EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number - CFCS04 20/21

Decision

- Title of decision: Revocation of two existing hackney carriage stands (taxi ranks) located at Old Town Street and Whimple Street and the appointment of two new taxi ranks located at St Andrews Cross/Whimple Street and Cornwall Street/Eastlake Street.
- **Decision maker (Cabinet member name and portfolio title):** Councillor Sally Haydon, Cabinet Member for Customer Focus and Community Safety.
- Report author and contact details: Graham Hooper, Senior Officer, Intelligence and Licensing 01752 304533 graham.hooper@plymouth.gov.uk
- 4 Decision to be taken:
 - I. Revoke the appointed 14 vehicle, 24 hour hackney carriage stand at Old Town Street
 - 2. Revoke the appointed 3 vehicle, 24-hour hackney carriage stand at Whimple Street
 - 3. Appoint a 10 vehicle, 24-hour hackney carriage stand at Cornwall Street/Eastlake Street.
 - 4. Appoint a 7 vehicle, 24-hour hackney carriage stand at St Andrews Cross/Whimple Street
- Reasons for decision: To approve the revocation and appointment of hackney carriage stands as prescribed under Section 21 of the Plymouth City Council Act 1975 to facilitate necessary public realm works in the area.

6 Alternative options considered and rejected:

1.) To reject proposals (as outlined in the attached briefing paper, Appendix A).

To reject the proposals is not a viable option as the planning approved multi million public realm works scheme forms a vital part of 'Better Places Plymouth' which is an initiative to transform the heart of the city centre. The scheme will bring much needed life, activity and commerce back to the city centre, making the area look and feel more attractive to shoppers and visitors – supporting improved trading and encouraging inward investment.

2.) To alter, vary or change either proposal having regard to the content of this report.

A number of options have been considered. Extensive consultation took place with representatives of the taxi trade prior to final proposals being submitted for consent. The proposals are considered the most viable in terms of maintaining and increasing trade, public accessibility and public safety.

7 Financial implications:

There have been no costs associated with the advertising and physical amendments to the rank that have been funded by the hackney carriage trade account. The costs of advertising the

	consultation and relocation works will realm works.	be met (directly t	hrough the developer and the public			
8	Is the decision a Key Decision?	Yes	No	Per the Constitution, a key decision is one which:			
	(please contact <u>Democratic</u> <u>Support</u> for further advice)		X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total			
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million			
			X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.			
	If yes, date of publication of the notice in the <u>Forward Plan of Key Decisions</u>	N/A	N/A				
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	The Lo strates adopte	The Local Transport Plan (LTP) details the transport strategies and policies that the City Council has adopted and will be the key in helping the City meet its Corporate Plan Priorities.				
10	Please specify any direct environmental implications of the decision (carbon impact)	decisio	There are no direct environmental implications of the decision. The new rank location will not increase or impact on carbon emissions.				
Urge	ent decisions						
11	I Is the decision urgent and to be implemented immediately in the interests of the Council or the public?			(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)			
		No	X	(If no, go to section 13a)			
I2a	Reason for urgency: N/A						
l 2b	Scrutiny Chair Signature:		Date				
	Scrutiny						

	Committee name:						
	Print Name:						
Con	sultation						
I3a	portfolios affected by the decision?		Yes	Х			
			No		(If no go to section 14)		
I3b	Which other portfolio is aff decision?	Cabinet member's ected by the	Councillor Sue Dann (Cabinet Member for Environment and Street Scene)				
I3c	Date Cabinet	member consulted	22 July 2020				
14	Has any Cabinet member declared a conflict of interest in relation to the decision?				If yes, please discus		
			No	X	Monitoring Officer		
15	Which Corporate Management Team member has been consulted?	Name		Ruth Harrell			
		Job title		Director of Public Health			
			Date consul	ted	22 July 2020		
Sign	n-off						
16	departments consulted:		Democratic Support (mandatory)			DS64 20/21	
			Finance (mandatory)			djn.20.21.125	
			Legal (mandatory)			35593.ag.6.11.2020	
			Huma applica	n Resou able)	N/A		
			Corporate property (if applicable)			N/A	
			Procurement (if applicable)			N/A	
Арр	endices						
17	Ref. Title of a	ppendix					
	A Briefing re	eport for publication					
	B Plans						
	C Public No	tice					
	D Consultat	ion Responses					

