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## Taxi Licensing Task Group

19 January 2011

Report of the Directors of Communities and Neighbourhoods and City Strategy

### **DUNCOMBE PLACE TAXI RANK - Briefing Note**

#### **Summary**

1. This briefing note advises on the on-going issues in relation to the use of the Duncombe Place taxi rank after 22.00hrs and the conflict between users, a local business and a residents association.

#### **Background**

2. In February 2007 the hours of operation of this taxi rank were reduced from a 24hr operation to 07.30- 22.00 hrs. This decision was taken by the Director of Neighbourhood Services following a series of complaints from the manager of the Dean Court Hotel and the residents committee of The Garret, Duncombe Place. The complaints were of noise and disturbance from those waiting in the taxi queue.
3. At that time there was also significant disturbance in the area caused by young people gathering around the Boar war memorial drinking, playing music and displaying generally antisocial behaviour. These matters were addressed by implementing a Designated Public Places Order in the Memorial Gardens (alcohol restriction), improving street lighting and cutting back bushes and shrubbery in the gardens.
4. The reduction in the hours of the taxi rank was not popular with the taxi trade and the public continued to use the rank as before.
5. On 20<sup>th</sup> January 2009 the council received a petition signed by 175 members of the local taxi trade. The petition requested that the rank reverted to a 24hour operation.
6. On 16<sup>th</sup> March 2009 the petition was considered by the Executive Member for City Strategy Advisory panel. After receiving verbal representations and after some debate it resolved "to take no action at the present time with respect to the Duncombe Place taxi rank operational hours.

#### **Legal Position and Compliance**

7. The Local Government (Miscellaneous Provisions) Act 1976 makes provision for a local authority to appoint taxi ranks. The process involves consultation with the

highway authority, the police and the publication of a public notice in the local press seeking wider views. Once a rank is established it is protected for the exclusive use of taxis for the hours of its operation. After those hours it reverts to the normal traffic regulations pertinent to the area in which it is located.

8. It should be noted that a taxi can pick up passengers in any street and can be “flagged down” when not already booked. This means that irrespective of the operation of a taxi rank in Duncombe Place if there are passengers waiting a taxi can lawfully stop and pick them up.
9. Parking restrictions in Duncombe Place consist of double yellow lines – no waiting at any time, single yellow lines – no waiting Monday to Saturday from 8am to 6pm and then at 6pm the single yellow lines become evening parking - pay and display from 6pm to 8am Monday to Saturday. During the pay and display period any York resident with a permit (Minster Badge) can park in the pay and display bays without payment. During the hours of operation of the taxi rank taxis can wait in the rank area. After those hours the taxi rank area reverts to double yellow lines. Double yellow lines mean no waiting – they do not prohibit any person setting down or picking up regardless of whether they are a taxi or other vehicle. They do not prohibit any one waiting in that area and calling a taxi or other person to come and pick them up, nor do they prohibit a taxi driving up and down the road and picking anyone up who ‘flags’ them down. Penalty charge notices can be issued to any person who contravenes the parking regulations. Penalty charge notices can be issued to anyone who is found to be waiting on any of the double yellow lines, this would include the taxi rank area outside the hours of operation. However penalty charge notices can only be issued if the Civil Enforcement Officer sees the vehicle and can issue a notice before the driver moves off. The CCTV system cannot be used to issue penalty charge notices as it was not designed for this purpose and its design is such that it cannot be authorised by the Secretary of State to be used for the purpose of penalty charge notices. Officers have to be in uniform to issue penalty charge notices.
10. In order to seek adherence to the operating hours of this rank officers have tried to educate members of the public as to its part time status. Initially signs were displayed on the head of rank post advising of the operating hours. This seemed to have little effect. A larger sign was then displayed in the shelter advising of the location of the nearest alternative rank in St Leonards Place. On the 1<sup>st</sup> March 2010 an additional late night rank was opened in St Sampsons Square to alleviate the pressure on Duncombe Place. This was indicated by a replacement sign in the shelter. This was again ignored by the public so an “A” board was obtained to put out at 2200hrs to emphasise the rank closure. The “A” board generated a complaint from a taxi driver to City Strategy.
11. The use of “A” boards on the highway is classed as an obstruction of the highway. In York, such obstructions are generally tolerated unless a complaint is made in which case action is initiated to have the board removed. The City Council is likely to open itself up to criticism if it operates a one rule for businesses and another rule for itself.

