

# Portfolio Holder decision record sheet

<b>Name of decision maker:</b>	<b>Cllr Janice Marshall</b>
<b>Portfolio:</b>	<b>Environment, Sustainability and Regulatory Services</b>
<b>Date of Portfolio Holder decision:</b>	

<b>Title of decision:</b>	<b>Appointment/revocation of hackney carriage stands: Hemel Hempstead</b>
<b>Part II:</b>	<b>No</b>
<b>Part II reason:</b>	

## Decision made and reasons:

1. Under section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976, to appoint stands for hackney carriages ('taxi ranks'), as follows:
  - (a) **Marlowes, Hemel Hempstead** for 5 hackney carriages  
Operating from 22.00 to 06.00 hours, Monday to Sunday.  
On the eastern side of the carriageway facing south, beginning from a point outside 95 Marlowes and extending northwards for approximately 29 metres to a point outside 89 Marlowes.
  - (b) **Waterhouse Street, Hemel Hempstead** for 37 hackney carriages  
Operating 24 hours a day, Monday to Sunday.  
On the western side of the carriageway facing north:
    - i. from a point 57 metres north of a point in line with the projected northern kerb line of Moor End Road northwards for approximately 88 metres to a point 1.5 metres south of a point in line with the projected southern kerb line of Bank Court; and
    - ii. from a point 2.5 metres north of a point in line with the projected northern kerb line of Bank Court northwards for approximately 115 metres to a point 33 metres south of a point in line with the projected south kerb line of Bridge Street.
  - (c) **High Street, Hemel Hempstead** for 3 hackney carriages  
Operating from 18.00 to 08.00 hours, Monday to Sunday  
On the western side of the carriageway facing north, beginning from a point opposite the passageway between nos. 39 and 41 High Street and extending southwards for approximately 19 metres to a point opposite 31 High Street.
  - (d) **High Street, Hemel Hempstead** for 3 hackney carriages  
Operating from 23.00 to 08.00 hours, Monday to Sunday (to operate as a single extended stand for 6 hackney carriages during these hours in combination with the stand described in paragraph 1(c).)  
On the western side of the carriageway facing north, beginning from a point opposite 49 High Street and extending southwards for approximately 19 metres to a point opposite the passageway between nos. 39 and 41 High Street.
2. Under section 63(1) of the above Act, as applied by section 63(5), to revoke any extant appointments for disused hackney carriage stands, as follows:
  - (a) **Marlowes, Hemel Hempstead**  
On the western side of the carriageway facing north, from a point outside 150 Marlowes to a point outside 168 Marlowes.

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(b) **Waterhouse Street, Hemel Hempstead**

On the eastern side of the carriageway facing south, adjacent to 11 Bank Court.

(c) **Waterhouse Street, Hemel Hempstead**

On the eastern side of the carriageway facing south, adjacent to Lord Alexander House.

(d) **Waterhouse Street, Hemel Hempstead**

On the western side of the carriageway facing north, a drop-off bay adjacent to the Water Gardens lake.

**Reasons:**

The new stand described in para 1(a) is intended to serve Hemel Hempstead's night-time economy, and is in close proximity to several late-licensed venues along Marlowes including the Full House pub, Mode nightclub, Olly's and Finlay's bars, and takeaways including KFC, Peri Peri Chicken and Crazy Fried Chicken. It is therefore a suitable location from which to serve all of these outlets. Work to create the new bus interchange saw the previous rank moved to Waterhouse Street, however night-time economy customers have proved reluctant to walk the extra distance to the new rank location, resulting in taxis waiting around the bus interchange exit and Hillfield Road junction. The proposed new stand is closer to and in direct line of sight of these venues.

Stands referred to in paras 1(b)-(d) are already operational, having been created by way of Traffic Regulation Order (TRO). Appointment under taxi licensing legislation will give full effect to the Council's hackney carriage byelaws, and will offer further enforcement options for misuse of the appointed spaces.

