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Report of: *Mr Tom Finnegan-Smith*
Report to: *Councillor Jack Scott*
Date of Decision: *15 December 2017*
Subject: *Taxi Rank Programme 2016/17:
Objections to Proposed New Ranks*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000		<input type="checkbox"/>		
- Affects 2 or more Wards		<input type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>Infrastructure and Transport</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Culture, Economy and Sustainability</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 1321				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

Purpose of Report:

It sets out officers' responses to objections and seeks a decision from the Cabinet Member for Infrastructure and Transport.

Recommendations:

It is recommended that the reasons set out in this report outweigh any unresolved objections and that those taxi ranks approved by the Cabinet Member for Transport and Sustainability be implemented and the Traffic Regulation Order (TRO) be made in accordance with the Road Traffic Regulation Act 1984.

Introduce associated traffic signing and lining.

Inform the objectors accordingly.

Conduct consultation for a Traffic Regulation Order (TRO) to introduce two 24 hour taxi rank spaces outside numbers 149 - 153 West Street. This will be done as part of the 2018-19 Taxi Ranks Programme.

Background Papers:

Copy of Experimental Traffic Regulation Order and associated documents (3)

Examples of consultation letters (2)

Plans of proposed ranks (5)

Lead Officer to complete:-			
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Julie Currey	04/09/17
		Legal: Richard Cannon	05/09/17
		Equalities: Annemarie Johnston	31/08/17
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>			
2	EMT member who approved submission:	Edward Highfield	06/09/17
3	Cabinet Member consulted:	Councillor Jack Scott	15/12/17
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		
	Lead Officer Name: John Priestley	Job Title: Senior Transport Planner	
	Date: 07 September 2017		

1. PROPOSALS

- 1.1 Transport Planning is in receipt of requests, from representatives of the taxi trade, for new taxi ranks at 28 locations in the city centre and suburbs. Following consultation with Messrs Aftab Ahmed and Ibrar Hussain of the GMB Taxi Union and Mr Hafeas Rehman of the Sheffield Taxi Trade Association, Transport Planning commissioned Traffic Regulations to prepare an Experimental Traffic Regulation Order to introduce new taxi ranks at the following five locations:
 - 1.1.1 Arundel Gate, northwest side, at the southwest end of the bus stop lay-by outside the Genting Club, a rank for two taxis, operating 8:00pm - 5:00am
 - 1.1.2 Ecclesall Road, north side, near Dover Road, outside number 516, The Pointing Dog restaurant, a rank for five taxis, operating 6:30pm - 3:00am
 - 1.1.3 High Street, south side, in the lay-by outside Boots, a rank for one taxi, operating 24 hours, plus a rank for three taxis, operating 7:00pm - 5:00am
 - 1.1.4 West Street, north side, in the two loading bays outside numbers 94 - 104, ranks for nine taxis, operating 6:30pm - 4:00am
 - 1.1.5 West Street, south side, in the parking lay-by outside numbers 141 - 153. The existing rank for three taxis, operating 24 hours, was revoked and replaced with a rank for seven taxis, operating 6:30pm - 6:00am.
- 1.2 Unlike the first four ranks the latter one was altered in response to complaints from Mr and Mrs Clark, the proprietors of 'Cobblers and Keys', 145 West Street and from Councillor Ian Saunders, in his role of 'Cabinet Adviser for Business Skills and Development', acting on their behalf. Mr and Mrs Clark's complaint was that taxis were constantly over-ranking and leaving no space for customers to park. The Clarks claimed that the resultant loss of trade, amounting to "around £300 per week" was jeopardising their business. They also complained that taxis frequently left their engines running which made the environment inside and around their shop unpleasant due to diesel fumes and was, again, detrimental to trade.
- 1.3 Traffic Regulations advertised the Experimental Traffic Regulation Order (ETRO) on 23 September 2016 by means of an advertisement in the local press and notices on street. Letters and plans were delivered to affected frontagers.
- 1.4 Because these ranks were introduced by means of an ETRO anyone wishing to object can and must do so within six months of the date it was first advertised. In order for it to be considered, their objection must be submitted in writing.