12. With respect to the drivers themselves. They have been advised and reminded about the hours of operation of the rank many times by taxi licensing officers through newsletters, by individual letters and via liaison meetings with the trade associations. Parking Services have written to the proprietors of all licensed taxis where information has been received that their vehicles have been seen at the Duncombe Place taxi rank outside the hours of operation to remind them of the regulations and that this practice must cease and that failure to do so could result in the issue of a penalty charge notice.
13. Enforcement, however, is not a simple matter. The hours during which the taxi rank is suspended are outside the normal working hours of the Civil Enforcement Officers. To undertake any enforcement during the early hours of the morning poses a number of difficulties. Firstly, the health and safety issues posed for the Civil Enforcement Officers in dealing with any one found contravening the regulations and any member of the public who may object to the enforcement and turning away of taxis. A police presence would be required. Secondly, regular enforcement could not be sustained both in terms of personnel and financial resources (subject to any Officer being willing to volunteer to undertake patrols) and thirdly, effectiveness. A minimum of two Officers volunteering plus the Police would be required and these Officers would have to be paid additional payments. So unless a sufficient number of penalty charge notices could be issued to fund the additional payments there is no existing budget to finance this.
14. Enforcement has been attempted in the past. However, the result was that as soon those waiting at the rank saw the Officers approaching they moved off and alerted all other taxis. Therefore no penalty charge notices could be issued. Whilst this was effective at the time it is not sustainable. Of course no Civil Enforcement Officer can be compelled to volunteer and adjustment to the normal parking rotas would have to be made which would affect coverage throughout the city.

### **Current Situation.**

15. Despite all the actions taken the rank continues to be used into the early hours of the morning. During the last two weeks of September 2010 106 of the 178 licensed taxis were seen using the rank after 2200hrs. As far as travellers are concerned it remains a popular rank at all times of day. It serves people leaving the theatre and late night city venues.
16. Complaints continue to be received from both the Dean Court Hotel and the residents association that taxis are still using the rank after 22.00hrs. The council has little evidence to substantiate that the use of the rank gives rise to disturbance. Indeed comments on Trip Advisor rate the hotel highly for sleep quality. The last complaint received by Environmental Protection was in August 2006 and concerned youths gathering at the war memorial. Since the introduction of the Designated Public Places Order in March 2007 incidents of crime and antisocial behaviour have reduced by 79%. The crime analyst from Safer York Partnership has analysed crime and antisocial behaviour in the area between 1<sup>st</sup> November 2009 and 31<sup>st</sup> October 2010. There were 7 incidents of crime ( 1 after 22.00hrs ) and 16 of antisocial behaviour ( 7 after 22.00hrs).

17. There is a general perception by both the trade and the public that this is the safest night time rank in the city. This is supported by the statistics produced by the Safer York Partnership. The Nightsafe task group acting under the Community Safety Strategy has a current intervention to “develop a transport plan for the dispersal of the night time visitor” and wish to see this rank operating 24hrs.
18. The Community Safety Overview and Scrutiny Committee are currently undertaking a study of taxi licensing issues and are to consider taxi rank provision as part of the scrutiny topic. They have agreed to look at the Duncombe Place rank situation in that process.

## **Options**

19. Despite all the actions taken there is clearly a strong public demand for a rank to operate through the night in this location. The current situation places the council in a difficult situation in that it does not have the resources to adequately enforce the parking consequences of the rank closure at 22.00hrs..

Option 1: Accept the current situation, undertaken ad hoc parking enforcement as and when practical.

This option would see the council appear to be ineffective in delivering its own policy and could lead to adverse publicity and potential complaint to the Ombudsman

Option 2 : Fully resource a late night parking enforcement team to concentrate activity on Duncombe Place.

This option has clear resource implications. It maybe that a short period of fulltime enforcement or intermittent periods would suffice but there is no certainty that would be the case.

Option 3: To amend the current hours of operation of the rank to a later hour to cover theatre and other later night venue departures.

This option would not resolve the enforcement difficulties experienced in dealing with parking enforcement after the rank ceased operation.

Option 4: To revert to a 24hr operation of the rank.

This option would see the late night transport needs of residents and visitors met. It would however inevitably lead to complaints from the Dean Court Hotel and the residents association.