

**CHANGES TO UNICORN HILL HACKNEY CARRIAGE STAND REPRESENTATIONS AND OBJECTIONS RECEIVED**

Relevant Portfolio Holder	Councillor M Stringfellow
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Public realm improvements works are scheduled to begin in Summer 2024 in Unicorn Hill and Church Green West in Redditch and the works that are planned potentially have an impact on the existing hackney carriage stand (taxi rank) located in Unicorn Hill.
- 1.2 The Licensing Committee previously directed officers to carry out the advertising process required to enable the revocation and making of Hackney Carriage Stand Orders so that these will remain consistent with the way that it is intended that Unicorn Hill will be laid out after the proposed public realm improvement works have been completed.
- 1.3 The Licensing Committee are now asked to consider the responses received when the advertising process was undertaken.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee considers the responses received and RESOLVE whether or not to direct Officers to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders in respect of Unicorn Hill.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The cost of the public notice and other administrative costs were met from existing budgets held by Worcestershire Regulatory Services.

- 3.2 The costs of making, altering or revoking any Hackney Carriage Stand Orders would be met from existing budgets held by Worcestershire Regulatory Services and the Council's Legal Department.
- 3.3 If the Hackney Carriage Stand Orders were to be made, amended or revoked, the costs of providing the required signage and road markings would be met from the budgets agreed in respect of the public realm improvements works in Church Green West and Unicorn Hill.

**Legal Implications**

- 3.4 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to "appoint stands for Hackney Carriages" either on public highways or private land and the stands can be for either continual or part-time use.
- 3.5 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.6 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.7 Additionally a district council cannot create a hackney carriage stand:
- (a) so as unreasonably to prevent access to any premises;
  - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
  - (c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

Service / Operational Implications

- 3.8 On 27<sup>th</sup> November 2023, the Licensing Committee received a report to make them aware of some improvements to the public realm that were scheduled to be made in Summer 2024 in Church Green West, Unicorn Hill and St Stephen's Churchyard.
- 3.9 Redditch Borough Council is working in partnership with Worcestershire County Council on improving the public space. It will be the third phase of public space improvements for the town centre following-on from works on Alcester Street and Market Place and will be designed to tie in with plans to develop Redditch Railway Station. Works are currently scheduled to begin in Summer 2024, with preparatory works already underway.
- 3.10 Members were advised that Licensing Officers had been notified that a new design for the public realm in Unicorn Hill had been put forwards and an amended layout was proposed to be implemented that would involve changes being made to the existing Hackney Carriage Stand (taxi rank) that is located on Unicorn Hill. The design showing the layout proposed for Unicorn Hill is attached at **Appendix 1**.
- 3.11 Currently there is a Hackney Carriage Stand on the south side Unicorn Hill that operates 24 hours a day and runs for around 85 metres along Unicorn Hill, providing space for around 17 hackney carriages to stand and ply for hire.
- 3.12 In the proposed layout, a smaller full-time rank would be retained towards the bottom of Unicorn Hill. This taxi rank would provide 36 metres of space that would allow for approximately seven hackney carriages to stand and ply for hire 24 hours a day.
- 3.13 Behind this taxi rank there is proposed to be a further bay that would operate as a part-time taxi rank. The bay would provide 36 metres of space that would accommodate approximately seven vehicles.
- 3.14 Between 8am and 6pm (Monday to Saturday) this bay would be available for short term parking by members of the public (up to 45 minutes, no return within two hours). Between 6pm and 8am (Monday to Saturday) the bay would revert to use as a taxi rank only. This bay would not be subject to any restrictions between 8am on a Sunday and 8am the following day (Monday).
- 3.15 Behind this part-time rank, there is proposed to be a parking bay for use by disabled badge holders that would be 13 metres in length and accommodate two vehicles with rear wheelchair access.

- 3.16 Finally at the top of Unicorn Hill there is proposed to be a bay for Goods Vehicle loading which would be 30 metres in length.
- 3.17 Members were advised that in order to implement the proposed layout that had been designed, there were two separate but connected legal processes that would need to be carried out. Worcestershire County Council would need to carry out the legal processes involved in amending / creating the relevant Traffic Regulation Orders (TROs) in respect of Unicorn Hill.
- 3.18 Alongside that process, it would also be necessary for Redditch Borough Council to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders as are necessary in order to ensure that any such Orders in place remained consistent with the layout of the highway should the proposed public realm improvement works be completed as planned.
- 3.19 The first stage of this process was for the district Council to consult on the proposals with the chief officer of police and to publish a public notice in a local newspaper. Then a period of at least 28 days had to be provided to allow for any written representations or objections to be made to the proposals.
- 3.20 Having considered and debated the contents of the report, Members directed officers to carry out the required advertising and consultation with any written representations or objections received being brought back for consideration at a future meeting of the Licensing Committee.
- 3.21 On 20<sup>th</sup> December 2023, an email was sent to all hackney carriage and private hire licence holders for whom an email address is recorded. The email was also sent to representatives of Redditch Taxi Association.
- 3.22 The email highlighted the potential impact of the public realm improvements on the taxi rank in Unicorn Hill. The email also provided two separate plans to help explain the potential impact of the proposed public realm improvements.
- 3.23 The email explained that this would require the Council to carry out the required processes to appoint the new taxi ranks that were proposed to be implemented and invited any written representations or objections to be sent in by 31<sup>st</sup> January 2024.
- 3.24 Notice of the proposed changes was also given to the Chief Officer of West Mercia Police on 20<sup>th</sup> December 2023.