- 1.5 ETROs are valid for 18 months from the date when they are advertised. At the end of that time their provisions must be confirmed and made permanent, otherwise they lapse.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The taxi ranks provide legitimate ranking facilities at locations where there is a high demand for taxis, primarily in the evening and at night.
- 2.2 There is no impact on climate change because taxis are already plying for trade in, or close to, all of these areas.
- 2.3 There is no quantifiable economic impact. The GMB Taxi Union claim that between “30 and 40 taxi drivers” were losing money due to the change made to the rank outside numbers 141 - 153 West Street. These drivers have the option, however, to make use of the other, new, ranks that have been introduced. The changes to this rank were made, specifically, because the business at 145 West Street claimed that they were losing trade because of the taxi rank. Overall, therefore, the economic impact is considered to be neutral.
 - 2.3.1 In consideration of the claims made by the GMB Union, Transport Planning and Traffic Regulations will seek to restore two 24 hour taxi spaces in the lay-by outside numbers 141 - 153 West Street. These will, however, be at the western end of the lay-by, outside ‘The Wick At Both Ends’ public house at numbers 149 - 153 and will, therefore, have to be advertised and consulted on in the usual way for a Traffic Regulation Order. This will form part of the 2018-19 Taxi Ranks Programme.
- 2.4 The situation is improved for pedestrians, seeking to catch taxis at night, as there are more official ranks to which people can go with a reasonable chance of a taxi being available. On balance this proposal is considered to have a beneficial effect on the customer experience.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The Traffic Regulations Section has conducted the standard consultation that is legally required for a Traffic Regulation Order. An advertisement was placed in the press and notices were put up on street. A letter and appropriate plan of the proposals was delivered to frontagers in each area.
- 3.2 The proposals have received five objections relating to three of the ranks. A full summary of the objections received and officer responses is given in the table at Appendix A below.
- 3.3 Messrs Ibrar Hussain and Aftab Ahmed stated that the GMB Taxi Union supported the new taxi ranks, with the exception of the changes to the rank at 141 - 153 West Street, which they objected to.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 Overall there are no significant differential, positive or negative, equality impacts from introducing the new taxi ranks. The project should be positive for everyone by improving access to this transport option.

4.2 Financial and Commercial Implications

4.2.1 The total cost of constructing this scheme, including the commuted sum payment for ongoing maintenance costs, was funded from the allocated capital budget for 'Taxi Facilities' within the Local Transport Plan for 2016/17. In line with the Council's capital approval process the initial business case was approved by the Thriving Neighbourhoods and Communities Board on 13th July 2016 and the CAF for the capital budget was endorsed by the Capital Programme Group (CPG) on 25th July 2016. The final business case, which had no changes to the costs, was then approved by the Thriving Neighbourhoods and Communities Board in September 2016. The contract award for Taxi Rank Improvements made in 2016/17 was approved at CPG on 21 November 2016. The only cost associated with this report, therefore, is the sealing of the Experimental Traffic Regulation Order at approximately £1200.

4.3 Legal Implications

4.3.1 The Council has the power under the Road Traffic Regulation Act 1984 to make an Experimental Traffic Regulation Order (ETRO) where it appears to the Council that it would be expedient to make it for, inter alia, avoiding danger to pedestrians and other road users or for preserving or improving the amenities of the area through which the road runs. Before the Council can make an ETRO, it must consult with relevant bodies in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. It must also publish notice of its intention in a local newspaper. Where objections are received, Regulation 13 places a duty on the Council to ensure that these objections are duly considered. These requirements have been complied with.

4.3.2 In making its decision the Council must be satisfied that the approved scheme will secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). Provided the Council is so satisfied, it is acting lawfully and within its powers.

4.4 Other Implications

4.4.1 The measures will be delivered using existing staff resources. There are no other implications.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The only alternative available is to refuse the taxi operator's requests for additional taxi ranks to be provided. Given the repeated demands from the taxi operators for new ranks, plus the need for more ranks to be provided to meet the transport needs of the public, this is not considered to be an acceptable option.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The proposed measures will provide taxi ranking facilities at locations, requested by representatives of the taxi trade, where there is a large customer base. This will, therefore, be of benefit to the public.