Use of stands referred to in paras 2(a)-(d) has already been discontinued as a result of recent regeneration works, and applicable TRO's have already been revoked or modified. Revocation has been confirmed simply as an administrative function.

**Reports considered: ( here reference can be made to specific documents)**

Background information attached

**Officers/Councillors/Ward Councillors/Stakeholders consulted:**

Hertfordshire County Council (Highways authority)  
Hertfordshire Constabulary  
Public notice given in Hemel Hempstead Gazette (20/07/2016)  
Dacorum Taxi Drivers Association

**Monitoring Officer comments:**

The proposed ranks will offer a balance of ranks in the town centre, which should help to disperse patrons using the towns night time economy more effectively and minimise anti-social behaviour . The proposals will also allow effective enforcement of ranks which are currently in operation.

**Chief Financial Officer comments:**

There is sufficient budget to be able to meet the anticipated costs of implementing this decision. The costs of re-lining the roads is estimated at c£400.

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**Implications:** Appointment of hackney carriage stands will give effect to the Council's hackney carriage byelaws, which require vehicles to return to an appointed stand when not carrying a fare. It will also enable enforcement action under s.64 LGMPA1976 if unauthorised vehicles wait on appointed rank space.

**Risk:** The Marlowes rank is intended to service the night-time economy, best practice suggests that locating a taxi rank close to prevalent NTE outlets will speed up dispersal and thereby minimise conflict between patrons who may be under the influence of alcohol. The lack of a rank close to these outlets may increase the likelihood of incidents of violent, alcohol-related disorder in the vicinity, or taxis forming illegal ranks in response to customer demand.

It is noted that the details of development plans for the Market Square and bus station site have not yet been finalised, and when development is complete this may change or shift the demand for taxis in the night-time economy. Taxi rank locations are largely fluid, and will change over time in line with the development of the night-time economy. Officers will continue to monitor the situation, and proposals for amendments to ranks may be brought if the current situation warrants it.

**Value for money:** Requisite public notice has already been given, there will be additional costs for marking out the new rank (existing ranks are already marked in accordance with TRO requirements), which will be met from existing Licensing budget (hackney carriage vehicle licence fees are permitted to include a component relating to the provision of ranks, this amount will be reviewed ahead of next year's fee setting process).

### Options considered and reasons for rejection:

A taxi marshalling scheme to direct customers to the Waterhouse Street rank was considered, but would have required significant ongoing funding (estimate: £40-50k p/a for 2 nights per week). Recent case law has limited scope for funding such schemes through licence fees, so alternate funding would have to be procured for such a scheme.

The Dacorum Taxi Drivers Association have requested the provision of a night-time rank in the new bus interchange, on the location of the previous rank. However, this would be incompatible with the Traffic Regulation Order in place for that scheme (which prohibits access by vehicles to Marlowes between Bridge Street and Hillfield Road), and may result in conflict between taxis and late-night bus/coach services. As such, a rank in that location is not supported by the Hemel Evolution project board.

An informal night-time rank was previously operated in the old bus station, adjacent to the Market Square, and provision of a night-time rank on that site was considered. However, the closure of the Function Rooms venue has limited demand for a rank at that location, and the proposed stand at para 1(a) is closer to the remaining venues.

**Portfolio Holder's signature:**

**Date:**

**Details of any interests declared and any dispensations given by the Standards Committee:**

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<b>For Member Support Officer use only</b>
Date decision record sheet received from portfolio holder:
Date decision published: <span style="float: right;">Decision no:</span>
Date of expiry of call-in period:
Date any call-in received or decision implemented:

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## Background

1. District councils, which are responsible for licensing hackney carriage and private hire vehicles and drivers, may appoint hackney carriage stands, more widely known as taxi ranks, on public highways (with the consent of the applicable highways authority) or private land (with the consent of the landowner) using powers in section 63 of the Local Government (Miscellaneous Provisions) Act 1976. This is a wholly discretionary power – there is no duty to provide taxi ranks; however, most authorities decide to do so, to provide greater certainty for the public as to locations at which a licensed hackney carriage can be procured. The same power also allows councils to alter or revoke an appointment of a stand.
2. Only hackney carriages, which have been licensed by the applicable district council, may wait on appointed stands for a fare. Hackney carriages may also be ‘hailed’ (flagged-down) while driving along a street in their licensed area, or carry out pre-booked or contract work. The other type of licensed vehicles, private hire vehicles, can only undertake pre-booked work which has been taken by and assigned to them by a licensed private hire operator. The drivers of private hire vehicles, or unlicensed vehicles, commit an offence if they wait on an appointed hackney carriage stand.
3. Taxi ranks can also be created by way of a Traffic Regulation Order (TRO), which can prevent any vehicle other than a licensed hackney carriage from stopping or waiting in a designated location. However, it is not clear how a TRO-created rank would interact with any byelaws made by a Council to govern the conduct of hackney carriage drivers, as the power to create such byelaws specifically refers to fixed, or appointed stands. Most Councils with TRO-created ranks in their area also appoint that stand under the licensing legislation, to provide reassurance in the event of a legal challenge to enforcement action taken under the byelaws. The power to create TRO’s typically lies with highways authorities (locally, Hertfordshire County Council). However, district councils may promote their own TRO’s in certain circumstances, usually in accordance with an agency agreement.
4. Details of current taxi ranks in Dacorum are published at <http://www.dacorum.gov.uk/home/environment-street-care/licensing/taxis-private-hire-vehicles/taxi-ranks>
5. The procedure for appointing, altering or revoking a stand is set out at s.63 of the 1976 Act. For ranks on a public highway, the highways authority must consent to the appointment. Proposed stands may not unreasonably prevent access to any premises, nor impede the use of any bus or coach stop. Notice must be given to the chief officer of police, and to the public by way of a public notice in a local newspaper, and the authority must consider any objections or representations made in the 28-day period following publication.
6. Once appointed, stands must be marked in accordance with the requirements of the Traffic Signs Regulations and General Directions 2016, to include yellow line markings on the highway surface, and prescribed signage adjacent to the stand.

## Proposed taxi ranks in Hemel Hempstead town centre

7. This report proposes the appointment of four stands in Hemel Hempstead town centre (3 of which are already operational, by virtue of TRO’s), and the revocation of four previous stands, use of which has ceased as a result of redevelopment under the Hemel Evolution program.
8. Until 2015, Hemel Hempstead’s main taxi rank was situated on Marlowes, between Bridge Street and Hillfield Road, adjacent to several bars and night-time economy (NTE) outlets. That space was subsequently developed into the new Bus Interchange under the Hemel Evolution

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program, and an expanded taxi rank was provided in Waterhouse Street to replace the former one. While the new rank is closer to and more convenient for daytime shopping trade, it is further away from most of the town's NTE outlets, and has hampered the dispersal of patrons from late-licensed venues. In response, unofficial ranks have begun forming around the exit of the bus interchange and the junction with Hillfield Road.

9. A new night-time rank, outside 89 to 95 Marlowes (Royal Bank of Scotland to A-Plan Insurance) is proposed to tackle this issue, providing an official rank closer to the current main NTE outlets in the new town centre. The proposed stand would offer sufficient space for 5 hackney carriages, and would end before the access road adjacent to RBS and the nearby bus stop, thereby ensuring that neither would be impeded.
10. Simultaneously, it is proposed to appoint the new ranks created by the Hemel Evolution program – in Waterhouse Street (one rank), and in the Old Town (two ranks, which combine to form a single larger rank later in the evening). The effect of doing so will be to give full effect to the Council's hackney carriage byelaws which govern the conduct of drivers on taxi ranks, and to provide additional enforcement options for any misconduct.
11. The revocation of extant appointments for previous stands which have ceased to be effective is also proposed. Several stands were removed under the Hemel Evolution redevelopment works, including the former stand in Marlowes (now the bus interchange), and three sites in Waterhouse Street. In all cases, use of these stands has already ceased, line markings and signage have been removed, and where applicable, TRO's have been revoked or amended according.