1	E EIA								
Conf	fidential/exempt information								
l8a	Do you need to include any confidential/exempt information?	Yes		ll') b	riefing ı	repare a second, confidential ('Pa ing report and indicate why it is publication by virtue of Part 1 of			it is
		No	X	Act		e I2A of the Local Government 2 by ticking the relevant box in ow.			
				١,	briefing		rmation that will	•	
	E				ption I	Paragra	ıph Nuı	nber	
		I	,	2	3	4	5	6	7
I8b	Confidential/exempt briefing report title:								
Back	ground Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below.								
	Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.								
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	Title of background paper(s)		E	xem	ption l	Paragra	aph Nu	mber	ng the
	Title of background paper(s)	ı	E	exem	ption I	Paragra 4	aph Nu	mber 6	ng the
	Title of background paper(s) N/A	I	E		<u>-</u>		- 		
Cabi	5 11 ()	1	E		<u>-</u>		- 		
Cabi 20	N/A	In taking opportun le who sl	ontrar g this ity, e hare	y to decis	the Couion I ha	uncil's pove given wful disc	blicy and due reg	budget ard to the on and er the	7
20	N/A inet Member Signature I agree the decision and confirm that it framework, Corporate Plan or Budget. Council's duty to promote equality of opromote good relations between peop	In taking opportun le who sl or furthe	ontrai g this lity, e hare l	y to decis limina prote tails pl	the Cou ion I ha ite unla cted cha	uncil's pove given wful disc	blicy and due reg	budget ard to the on and er the	7

APPENDIX A

BRIEFING PAPER

1.0 Background

- 1.1 'Better Places Plymouth', is an initiative to transform the very heart of the city centre, renewing and rejuvenating its open spaces and pedestrian areas to create a better place in which to shop, work, visit and enjoy. Vibrant streetscapes and inviting public spaces will bring life, activity and commerce back to the city centre, making the area look and feel more attractive to shoppers and visitors, which will support improved trading and encourage inward investment.
- 1.2 The Better Places project will transform the open spaces and pedestrian areas around the city centre in three key areas. One of these key areas is Old Town Street/New George Street East. When completed, Old Town Street will become a pedestrianised street. This means taxis will no longer be able to be obtained from this location. Therefore, to replace the loss of this key city centre rank there will be two new appointed hackney carriage stands. One taxi rank will be located on Whimple Street and just off St Andrews Cross roundabout, next to the existing car park. The other taxi rank will be located on Cornwall Street and Eastlake Street, adjacent to Marks and Spencer and at the entrance to at the entrance to Drakes Circus. Both of the new ranks will operate 24 hours per day.

2.0 Legal Provisions

- 2.1 Section 21 of the Plymouth City Council Act 1975 lays down the legal process for the introduction, amendment and revocation of Hackney Carriage Ranks. It states that ranks shall not be situated;
 - (a) So as to unreasonably prevent access to any premises
 - (b) So as to impede the use of points authorised to be used in connection with a public service vehicle
 - (c) On any highway without the consent of the Highway Authority
 - (d) Without due regard to the position of bus stops
- 2.2 The Act requires that the Council shall give notice to the Chief Officer of the Police and to the public of the proposals by advertisement in at least one local newspaper, and shall take into consideration, any objections or representations in respect of such proposals made within 28 days of the first publication of such notice.

3.0 Proposal

3.1 To facilitate the public realm works the following two proposals were advertised and went to public consultation:

3.2 Proposal One

The first proposal was to revoke the existing appointed fourteen vehicle, twenty four hour taxi rank located at Old Town Street and to appoint a ten vehicle, twenty four hour taxi rank, located at the south east side of Cornwall Street and Eastlake Street.

