

AGENDA ITEM NO. 9

OVERVIEW AND SCRUTINY PANEL

Date	20 FEBRUARY 2012
Title	HORSEFAIR TAXI RANK - WISBECH

1. PURPOSE/SUMMARY

To summarise the key factors leading to the project and to demonstrate the robust decision making process followed to determine the most appropriate scheme to improve safety, and in turn mitigate the Council's legal liability, in the Horsefair Bus Station.

2. KEY ISSUES

Summary of key factors

- This is a proposal to improve the safety and management of the bus station overall, not just about taxis
- Atkins state in their report that no action is not an option
- The Council could become liable to prosecution under Criminal Law if it fails to take action on the Atkins report
- The constraints of the site prevents eliminating reversing buses
- A number of businesses have access across the site which must be accommodated
- Increases in bus services and taxi numbers have grown to a point where regulation and control is essential
- The proposal eliminates reversing taxis and the requirement for them to access the bus apron, hence removing some of the key identified conflicts

Decision Making Process

- 2 December 2009: Licensing Committee
 - Considered proposed relocation of taxis
 - Item deferred to a future meeting
- 5 March 2010: Licensing Committee
 - Considered options, consultation feedback and CCC safety comments
 - Option 2 – Create a new rank in East Place/Canal Street was recommended to Cabinet
- 27 May 2010: Cabinet
 - Considered Licensing recommendation from 5 March 2010
 - Decided to defer a decision
 - Recommended an independent traffic safety survey of the Horsefair bus station to consider if safety issues can be effectively controlled by other means
 - Decision call in by O&S
- 18 June 2010: Overview & Scrutiny
 - Concerns regarding way decision made
 - referred decision to Full Council
- 29 July 2010: Council recommending to Cabinet and Cabinet determining:
 - On considering a called in decision to relocate the rank to outside the Case Public House

- Decided;
 - The relocation of the taxi rank (to East Place) no longer be considered, taking into account the Governments advice that all councils review their revenue and capital spending. Unless it is imperative on safety grounds
 - A traffic management review be immediately instigated of the current Wisbech taxi rank, to ensure that taxi drivers and members of the public can use the existing facility in safety
- 24 February 2011: Cabinet
 - Considered a report prepared by Atkins
 - Cabinet report included a preferred option to locate taxis in a separate area of the Horsefair, which was agreed in advance of Cabinet by David Patrick representing the Wisbech and District Hackney Carriage Drivers Association
 - Recommended;
 - The safety report and its conclusions be accepted
 - Consultation be undertaken with stakeholders to enable appropriate and controlled use of the bus station through Codes of Conduct and Service Level Agreement
 - Further develop the preferred option 2 towards implementation of the scheme within the existing £71,000 capital budget set aside for the relocation of taxis together with any financial contribution agreed by Cambridgeshire County Council
 - The future of 'The Case' site is considered separately and a future report be developed to look at the options in more detail

Current position

- Stakeholder engagement undertaken – responses under appraisal
- Representation received from Wisbech Hackney Carriage Association – please refer to response attached
- Detailed scheme design and procurement processes progressing, to be followed by implementation
- Code of Conduct for all Horsefair bus station area users under preparation and to be introduced in parallel with the physical improvements

3. RECOMMENDATION(S)

Members to note the full and appropriate process undergone to establish the most suitable scheme to improve safety, and in turn mitigate the Council's legal liability, in the Horsefair Bus Station and the proposal to proceed with delivery of such scheme.

Wards Affected	All
Forward Plan Reference No. (if applicable)	
Portfolio Holder(s)	Cllr Owen – Portfolio Holder Growth, Transport & March Affairs
Report Originator	Gary Garford – Corporate Director Trevor Watson – Head of Assets & Projects
Contact Officer(s)	Paul Medd – Chief Executive Gary Garford – Corporate Director Trevor Watson – Head of Assets & Projects
Background Paper(s)	



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16 February 2012

Dear Councillor Patrick

Thank you for your petition entitled 'Wisbech Taxi Rank' along with the points you raised during the consultation period. As you are aware, there are not enough signatures to the petition to trigger a debate at Full Council. However, in order to respond to your petition along with the further points you separately raised I would outline the Council's response as follows.

Please be assured we have considered the points raised with respect to the substantive issues in relation to the works, and the process which has been undertaken.

You first raise concerns in respect of the vires of the Council undertaking this project. An interpretation has been placed by you on the decisions of Council and Cabinet of the 29 July 2010 that there was to be an absolute prohibition on any movement of the ranks; this is with respect an incorrect interpretation based on a very narrow view.