7. RECOMMENDATIONS

- 7.1 Having considered the responses to the consultation it is recommended that decisions on the individual ranks be made as follows:
- 7.1.1 Arundel Gate. No objections have been received in respect of this rank. It is recommended, therefore, that it be made permanent with the proviso that, if abuse of the operating times and / or over-ranking causes difficulties, particularly for bus operators, the rank will be removed.
- 7.1.2 Ecclesall Road. No valid objections have been received in respect of this rank. It is recommended, therefore, that it be made permanent, with the proviso that the Council may alter the operating times should problems, for example with bus operators being obstructed, subsequently arise.
- 7.1.3 High Street. No objections have been received in respect of this rank. It is recommended, therefore, that it be made permanent.
- 7.1.4 West Street, north side, outside numbers 94 - 104. The objector, Mr Clifton (whose objection is not legally valid), should have adequate opportunities to service his businesses during the day when the two lay-bys outside his premises are specifically designated for loading. It is recommended, therefore, that his objection be overruled and the two ranks be made permanent. The proviso is also made that the Council may alter the taxi operating times should problems, for example with bus operators, subsequently arise.
- 7.1.5 West Street, south side, outside numbers 141 - 153. The proprietors of 'Cobblers and Keys', 145 West Street, claim that allowing taxis to rank during the day, outside their premises, is prejudicial to their business. The taxi trade representatives claim that between 30 and 40 drivers have lost business and that their former customers have been inconvenienced. It is proposed, therefore, to reintroduce two 24 hour taxi rank spaces in this lay-by, but at the western end, so that they are not outside 'Cobblers

and Keys'. This will require the advertising and making of a further Traffic Regulation Order in 2018-19. In the interim the evening only spaces will be made permanent as part of the current ETRO.

- 7.2 It is recommended that the reasons set out in this report outweigh any unresolved objections and that those taxi ranks approved by the Cabinet Member for Transport and Sustainability be implemented and the Experimental Traffic Regulation Order (ETRO) be made permanent in accordance with the Road Traffic Regulation Act 1984.
- 7.3 Introduce associated traffic signing and lining.
- 7.4 Inform the objectors accordingly.
- 7.5 As part of the 2018/19 Taxi Ranks Programme, conduct consultation for a Traffic Regulation Order (TRO) to introduce two 24 hour taxi rank spaces outside numbers 149 - 153 West Street.

APPENDIX A

Objections Received and Officer Response

Objections by Location	Nos.	Officer Response
<p>Arundel Gate, outside The Genting Club</p> <p><i>Mr Nathan Broadhead, Bus Network and Performance Manager, SYPTE, did not raise an objection but expressed a concern that if taxis over-rank at this location (as they do on Angel Street and Haymarket) then the taxi queue may back up into and obstruct the running lane, thereby causing delays to all traffic.</i></p>		<p>Mr Broadhead's comments, on behalf of SYPTE and the bus operators, have been noted. Since this rank was introduced, Council officers have observed that taxis rank in it outside the permitted hours of operation. If out of hours ranking, or over-ranking, creates difficulties for the bus operators then this rank will be removed.</p>
<p>Ecclesall Road, outside The Pointing Dog, no. 516</p> <p><i>Mr Nathan Broadhead, SYPTE, did not raise an objection, but stated that SYPTE and the bus operators would prefer the taxi rank start time to be moved back from 6:30pm to 7:30pm, to reduce the chances of conflicts occurring between buses and taxis.</i></p> <p><i>A Mr Gary Parkinson objected to the rank on the grounds that it reduced the availability of parking space outside the adjacent Polish Centre (nos. 518 - 520) and was unnecessary except on Friday and Saturday evenings from 10:30pm onwards.</i></p>	<p>1</p>	<p>Mr Broadhead's comments have been noted. It is proposed to retain the 6:30pm start time for the present, but to move it back to 7:30pm if problems do occur.</p> <p>Mr Parkinson did not make his objection until 31 July 2017. This is beyond the six month objection period, which ended on 23 March 2017 and suggests that the rank is not a major problem or, it could be assumed, Mr Parkinson would have objected sooner.</p> <p>There are other bars and restaurants within close proximity of this rank and it can be assumed that taxis will also draw custom from them on any night of the week. Day specific ranks can be confusing for motorists and taxi drivers, leading to difficulties with enforcement and are best avoided.</p> <p>The Polish Centre, who were included in the consultation, have not raised any objections to the rank.</p>
<p>High Street, outside Boots, nos. 4 - 12</p> <p>No objections have been received in respect of this rank.</p>		

