

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – GHRITCS02 21/22

Decision	
1	Title of decision: Proposals for the removal/alteration of existing and the creation of new hackney carriage stands at Drakes Circus Leisure development (The Barcode) and Exeter Street (Viaduct East)
2	Decision maker (Cabinet member name and portfolio title): Councillor John Riley, Cabinet Member for Governance, HR, IT & Community Safety
3	Report author and contact details: Graham Hooper, Senior Officer, Intelligence and Licensing 01752 304533 graham.hooper@plymouth.gov.uk
4	Decision to be taken: 1.) Remove the existing 9 car (24hrs) stand at Bretonside (adjacent to the former Bretonside Bus Station) and appoint the new 6 car, 24 hr stand to service the Drakes Circus Leisure development (The Barcode) located on the former Bretonside B car park. 2.) Alteration to the operational hours of Exeter Street (Viaduct East) 4 car stand – to facilitate the loading/unloading from delivery vehicles solely from 6 am to 12 midday and to operate as a hackney carriage stand solely from 12 midday to 6 am.
5	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. To reject the proposals is not a viable option as the Barcode Development is completed and the existing 9 car (24hrs) stand at Bretonside (adjacent to the former Bretonside Bus Station) has been physically removed and the replacement new 6 car, 24 hr stand is in place. 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 and risks: 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 were met directly through the developer and the public realm works.

8	Is the decision a Key Decision? (please contact Democratic Support for further advice)		Yes	No	Per the Constitution, a key decision is one which:
				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 Forward Plan of Key Decisions			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 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)		There are no direct environmental implications of the decision. The amendments are being made to existing taxi ranks or are the like for like replacement of existing taxi ranks.		
Urgent decisions					
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?		Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
			No	√	(If no, go to section 13a)
12a	Reason for urgency:				
12b	Scrutiny Chair Signature:		Date		
	Scrutiny Committee name:				
	Print Name:				
Consultation					
13a	Are any other Cabinet members' portfolios affected by the decision?		Yes	x	(If yes, go to sections 13 and 14)
			No		(If no go to section 14)

13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Jonathon Drean, Cabinet Member for Transport						
13c	Date Cabinet member consulted	14/07/21						
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer				
		No	x					
15	Which Corporate Management Team member has been consulted?	Name	Ruth Harrell					
		Job title	Director of Public health					
		Date consulted	06/10/21					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)						DS59 21/22
		Finance (mandatory)						djn.21.22.126
		Legal (mandatory)						33536/ag/08.10.21
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report for publication						
	B	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	√					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7

18b	Confidential/exempt briefing report title:							
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>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.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	4 November 2021			
Print Name	Councillor John Riley							

1.0 Background

- 1.1 The Drakes Circus Barcode Complex is a £53 million development by British Land that has created a new leisure destination location situated on the old Bretonside Bus Station and has become a key gateway entrance to the city centre.

The development, which opened Autumn 2019, spans over 100,000 sq ft and includes a 12 screen Cineworld cinema, and a large number of restaurants and bars - including a Sky bar above the cinema to capture stunning views of the city and its coastline - and 420 car park spaces. The development has created a new destination for dining and entertainment in Plymouth for both locals and visitors to enjoy.

- 1.2 When the Barcode opened, it became apparent that there was a need for additional unloading spaces for deliveries. Taxi Licensing liaised closely with British Land and the Planning Department to ensure that the hackney carriage rank facilities that were originally proposed were maintained whilst supporting the business' to be able to function. This process took longer than anticipated and the move into lockdown measures from the Covid pandemic meant further delay with the process. Taxi licensing would clearly have preferred to consult on the proposed changes prior to the Barcode Complex opening, however, the initial delay was warranted to ensure that the rank was maintained for the key operational times between 12 midday and 06:00 hrs.

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 Barcode Complex development works and ensure that adequate provision was provided for the Taxi Trade, the following two proposals were advertised and went to public consultation:

3.2 Proposal I

Remove the previous 9 car (24hrs) stand at Bretonside (adjacent to the former Bretonside Bus Station) and appoint the new 6 car, 24 hr stand to service the Drakes Circus Leisure development (The Barcode) located on the former Bretonside B car park.

3.3 Proposal 2

Alteration to the operational hours of Exeter Street (Viaduct East) 4 car stand – to facilitate the loading/unloading from delivery vehicles solely from 6 am to 12 midday and to operate as a hackney carriage stand solely from 12 midday to 6 am.