The July 2010 Council and Cabinet determinations arose out of a cabinet decision to relocate the rank from the Horsefair to the Case Public House. This decision was called in by the Overview and Scrutiny Committee and referred to Full Council for consideration. Having considered the matter Full Council made a recommendation to the Cabinet; which was adopted. The decision must be looked at in light of the report as a whole. The decision was not to relocate the rank to the Case Public House; and to review the traffic management in the Horsefair and implement changes as required.

A subsequent Cabinet report on the 24th February 2011 determined what would result as a result of the safety audit report. This does not relocate the rank out of the Horsefair bus station; but merely moves its location within the facility. This is entirely consistent with the preceding decisions. The Cabinet decision was not called in; and there was no need for any referral to Council. The decision to proceed with the capital works was in line with the budget and the earlier acknowledgement that there were safety concerns and the recommendations of the report.

In terms of consultation; a proposal such as this has no fixed consultation requirements it is for the Council to consider the appropriate stakeholders and undertake the consultation it feels appropriate in the circumstances. In this case we have undertaken a full consultation with the operational stakeholders focused on introducing operational and design changes to minimise a safety risk.

Your comments go on to challenge the accuracy of the information contained within the Atkins report. The report is based on both factual recorded information, anecdotal information from stakeholders – including taxi drivers - and the authors own observations and assessments. All are legitimate sources of information which collectively paints a picture of the activities within the bus station and the hazards which exist. This collective picture in turn helps inform the solution.

None of the comments presented change this picture fundamentally. It has to be reiterated that this report is about the safety of the bus station and its users, not just taxis.

The solutions proposed and subsequently agreed by Cabinet are a package of measures, both physical and operational, which recognises the issues identified and the multitude of activities which are to be accommodated, whilst still allowing taxis to maintain their presence in the Horsefair.

With regard specifically to risk assessment, as you will doubtless be aware there are no specific forms required for the undertaking of a risk analysis or resultant report, accordingly although not presented in the same format as the risk assessment supplied by yourselves the Atkins report does represent a risk assessment and is a report by competent professionals who undertake a significant amount of work within the transport and road design sector. We have no reason to question the professionalism of the report or the conclusions it draws.

The report is a holistic review of the Horsefair considering the movement of all users and balancing this across all stakeholder groups. Given the tight operating space and the inevitable interactions it would not be appropriate to look at any one class of user in isolation.

In comparing the Atkins report to the report you provided from Lisa Corbett it must be noted that there are significant issues which must also be considered. The forms you provided focus specifically on one element of taxi operation, but do not consider the hazards and risks associated with reversing taxis within the bus station or the other hazards Atkins considered. Currently, taxis reverse onto the reservoir, then reverse onto the rank, passengers have to step into the apron to board. Additionally, there is currently no official drop off point and drivers have been observed dropping off passengers on the bus apron before driving to the lay over area and reversing into place. The Atkins report eliminates the reversing movements of taxis (it is worth noting that 25% of fatalities involving vehicles for work are caused through reversing manoeuvres).

The Atkins solution provides a pavement area for taxi passengers without the need to step onto the apron where reversing manoeuvres occur and also introduces a one way system for the taxis. The pedestrian crossing to reach the proposed taxi rank, will be appropriately designed with supporting signs, lines, lighting and barriers incorporated. The potential for additional hazards relating to the management of abandoned shopping trolleys has been recognised and we will be discussing how this might be minimised with the supermarket owners.

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Councillor D Patrick

Given that the Atkins report has not been shown to have substantive failings, or that the conclusions reached are unreasonable we have no reason not to accept the recommendation that to take no action is not applicable and that there should be appropriate works undertaken.

The principal of amending the location of the taxi ranks within the bus station together with the introduction of a code of conduct is already established and to this end we will be proceeding with the scheme.

The stakeholder responses have been analysed and we are incorporating minor modifications made to the details of the proposal from the comments received but the location and design principles of the scheme agreed by Cabinet remain.

Finally, I think it is worth restating that this is a proposal to improve the safety and management of the bus station overall, not just about taxis. Atkins state that no action is not an option. Fenland District Council could become liable to prosecution under Criminal Law if it failed to take action on Atkins report.

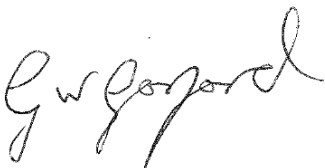
Increases in bus services and taxi numbers have grown to a point where regulation and control is essential. The proposal eliminates reversing taxis and the requirement for them to access the bus apron, hence removing some of the key conflicts.

In conclusion the Council has seriously considered the representations made and in order to mitigate the previously identified safety risks will now proceed to implement the Cabinet approved scheme.

I hope you find this information satisfactory and trust all parties involved in the Horsefair can work together to deliver the identified improvements.

Please do not hesitate to contact me if you wish to discuss this response any further.

Yours sincerely



Gary Garford
Corporate Director

Data Protection Act 1998

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