<p>West Street, north side, o/s nos. 94 - 104</p> <p><i>Mr Peter Clifton, owner of the Premier Store and Original Bierkellar, 102 and 104 West Street, objected on the grounds that he carries out stock deliveries and cash collection at night due to the number of parking tickets he has received when making deliveries in the daytime.</i></p> <p><i>He also stated that the post, on which the taxi rank sign is located, prevents street cleaning vehicles driving along the footway.</i></p> <p><i>(Mr Clifton objected by means of a telephone call, not in writing, which is the legal requirement for his objections to be considered. He was informed of this, but has not acted upon it)</i></p> <p><i>Mr Nathan Broadhead, SYPTE, did not raise an objection, but stated that SYPTE and the bus operators would prefer the taxi rank start time to be moved back from 6:30pm to 7:30pm, to reduce the chances of conflicts occurring between buses and taxis.</i></p>	<p>1</p>	<p>Given that the two lay-bys outside numbers 94 - 104 West Street are specifically designated as loading bays, it is possible for Mr Clifton to undertake stock deliveries and cash collections during the day without receiving a penalty charge notice. It would appear that Mr Clifton may have previously received penalty charge notices due to being parked, rather than actively loading or unloading, in a loading bay.</p> <p>No comments or objections have been received from Cleansing.</p> <p>Mr Broadhead's comments have been noted. It is proposed to retain the 6:30pm start time for the present, but to move it back to 7:30pm if problems do occur.</p>
<p>West Street, south side, o/s nos. 141 - 153</p> <p><i>Mr Aftab Ahmed, GMB Taxi Union, objected on the grounds that between "30 and 40 taxi drivers" were losing money due to the change to this rank and that their combined financial loss was "two or three times the amount" of that of the proprietors of Cobblers and Keys.</i></p> <p><i>Mr Hafeas Rehman, STTA, objected on the grounds that:</i></p> <p><i>(i) there is a shortage of daytime taxi ranks, losing this rank makes the situation worse</i></p> <p><i>(ii) many taxi drivers used this rank</i></p> <p><i>(iii) many customers boarded taxis at this rank</i></p> <p><i>(iv) the Council should have provided an alternative rank in a lay-by on the opposite side of West street</i></p> <p><i>(v) STTA has instructed taxi drivers to switch their engines off when parked and they do so.</i></p> <p><i>Mr Parvez Akhtar, a taxi driver, objected on the grounds that he previously used this rank in the daytime and there are not enough daytime ranks.</i></p>	<p>3</p>	<p>It is not possible to quantify Mr Ahmed's claims about the financial losses that taxi drivers are experiencing. If, however, between 30 and 40 drivers are affected, this demonstrates the level of over-ranking that was previously taking place.</p> <p>It is acknowledged that there may, ideally, be a need for more daytime ranks. Highway space, however, has to be shared between many different users and it is seldom possible to meet everyone's requirements.</p> <p>Mr Rehman's claims about taxi and client numbers cannot be quantified. It is acknowledged, however, that some taxi drivers and their customers will have been inconvenienced.</p> <p>Neither of the two lay-bys on the opposite side of West Street is available for use as a daytime rank. The lay-by outside numbers 200 - 208 is designated for pay and display parking. The lay-by outside numbers 214 - 220 is a bus stop.</p> <p>Mr Rehman, understandably, wishes to support his colleagues. Council officers have</p>

<p><i>Mr Nathan Broadhead, SYPTE, did not raise an objection, but stated that SYPTE and the bus operators would prefer the taxi rank start time to be moved back from 6:30pm to 7:30pm, to reduce the chances of conflicts occurring between buses and taxis.</i></p>		<p>observed, however, that taxi drivers do not always switch off their engines when parked.</p> <p>As part of the changes that were introduced the entire lay-by has been designated as an evening taxi rank. This is an increase of four taxis which should be of considerable benefit to the taxi trade given their claims that there is a high demand for taxis on West Street at night.</p> <p>Mr Broadhead's comments have been noted. It is proposed to retain the 6:30pm start time for the present, but to move it back to 7:30pm if problems do occur.</p>
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