Although the new rank will be one distinct rank it is spread geographically over two differently named streets. One part of the rank is located at the southeast side of Cornwall

Street from a point one hundred and four metres south of its junction with Cobourg Street, for a distance of thirty-three metres in a southwesterly direction. The other part of the rank is located in Eastlake Street on the east side from a point seventy four metres south of its junction with Cobourg Street, for a distance of twenty-one metres in a southerly direction.

3.3 Proposal Two

The second proposal was to revoke the existing appointed three-vehicle taxi rank located at Whimple Street and to appoint a new seven-vehicle stand at St Andrews Cross and Whimple Street.

This taxi rank will be one distinct rank but as with proposal, one it will be spread geographically over two differently named streets. One part of the rank will be located just off St Andrews Cross roundabout on the south-west side from a point fifteen metres southeast of its junction with Royal Parade and for a distance of sixteen metres in a southeasterly direction. The second part of the rank will be located at Whimple Street on the northeast and northwest side from its junction with St Andrews Street car park, for a distance of twenty-eight metres in a south easterly and northeasterly direction.

3.4 Plans showing the location and of both of the new taxi ranks are attached to this report as Appendix B.

4.0 Public Consultation

- 4.1 The proposals were advertised by Public Notice in the Plymouth Herald on 22 July 2020 with comments to be received no later than 20 August 2020. A copy of the public notice and can be viewed in Appendix C.
- 4.2 In addition, letters/emails of notification were sent to persons and representatives of the following bodies and organisations considered to have an interest in these proposals:
 - Cabinet Member for Customer Focus and Community Safety
 - Chair Taxi Licensing Committee
 - Chief Superintendent, Devon & Cornwall Police
 - All local businesses in the vicinity of the existing and proposed ranks
 - Local Ward Councillors, St Peter and the Waterfront
 - Head of Plymouth Highways & Street Services
 - Public Transport Officer, Strategic Planning and Infrastructure
 - Senior Lawyer, Legal Services
 - Plymouth Licensed Taxi Association
 - All Hackney Carriage (Taxi) Drivers licensed by Plymouth City Council

5.0 Outcome of Consultation Process

5.1 The Hackney Carriage trade association, the Plymouth Licensed Taxi Association (PLTA), provided no objections to the proposals, which were discussed regularly during quarterly

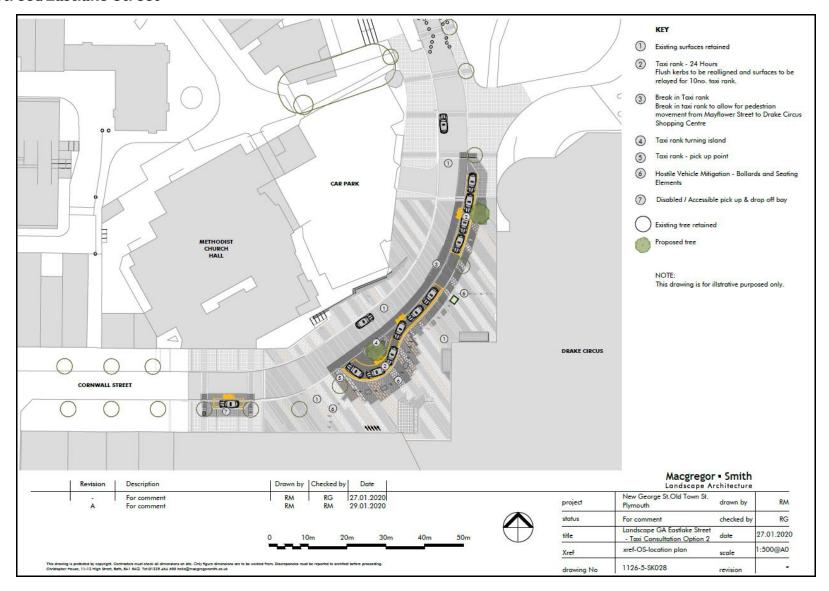
- trade liaison meetings. In addition, the PLTA was extensively consulted with at the start of this process and had input with the final design of the new rank provision.
- 5.2 In total, five responses were received from the wider hackney carriage trade, two were in objection to proposals outright and three were regarding general enquiries about the proposals.
 - The two outright objections related to the safety of the public and the loss of valuable rank provision.
 - No objections to the proposals were received from members of the police, public, internal/external stakeholders or businesses in the immediate vicinity of the rank.
- 5.3 All of the responses received in the consultation process and the replies can be viewed in Appendix D.

