty crossing the road between waiting taxis.
- 5.3 In light of increased enforcement by Licensing Officers relating to parking on the bend of Market Street, the Taxi trade requested an increase in the number of rank spaces available in Ely.
- 5.4 Officers in consultation with the Chair of Licensing Committee, considered and consulted on a viable option. The consultation ran from 2<sup>nd</sup> February to 5<sup>th</sup> April 2017. The outcome of the consultation is shown in the table at 4.1.

- 5.5 There were two main concerns highlighted from those not in full support of the extension of the rank, these are considered in paragraph's 5.5.1 to 5.5.7 below.

### **Parking of Taxis on public parking bays**

- 5.5.1 Hackney Carriage drivers are controlled by bye-laws. These bye-laws do not prohibit the lawful parking of a hackney carriage on a free or charged for parking bay, so the practice of pulling onto any free parking bay in Market Street is not in itself unlawful; it would only become unlawful if the restriction limits are not observed.
- 5.5.2 Part of the bye-laws allows an Officer to request any hackney carriage plying for hire to proceed to the official rank, but this requires a driver to be actively plying for hire, and in reality proving this to a suitable level is not likely to happen with the resources available.
- 5.5.3 Touting is an offence, and so any drivers touting for hire from a parking bay or anywhere else in the district can be prosecuted. Case law on this offence suggests that more than just sitting in a vehicle advertising a business needs to occur. So, unless a driver is witnessed calling out or importuning members of the public to use their vehicle, it is unlikely that the evidential and public interest tests would be satisfied to pursue a prosecution.

### **Taxi Numbers**

- 5.5.4 Although outside of the scope of the consultation, some comments were made on the grounds that the number of vehicle licences should be capped rather than additional provision be made for rank space.
- 5.5.5 Regarding this issue the Committee's attention is drawn to Section 16 of the Transport Act 1985, which provides that hackney carriage vehicle licences may only be refused if the Council is satisfied that there is no unmet demand for taxi services in its area.
- 5.5.6 In this regard licensee income is not a consideration, and an accumulation of hackney carriages at a certain point in the district is also not a consideration.
- 5.5.7 Department for Transport Guidance recommends against limiting the number of licences, and it should be noted that the numbers cannot just be capped. A full unmet demand survey must be undertaken prior to introducing a cap, and this survey must be repeated every three years to see if a cap can still be justified. The cost of an unmet demand survey can amount to more than £10,000 per survey. Introducing a cap also creates a black market plate value which can see plates (or in other words, the right to ply in a district) exchange hands for over £30,000.

### **Rank Locations**

- 5.6 It can be argued that you will never be able to provide sufficient rank space at all times, as you cannot predict the number of vehicles likely to use a specific rank at a specific time. What can generally be assumed though is that a low ratio of rank spaces in a district compared to the overall number of hackney



carriages using them may have the potential to cause congestion at certain peak times. East Camb's current ratio of vehicles to rank spaces is one of the highest in the region.

- 5.7 Market Street is the main transport hub for people taking buses. Available information indicates that from January 2017, some Stagecoach bus frequencies have reduced, and so members of the public are using taxis to fulfil their onward journeys.
- 5.8 A number of comments opposing the rank extension mentioned the potential obstruction of the pavement outside Thing Me Bobs. It is for members to consider if the change of use from a parking bay to a taxi rank would have a detrimental impact on the highway, but Members are advised that the lawful creation or extension of a taxi rank should not be refused due to the fact that it may have an impact on the unlawful actions of another. .

### **Alternative options**

- 5.9 On safeguarding and safety grounds having a centrally located rank which is clearly visible is essential. For this reason, the Market Street rank is ideally situated. Officers do not currently believe a suitable alternative location is available given the information contained in this report.
- 5.10 It is noted that with modern technology it could be possible to make the Market Street rank a "smart" rank. A smart rank works by having sensors in the road which trigger a "proceed to rank" sign or traffic light at a holding or feeder rank located within a reasonable distance of the main rank. A company who can provide this solution has estimated that the cost of implementation would amount to a capital expenditure in the region of £10,000 to £15,000. A maintenance cost of approximately £500 per annum would also need to be set aside to cover the cost of replacing the sensors when the batteries run out (every 10 years). This financial outlay, and the ability to find a suitable location for the feeder rank are both limiting factors which may be difficult or impossible to overcome.
- 5.11 The addition of extra rank space in different parts of the district could be considered, but given that Ely is the biggest economic and shopping area in the district, the lack of rank space in the outlying towns and villages is not considered to be a contributory factor to the overcrowding on the Market Street rank.
- 5.12 It should also be noted that additional ranks would require permission from Cambridgeshire County Highways or the private land owner before a formal consultation could commence on any proposal. A cost of approximately £2,000 per rank would be payable.
- 5.13 If Members were minded to grant the proposal, but felt that the permanent loss of two free parking spaces was an insurmountable barrier, a possible solution was raised during the consultation process by one respondent. The suggestion amounts to effectively rotating the rank and the existing parking bay, as illustrated below (Image 7).



**Image 7: Alternative street layout suggestion**

- 5.14 This suggestion would result in the retention of two public parking spaces which would be sited closer to the city centre, and the front taxi on the rank would be able to pull away unimpeded.
- 5.15 Upon receipt of this response, measurements were taken. The results of these measurements suggest that one additional taxi space could be created whilst retaining the two public spaces by slightly adjusting the lines that delineate the newly re-designated areas. However, Members are also advised that Officers consider that this change is likely to result in the taxi trade using the public parking spaces as an overflow at busy times which would remove the potential for members of the public to park there during these times. However, it is also recognised by Officers that during quieter times when the taxi trade are not so prevalent, this suggestion would permit normal vehicles to utilise these spaces. Informal enquiries have indicated that Cambridgeshire County Council would not object to this change, and have indicated a cost of approximately £2,000 to implement the change.

## 6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 6.1 Cost will be dependent upon the decision reached, but would range from £1,500 to a figure in the region of £15,000.
- 6.2 The Local Government (Miscellaneous Provisions) Act 1976 enables a licensing authority to recoup the reasonable costs of providing hackney carriages. Future fees for hackney carriages will need to be adjusted to cover any associated rank costs, unless Members resolve to cover these costs from the general fund, and Council approves this resolution.
- 6.3 Equality Impact Assessment not required.

## 7.0 APPENDICES

- 7.1 Appendix 1 – Comments objecting to the extension  
Appendix 2 – Comments supporting the extension  
Appendix 3 – Neutral comments

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
Local Government (Miscellaneous Provisions) Act 1976	Room SF208, The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616287 E-mail: <a href="mailto:stewart.broome@eastcambs.gov.uk">stewart.broome@eastcambs.gov.uk</a>