3.4 Plans showing the location and of both of the new taxi ranks are attached to this report as Appendix A1.

4.0 Public Consultation

4.1 The proposals were advertised by Public Notice in the Plymouth Herald on 14 July 2021 with comments to be received no later than 12 August 2021. A copy of the public notice and can be viewed in Appendix A2.

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 No responses were received from the wider hackney carriage trade and 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.

6.0 Summary and Conclusion

- 6.1 The Barcode Complex and associated development works have been completed. For the reasons set out in section 1.2 of this report there have been unavoidable delays to the legal process for appointing the taxi ranks that will service the complex, however, the taxi trade have been kept updated of the progress with this matter.
- 6.2 There has been no loss of taxi rank vehicle spaces because of the proposals.
- 6.3 There has been no cost to the taxi trade for the works associated with this process. All costs linked to this development have been covered by the Developer.
- 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. No responses or objections were received. Any concerns raised through the initial planning consent stages of the development were addressed at this time.
- 6.6 It is therefore recommended, that the Cabinet Member after full consideration of the information contained in this report accept the proposals set out in sections 3.2 and 3.3 of this report.

Appendix A1

Location Plan



- 1** Exeter Street (Viaduct East) 4 car stand – to facilitate the loading/unloading from delivery vehicles solely from 6 am to 12 midday and to operate as a hackney carriage stand solely from 12 midday to 6 am.
- 2** Bretonside 6 car, 24 hr stand to service the Drakes Circus Leisure development (The Barcode) located on the former Bretonside B car park

APPENDIX A2:

Public Notice placed in the Herald Wednesday July 14 2021

34 **PLYMOUTH HERALD** WEDNESDAY, JULY 14, 2021

Public Notices

Public Notices

NOTICE OF PROPOSED ORDERS

THE CITY OF PLYMOUTH (TRAFFIC REGULATION ORDERS) (AMENDMENT ORDER NO. 2021.2137255 THE BARCODE) ORDER
THE CITY OF PLYMOUTH (OFF-STREET PARKING PLACES) (AMENDMENT ORDER NO. 2021.2137255 THE BARCODE – BRETONSIDE B) ORDER
THE CITY OF PLYMOUTH (TRAFFIC REGULATION ORDERS) (TAXI RANKS) (AMENDMENT ORDER NO. 2021.2137255 – THE BARCODE) ORDER

The Council of the City of Plymouth in exercise of their powers under the relevant Sections of the Road Traffic Regulation Act 1984 (as amended) ("the Act"), and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby intend to make the above named Orders:-

The effect of the order shall be to add/amend the following:

- No Waiting at Any Time on Bretonside & Exeter Street
- Goods Loading Bay At All Times on Bretonside
- Goods Loading Bay between 6am & 12pm on Exeter Street
- Goods Loading Bay between 6am & 11pm on Exeter Street
- Taxi Rank at all times (6 taxis) on Bretonside
- Taxi Rank 12pm – 6am (4 taxis) on Exeter Street

Full details are contained in the Order, which, together with the relevant plans, any Orders amended, and a statement of reasons for making the Order may be examined on Plymouth City Council website:
<https://www.plymouth.gov.uk/roadsandpavements/roadclosuresandrestrictions>

Alternatively, please call ☎ 01752 668000 and we can send you a hard copy.

If you wish to offer comments on the proposed Order you should send them, with grounds, in writing to:- **Service Director for Street Services (Plymouth Transport & Highways), Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ** or
 Email: trafficmanagementinbox@plymouth.gov.uk

Quoting reference Amd.2021.2137255 The Barcode by 4th August 2021

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 amend/revoke existing stands and appoint a new stand for the use 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 REMOVAL/ALTERATION OF EXISTING AND CREATION OF NEW HACKNEY CARRIAGE STANDS

Remove the 9 car (24hrs) stand at Bretonside (adjacent to the former Bretonside Bus Station) and appoint the new 6 car, 24 hr stand to service the Drakes Circus Leisure development (The Barcode) located on the former Bretonside B car park.

Alteration to the operational hours of Exeter Street (Viaduct East) 4 car stand – to facilitate the loading/unloading from delivery vehicles solely from 6 am to 12 midday and to operate as a hackney carriage stand solely from 12 midday to 6 am.

- Maps and associated information may be viewed within the TRO deposit documentation until 12 August 2021 on our website at: <https://www.plymouth.gov.uk/roadsandpavements/roadclosuresandrestrictions> or a hard 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