6.0 Summary and Conclusion

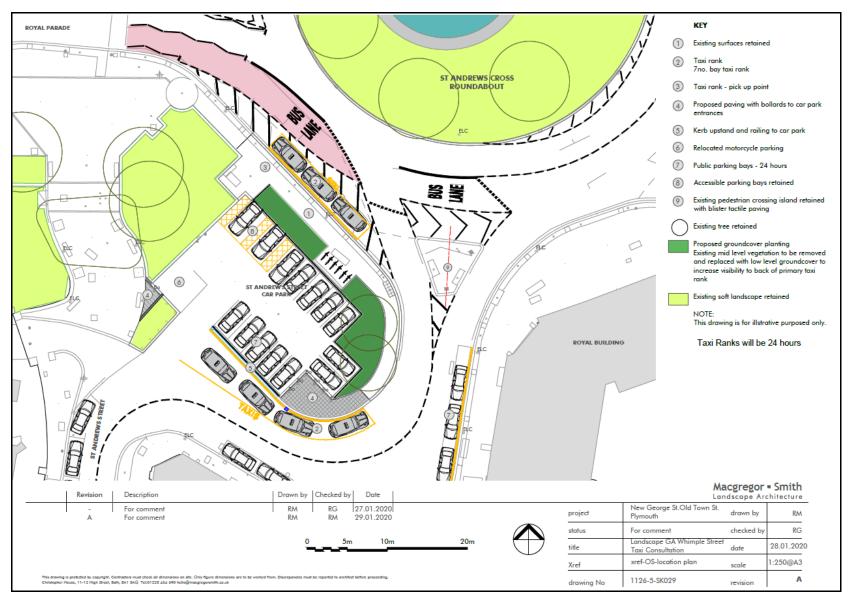
- 6.1 The public realm works of New George Street and Old Town Street will see the relocation of the existing taxi rank facilities on Old Town Street to Whimple Street and St Andrews Cross and the creation of new rank spaces at Cornwall Street and Eastlake Street.
- 6.2 There will be no overall loss of taxi rank vehicle spaces because of the proposals. Seventeen vehicle spaces will be removed and the same amount of vehicle spaces will be created with the new ranks.
- 6.3 While the loss of the existing appointed taxi rank at Old Town Street is regrettable it is this Departments view that the public realm works will strengthen the city centre and lead to an increase in public footfall and an overall increase in taxi usage.
- 6.4 No access to domestic or business premises in the area will be obstructed or prevented by the creation of the new taxi ranks and the existing bus stops or other points authorised to be used in connection with public service vehicles, will not be impeded.
- 6.5 The proposed amendment has been widely consulted on as required under the Plymouth City Council Act 1975. Five responses were received and have been duly considered. Any concerns raised through the consultation have been determined to be negligible with little or no impact.
- 6.6 It is therefore recommended, that the Cabinet Member after full consideration of the information contained in this report accept the proposed revocation of the existing taxi ranks at Old Town Street and Whimple Street and the appointment of new ranks at St Andrews Cross/Whimple Street and Cornwall Street/Eastlake Street.