### Consultation

12. Hertfordshire County Council, as the applicable highways authority, were consulted on the proposed appointments and revocations of appointments, and on the 15<sup>th</sup> July 2016 confirmed their consent to the Council making such appointments and revocations. Their response is attached as Annex A.
13. Notice was sent to the Chief Constable of Hertfordshire Constabulary on the 21<sup>st</sup> July 2016, and a response from Chief Inspector Douglas Black on the 26<sup>th</sup> July 2016 confirmed that there were no police objections to the proposals. His response is attached as Annex B.
14. Public notice advising of the proposed appointments and revocations was published in the 20<sup>th</sup> July 2016 edition of the Hemel Hempstead Gazette. There were no public responses received to this notice.

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## Annex A – Highways authority consultation response

**From:** Geoff Bailey [mailto:XXXXXXXXXX@hertfordshire.gov.uk] **On Behalf Of** NM SouthWest  
**Sent:** 15 July 2016 13:20  
**To:** Ross Hill  
**Cc:** NM SouthWest; Muthiah Gunarajah; Steve Johnson  
**Subject:** RE: Request for consent - proposed taxi rank, Marlowes, Hemel Hempstead

Dear Ross

I refer to your e-mail of 13 June 2016 in the above matter which attached a draft notice pursuant to section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976.

It is noted that the Borough Council is proposing to appoint hackney carriage stands on the highways specified in Schedule A of the draft notice in accordance with its powers under section 63(1) of the Act.

I have considered the proposal and, for the purposes of section 63(3)(c) of the Act, Hertfordshire County Council as local highway authority hereby consents to the appointment of the hackney carriage stands on the specified highways in the aforementioned Schedule A.

Please further note that Hertfordshire County Council has no objection to the proposed revocations of existing hackney carriage stands on the highways specified in Schedule B of the draft notice.

Yours sincerely

Muthiah Gunarajah  
Group Manager Congestion and Network Management  
South West & East Herts  
Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN  
t: 01992 XXXXXX Comnet / Internal: XXXXXX

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## Annex B – Police consultation response

**From:** Douglas Black External

**Sent:** 26 July 2016 15:52

**To:** Ross Hill

**Cc:** George Holland External; Mike Saunders; Andy Bliss; Richard Hann

**Subject:** Appointment of taxi ranks - Hemel Hempstead town centre

Mr Hill,

Having consulted my Safer Neighbourhood Inspector and Community Safety Sargent along with the Traffic Management Unit (see email below), there are no Police objections to the proposed appointment order.

Regards

*Douglas*

Chief Inspector BLACK  
Dacorum Community Safety Partnership  
Hemel Hempstead Police Station  
Combe Street  
Hemel Hempstead  
HP1 1HL  
[XXXXXXXXXXXXXXXX@herts.pnn.police.uk](mailto:XXXXXXXXXXXXXXXX@herts.pnn.police.uk)



**From:** SIMPKINS, Crawford 7386

**Sent:** 26 July 2016 11:20

**To:** HANN, Richard 783

**Cc:** BLACK, Douglas 912; SAUNDERS, Mike 795

**Subject:** RE: Appointment of taxi ranks - Hemel Hempstead town centre

Sir

This has already come through this office via the Borough at an informal stage for consideration of the impact on the highway. Purely from that perspective no concerns were identified and subsequently we did not raise any objections.

Regards

*Crawford*

*Traffic Management Unit  
Joint Protective Services*

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Breakspear Motorway Post  
Green Lane  
HEMEL HEMPSTEAD  
Hertfordshire  
HP2 4UE  
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