- 3.25 On 3<sup>rd</sup> January 2024, a public notice appeared in the Redditch Advertiser to give notice on the Council's intention to appoint the hackney carriage stands being implemented in Unicorn Hill. The public notice also invited any representations or objections to the proposal to be made by 31<sup>st</sup> January 2024.
- 3.26 During the period provided to allow written representations or objections, a number of responses have been received. A response was received on behalf of the members of Redditch Taxi Association. This response can be seen at **Appendix 2**.
- 3.27 A number of other responses were also received by email from individual hackney carriage and private hire licence holders. These responses can be seen at **Appendix 3**.
- 3.28 No objections or representations have been received from West Mercia Police in respect of the proposed changes.
- 3.29 Most of those who made written representations objected to the proposed changes being made to the hackney carriage stand in Unicorn Hill. Some of the concerns raised included:
- The disruption that would be caused during the works
  - The changes will exacerbate current problems with unlawful parking on the existing hackney carriage stand
  - Increased enforcement or ANPR cameras are needed to stop unlawful parking on hackney carriage stands
  - The new layout would provide insufficient spaces for hackney carriages to stand for hire
  - There is already a shortage of spaces on the existing hackney carriage stand
  - A loading bay is unnecessary on Unicorn Hill
  - Additional public parking is not necessary on Unicorn Hill as there are plenty of public car parks around the town.
  - The changes will have a negative impact on passengers that have disabilities
- 3.30 The planned public realm improvement works would inevitably involve some disruption to vehicular traffic in the area whilst they are ongoing. Those delivering the public realm improvement works have said that disruption for hackney carriage drivers and passengers could potentially be mitigated by the provision of a temporary stand for hackney carriages as close as possible to the permanent facility.

- 3.31 Licensing officers recognise that there are already issues being reported by licensed drivers regarding members of the public, delivery drivers and private hire drivers parking vehicles unlawfully on the existing taxi rank in Unicorn Hill.
- 3.32 Officers also recognise that, notwithstanding that a loading bay and short-term public parking are included in the proposed layout, it is possible that these reported issues would continue if a new road layout is implemented in Unicorn Hill, unless suitable levels of parking enforcement are provided in the area.
- 3.33 Many of the responses have suggested that Automatic Number Plate Recognition (ANPR) cameras should be implemented to help enforce against those parking unlawfully on the taxi rank in Unicorn Hill.
- 3.34 Under the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, the general position is that parking contraventions have to be evidenced by direct observation and penalty charge notices (PCNs) have to be fixed to the relevant vehicle or given to the person in charge of that vehicle.
- 3.35 These regulations give very limited powers to authorities throughout England to issue PCNs by post for contraventions detected solely with a camera and associated recording equipment (an approved device).
- 3.36 However, PCNs must not be served by post based on evidence from an approved device other than when vehicles are parked on a:
- bus lane
  - bus stop clearway or bus stand clearway
  - 'keep clear' zig-zag area outside schools
  - red route
  - parking or a loading restriction within a mandatory cycle lane
- 3.37 Therefore until such time as these regulations are amended or replaced, it is not legally possible to issue PCNs by post for parking unlawfully on a taxi rank based on evidence from ANPR cameras.
- 3.38 Officers recognise the concerns have been raised by licence holders about the number of spaces that would be provided for hackney carriages to stand for hire in the proposed new layout of Unicorn Hill.