Appendix B Location Plans

Cornwall Street/Eastlake Street



Whimple Street/St Andrews Cross



APPENDIX C Public Notice placed in the Herald Tuesday 5 November 2019

HACKNEY CARRIAGES STANDS PLYMOUTH CITY COUNCIL ACT 1975

Notice is hereby given that Plymouth City Council in exercise of its powers under Section 21 of the Plymouth City Council Act 1975 proposes to:

- Revoke the appointed 14 vehicle, 24-hour stand at Old Town Street
- Appoint a 10 vehicle, 24-hour stand at Eastlake Street and Cornwall Street.
- Revoke the appointed 3 vehicle, 24-hour stand at Whimple Street.
- Appoint a 7 vehicle, 24-hour stand at St Andrews Cross/Whimple Street.

For the use of hackney carriages as detailed in the schedule below.

Any written objections or representations should be sent in writing or by email to the undersigned by no later than 28 days following the publication of this notice.

SCHEDULE

PROPOSALS FOR ALTERATION OF EXISITING HACKNEY CARRIAGE STAND

- Revoke the appointed 14 vehicle 24 hour stand at Old Town Street
- Appoint 10 vehicle, 24-hour stand, southeast side of Cornwall/Eastlake Street.

Cornwall Street & Eastlake Street, the southeast side from a point 104 metres south of its junction with Cobourg Street for a distance of 33 metres in a southwesterly direction.

Eastlake Street, the east side from a point 74 metres south of its junction with Cobourg Street for a distance of 21 metres in a southerly direction

- Revoke the existing appointed 3 vehicle stand at Whimple Street.
- Appoint a 7 vehicle stand at St Andrews Cross and Whimple Street

St Andrews Cross, the south-west side from a point 15 metres southeast of its junction with Royal Parade for a distance of 16 metres in a southeasterly direction

Whimple Street, the northeast & northwest side from its junction with St Andrews Street Car Park for a distance of 28 metres in a south easterly and north easterly direction

Maps and associated information may be viewed until 20 August 2020 on our website at https://www.plymouth.gov.uk/roadsandpavements/roadclosuresandrestrictions or a copy will be provided on request from Licensing Department, Windsor House, Tavistock Road, Plymouth, PL6 5UF on any weekday, during the usual office hours.

Mrs Rachael Hind – Licensing Manager, Public Protection Service, Plymouth City Council, Windsor House, Tavistock Road, Plymouth, PL6 5UF

Email taxi.licensing@plymouth.gov.uk www.plymouth.gov.uk

APPENDIX D Consultation Responses

Name	Date	Comment	Response	
	22/07/2	Hi Graham,	Good morning Mr	
	0	Many thanks for including me into the consultation. I don't hold any strong views on moving the rank but and concerned about using a shared surface making it harder for elderly customers to climb into the cabs, and the circle for turning around. While talking ranks I still wish to see one located at Home Park adjacent to the vets would be good to service the life centre, park and ride and Argyle, along with reinstating the rank on the hoe. I know there are a number of ranks which are not used by the majority of cab drivers but drivers like me who work under a office do like to use them. Best Regards	the opportunity to apologise for the delay in responding to your consultation comments,	
	0	Hi Graham Can you please tell me how this will be funded and how much? Whatever the cost I very much hope it's not coming out of the taxi accounts which is already under huge pressure. Best Regards	I can advise that we ensured during the initial consultation stages with colleagues in strategic planning that the Taxi Trade will not pick up any costs associated with this matter, this includes advertising and consultation costs. All associated costs are picked up directly by the developer. With regards to the rank at Home Park. Steve Forshaw has carried out an extensive enquiry into this	

