

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
04 August 2020**

**Report Title:** Scheme Updates: a)Town Centre Hackney Carriage Marshalling & b ) Use of Bus Station for Private Hire Vehicles

**Submitted by:** Head of Environmental Health

**Portfolios:** Finance & Efficiency

**Ward(s) affected:** Town

**Purpose of the Report**

To review two town centre taxi initiatives and recommend future actions.

**Recommendation**

**That Members agree**

1. The council has no further involvement with the Newcastle & Kidsgrove Hackney Association rank marshalling scheme
2. The Executive Director - Commercial Development & Economic Growth be given approval to review the use of the bus station site and to set new conditions for its future night time use by Private Hire operators, including charges if appropriate.

**Reasons**

Agreed changes to road layouts and traffic regulation orders will remove the need for Hackney Carriage marshalling to Hassell Street

The use of the bus station by only one Private Hire operator together with legal precedent now makes it inappropriate for the council to fund its supervision. The authority should make best economic use of its resources.

1. **Background**

1.1 The council has previously been requested to assist with two schemes:

- a) Weekend town centre marshalling / rank arrangements for Hackney Carriages
- b) Provision of town centre bus station site for use by Private Hire Operators

**Weekend Rank Marshalling: Hackney Carriages**

- 1.2 A weekend marshalling scheme started approximately 10 years ago following discussions between Newcastle & Kidsgrove Hackney Carriage Association, Staffordshire Police, and the Borough Council. The Association developed and operated a scheme, privately employing two taxi queue marshals, with funds it raised from its members.
- 1.3 The marshalling scheme enabled the on Hassell Street rank to be extended adding about 25 additional spaces where taxis could wait for passengers.

- 1.4 Recently, following public safety concerns, Staffordshire Police and Staffordshire County Council have sought to close Hassell Street to through traffic and create a new rank in High Street as part of a town centre improvement programme.
- 1.5 Both the Association and Staffordshire Police have sought advice from the Borough Council about the future operation of the marshal scheme. The council's advice has been:
  - The council does not manage or endorse the scheme
  - It is unlawful for an association to charge a fee for the use of / prevent licensed drivers from using formally designated highway ranks
  - Membership of the scheme is voluntary
  - Enforcement of traffic regulation orders rests with Staffordshire Police
- 1.6 Not all licenced Hackney Drivers are members of the Association and support for the voluntary marshal levy has reduced amongst licenced drivers. A small number of drivers have voiced complaints that the scheme prevents them using highway rank spaces.

#### Use of Bus Station: Private Hire

- 1.7 For more than 10 years the town centre bus station has been used from midnight on Friday and Saturday nights by private hire vehicles, following a scheme introduced by the Borough Council, as land owner.
- 1.8 At the start of the scheme 10 operators (representing more than half of all private hire vehicles) agreed terms with the Council to use the bus station and provided booking agents to correctly arrange a booking for clients before they started their journey.
- 1.9 The Borough Council arranged for police officers to be present at the bus station to oversee operations, agreeing to meet the force's costs through a licensing levy.
- 1.10 Over the years the number of operators wishing to use the bus station has reduced to currently one. The current operator wishes to continue to use the bus station, which can accommodate up to 20 of their fleet.
- 1.11 Since April 2019 the borough council has no longer commissioned police supervision of the bus station, its reasons being:
  - Usage of the bus station by only one operator meant that funding a police presence was disproportionate
  - Pressures on the force meant that it could no longer guarantee officer presence and attendance was intermittent
  - The original arrangements were no longer compliant with the Council's procurement arrangements and financial regulations
  - A court decision clarified that use of a licencing charge in this way was inappropriate

## 2. **Issues**

### Weekend Queue Marshalling

- 2.1 The Borough Council now has no day to day involvement with the operation of this scheme.
- 2.2 Staffordshire County Council's cabinet has agreed changes to the current highways ranks, part funded by Staffordshire Police, although these works are still to be fully implemented.
- 2.3 The works have been subject to public consultation, including feedback from the Association.

- 2.4 New traffic flows and extra rank spaces should ensure that there is adequate rank provision and the need for the vehicle marshalling scheme should end.

#### Use of Bus Station

- 2.5 Current Private Hire Operators were canvased in December 2018 to establish if they wished to recommence use of the bus station. Only the current site user expressed a wish to use the site.
- 2.6 The Council owns the bus station site and has no ongoing obligation to offer its site for this use.

### 3. **Proposal**

- 3.1 That the Council has no further involvement with the Newcastle & Kidsgrove Hackney Association rank marshalling scheme
- 3.2 The Executive Director - Commercial Development & Economic Growth be given approval to review the use of the bus station site and to set new conditions for its future night time use by Private Hire operators, including charges if appropriate.

### 4. **Reasons for Proposed Solution**

- 4.1 Agreed changes to road layouts and traffic regulation orders will remove the need for Hackney Carriage marshalling to Hassell Street
- 4.2 The use of the bus station by only one Private Hire operator together with legal precedent now makes it inappropriate for the council to fund its supervision. The authority should make best economic use of its resources.

### 5. **Options Considered**

- 5.1 There is an option for the authority, at its cost, to take an active role in Hackney Marshalling. Alternatively it could continue its present position that any voluntary / police supported scheme operated without Council input.
- 5.2 The authority currently has the option to conclude its bus station use scheme, or to formalise its future use, through site use licence, with appropriately devised terms and conditions

### 6. **Legal and Statutory Implications**

- 6.1 There is no legal basis for the council to become involved in vehicle marshalling / traffic flow control.
- 6.2 Subject to any planning & use restriction, and provided appropriate process the authority can select who uses its land and set terms and conditions
- 6.3 The Supreme Court judgement in respect of Hemming Vs Westminster City Council clarified what costs could legitimately be included within licensing fees. A recent Court of Appeal case confirmed what costs could legitimately be included when setting taxi driver licence fees. It would be inappropriate to fund any future schemes of this type through a licensing charge

7. **Equality Impact Assessment**

7.1 No equality issues are raised by this report

8. **Financial and Resource Implications**

8.1 Any decision to take an active role in vehicle marshalling would require officer resource. Costs associated with the provision of marshals, the collection of a voluntary scheme fee, and potential debt would need to be borne by the authority.

8.2 Any agreement for the future use of the bus station site would need to consider any associated costs – e.g. insurance, and any resulting obligations such as monitoring/controlling site usage.

9. **Major Risks**

9.1 None.

10. **Sustainability and Climate Change Implications**

10.1 Relevant criteria have been considered by Staffordshire County Council as part of their highway and rank alterations review and public consultation.

11. **Key Decision Information**

11.1 This is not a key decision

12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection Committee, 20th July 2009 – use of Bus Station approved.

12.2 Public Protection Committee, 21st September 2009 – use of Bus Station conditions agreed

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None