- 3.39 However officers are also aware of counter arguments made on a number of occasions over many years that the current parking arrangements in Unicorn Hill are not satisfactory. A petition received from owners of businesses on Unicorn Hill calling for some short-term parking bays to be introduced was considered by the Council's Overview & Scrutiny and Licensing Committees in 2011/12.
- 3.40 In January 2021, the Overview & Scrutiny Committee launched a Short Sharp Review of Parking on Unicorn Hill. The background to the launch of the Short Sharp Review was that during consideration of the Church Green Regeneration item at the meeting of then Overview and Scrutiny Committee held on 3rd December 2020 there was discussion regarding parking outside of the shops on Unicorn Hill. It was noted that the lack of parking within this area and Covid-19 had impacted on the footfall for the shops and businesses and that further scrutiny of this issue would be beneficial for the local economy.
- 3.41 Anecdotal evidence obtained by officer observations of the taxi ranks support the view that, during daytime hours, it is unusual to see more than 3 or 4 hackney carriages standing for hire on the existing stand for hackney carriages in Unicorn Hill. Officer observations confirm that the stand is much more heavily used in the evenings and at night.
- 3.42 The Council's Centres' Officer has provided information collected by the CCTV team in accordance with the Council's CCTV policy. This data demonstrates the number of taxis seen parked in the Unicorn Hill taxi rank at 10:00, 14:00, 18:00 and 22:00 across a 28-day period in February and March 2024.
- 3.43 The information can be seen at **Appendix 4** and appears to support the anecdotal evidence that during daytime hours, there are currently more spaces available for taxis on the taxi rank than are required to meet demand.
- 3.44 Whilst there are a number of public car parks available around the town, such off-road car parks normally cater for demand for medium to long term parking. Demand for short-term parking, for periods of up to around one hour is more commonly met from on-street parking, which is not currently available on Unicorn Hill.

- 3.45 Section 63 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*Nothing in this section shall empower a district council to appoint any such stand—*

- (a) so as unreasonably to prevent access to any premises;*
- (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;*
- (c) on any highway except with the consent of the highway authority;*

*and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.*

- 3.46 The locations of the proposed stands for hackney carriages in Unicorn Hill would not unreasonably prevent access to any premises and would not impede the use of any points authorised for the taking up or setting down of passengers by a local service or PSV operator's licence.
- 3.47 The locations of the proposed stands for hackney carriages in Unicorn Hill also would not interfere unreasonably with access to any station or depot of any road passenger transport operators.
- 3.48 The locations of the proposed stands for hackney carriages in Unicorn Hill would be on the highway. The highway authority not only consents to the proposed stands for hackney carriages, but they have also been working in partnership with Redditch Borough Council in designing the proposed layout of Unicorn Hill as part of the project to make improvements to the public realm in this area.
- 3.49 The proposed changes to the layout of Unicorn Hill would see the removal of the existing bus stop that is currently located in front of the existing stand for hackney carriages. There are no other bus stops in the locality that the Council needs to have regard to in reaching its decision.



- 3.50 When preparing this report, officers have considered the section of the Department for Transport's "Taxi and Private Hire Vehicle Licensing Best Practise Guidance for Licensing Authorities in England" entitled "Taxi Ranks and Roadside Infrastructure". Officers do not believe that that implementing any of the changes that are being proposed to the existing hackney carriage stand in Unicorn Hill would contradict anything contained in this guidance.
- 3.51 Officers have also taken into account the Department for Transport's publication "Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure." Chapter 10 of this guide relates to "Taxi Ranks" and is shown at **Appendix 5**.
- 3.52 The proposed stands for hackney carriages would be sited so that passengers board or alight onto the footway from the near-side of the vehicle. Officers have been assured that the proposed locations of the stands for hackney carriages would provide sufficient unobstructed footway to allow the deployment of wheelchair ramps and adequate manoeuvring space for wheelchair users.
- 3.53 In conclusion, whilst the representations and objections are recognised and acknowledged, there are counter arguments to some of these and others where the concerns being raised can be mitigated.
- 3.54 Officers acting on behalf of Worcestershire County Council have confirmed that the consultation process on amending the TROs has now been completed with no objections being raised by the public or businesses.
- 3.55 This process is however entirely separate to the process that would need to be undertaken by Redditch Borough Council in respect of the Hackney Carriage Stand Orders. It is important that Members recognise that they are not required to direct officers to make changes to the Hackney Carriage Stand Orders, just because the TRO consultation process has been completed by the County Council.
- 3.56 Members are asked to consider the responses received and then having done so, decide whether or not to direct Officers to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders in respect of Unicorn Hill.

**4. RISK MANAGEMENT**

- 4.1 Failure to carry out the legal process to appoint new hackney carriage stands in Unicorn Hill may cause delays and lead to other negative consequences in respect of the wider public realm improvement works planned for this area.

**5. APPENDICES**

- Appendix 1 - Drawing of Proposed Layout
- Appendix 2 - Response on behalf of Redditch Taxi Association
- Appendix 3 - Other responses received
- Appendix 4 - Information provided by CCTV team on use of Unicorn Hill Taxi Rank by taxis
- Appendix 5 - Excerpt from “Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure.”

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