matter with parking, city bus etc and it is hoped to get a rank in the vicinity as soon as possible. Once we get back to a bit of normality this will be pursued as a priority action. I hope this has answered your questions, please do not hesitate to contact me should you require further information. Kind Regards Graham 22/07/2 Reference this memo it will Good afternoon Mr be absolutely devastating for I would first like to take the Plymouth black cab taxi the opportunity to drivers as at this present apologise for the delay in moment there is not enough responding to your workable taxi ranks through consultation comments, the day to sustain a fair living please be assured that they to take another one away were fully considered at with absolutely devastated the time you sent them for everybody we don't get any the consultation process help from Plymouth city but pressing Covid 19 council whatsoever at this matters have delayed present moment thank you finalising the process. my The Old Town Street rank is currently the key rank in the City and rank provision will be added at Whimple Street and Eastlake Street to counter the loss of this important rank. The new rank provision must be in place before the Old Town Street Rank is decommissioned, this is a requirement under the approved planning consent. It is envisaged that the public realm works in the area will increase retail trade and public footfall in the area which will in turn benefit the Taxi Trade.

		I trust this has answered your question. Kind Regards Graham
22/07/2	Good afternoon Graham Ive looked at the plans and read the letter that's attached. Is there any reason why we can't keep the existing 3 car rank on Whimple st to feed onto the proposed new 7 car rank? We should also be able to use the rank on the viaduct that seems to be getting used as a loading bay for the Bar Code. Using both these options will increase capacity for taxis at peak times and therefore serve the public better. Kindest regards	I would first like to take the opportunity to apologise for the delay in responding to your consultation comments, please be assured that they were fully considered at the time you sent them for the consultation process but pressing Covid 19 matters have delayed finalising the process. With regards to retaining the existing 3 car rank at Whimple Street to serve as a 'feeder' rank, this was proposed at the start of the process but was eventually discounted as the spaces were required to replace parking spaces that will be lost at St Andrew Street/Whimple Street carpark. You are correct in the fact that the rank on the Viaduct is not correctly being used at present. The legal process to appoint this rank was delayed due to dispute and ongoing discussions regarding the
		hours of operation and use of the rank for loading/unloading. This has now been resolved and the rank will operate entirely as a rank from 12 midday to 06:00hrs where it will be used for loading and unloading. The legal process will soon take place to formally appoint

the rank so that parking operational restrictions can be enforced, this should prevent this this rank being blocked at the times it is needed solely by the Taxi trade and therefore better serve the public. I trust this answers your questions. Kind Regards Graham 23/07/2 Good Morning Mr Hooper, Good afternoon 0 An observation that John and I wish to put forward is I would first like to take that there is no change prior the opportunity to to the "Xmas Rush" and apologise for the delay in "January Sales" - should such responding to your things still exist. Has Mrs. consultation comments, Hind received the accounts please be assured that they in June yet. were fully considered at the time you sent them for All the best and take care, the consultation process but pressing Covid 19 matters have delayed finalising the process. The public realm works are scheduled to commence early 2020. As per the planning permission the new ranks must be in place and operational prior to the main public realm works commencing. Any delay to these works could result in serious financial costs to the Developer and Council and therefore the new ranks must become operational as soon as possible. Rest assured should the ranks become operational this year suitable signage and information will be provided to the public detailing all the changes.

		Kind Regards
		Graham
23/07/2	Thank you for your email	Good afternoon
0	Personally I'm not going to view my opinion because it will fall on deaf ears! But!! Your proposal is ridicules has no thought or care towards the safety of the public never mind the taxi trade Many thanks	I would first like to take the opportunity to apologise for the delay in responding to your consultation comments, please be assured that they were fully considered at the time you sent them for the consultation process but pressing Covid 19 matters have delayed finalising the process.
		The new rank provision has been subjected to and passed rigorous road safety audits which have considered the safety of both the public and the Taxi Trade.
		The Old Town Street rank is currently the key rank in the City and rank provision will be added at Whimple Street and Eastlake Street to counter the loss of this important rank. The new rank provision must be in place before the Old Town Street Rank is decommissioned, this is a requirement under the approved planning consent. It is envisaged that the public realm works in the area will increase retail trade and public footfall in the area which will in turn benefit the Taxi Trade.
		I trust this has answered your question. Kind Regards
		Graham