

REPORT TO THE PERSONNEL, LICENSING AND ADMINISTRATION COMMITTEE

Report No. 9

Date of Meeting	14 th January 2008
Title of Report	Taxi Ranks, Malmesbury
Link to Corporate Priorities	To safeguard and enhance the assets and resources of North Wiltshire and the wider community.
Public Report	Yes

Summary of Report

An objection has been received from Malmesbury Town Council with regard to the location of the Malmesbury Taxi Rank in the Cross Hayes outside the Town Hall. Instead a new proposal has been received for a taxi rank provision in Market Cross, Malmesbury.

The Committee is asked to make decisions on both the objection and the new proposal.

Officer Recommendations

That the Committee:

- a) **Revoke the Order made in September 2006 that appointed the Hackney Carriage Stand in Cross Hayes, Malmesbury.**
- b) **Approve the advertisement of a proposal to appoint a Hackney Carriage Stand in Market Cross, Malmesbury and subject to no valid objections being received, authorise the Legal Services Manager to make an Order appointing the land shown on the Plan in Appendix 7, as a Hackney Carriage Stand.**
- c) **Agree that the revocation in (a) above not be implemented until such time as the Order appointing the new Hackney Carriage Stand in the Market Cross has been made.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	None	Yes	None	None

Contact OfficerJo Tarry: Licensing Officer: 01249 706438: jtarry@northwilts.gov.uk

1. Introduction

- 1.1 The Committee consider the objection that has been received by Malmesbury Town Council to the Hackney Carriage Stand located outside the Town Hall, Cross Hayes, Malmesbury.
- 1.2 In light of this objection, the Committee is requested to either:
 - 1.2.1 Revoke the appointment of this Hackney Carriage Stand or to carry on with the marking of the Stand outside the Town Hall, Cross Hayes Malmesbury.
 - 1.2.2 If the current stand is to be removed, agree that the Hackney Stand be re-sited in the Market Cross, Malmesbury in the location shown in Appendix 7. If so, this proposal will be advertised in the local paper and formal notice given to the police. In the event that objections are received, the matter will be referred back to this Committee for them to decide whether to confirm this appointment. If there are no objections, within 28 days of the public notice, then the stand can be formally appointed.

2. Options and Options Appraisal

- 2.1 In considering the objection the Committee has a number of options:
 - 2.1.1 Maintain the appointment of the Hackney Carriage Stand in Cross Hayes, Malmesbury.
 - 2.1.2 Taking into consideration the objection received, revoke the appointment of a Hackney Carriage Stand in Cross Hayes, Malmesbury.
 - 2.1.3 If the Cross Hayes stand is to be revoked, agree that a Hackney Carriage Stand to be appointed in the Market Cross, Malmesbury can be advertised in the Gazette and Herald.

3. Background Information

- 3.1 On 21 October 2003, Malmesbury Town Council, Wiltshire Constabulary and Wiltshire County Council were all consulted on the proposal for 2 spaces for Hackney Carriages outside the Town Hall in Cross Hayes.
- 3.2 In October 2003, Malmesbury Town Council agreed to two spaces being located outside the Town Hall for Hackney Carriages at their Accounts Policy and Public Health Relations Meeting on 30 October 2003. No adverse comments were received by the Police or Wiltshire County Council.
- 3.3 On 6 September 2004, the Personnel, Licensing and Administration Committee agreed to the proposal for the two spaces outside the Town Hall and the proposal was subsequently advertised in the Gazette and Herald on 16th September 2004, and no objections were received.
- 3.4 This project has been a lengthy process. After the proposal was agreed North Wiltshire District Council were informed that the Cross Hayes car park was due to be resurfaced and remarked, hence the two / three year delay in finalising this provision.
- 3.5 Since 2004, the local taxi trade have utilised this area to ply for hire at the discretion of the then Traffic Wardens and now the Parking Attendants, although since

September 2006 and the decriminalisation of parking a local Order from North Wiltshire District Council has been in place allowing them to legally do so. (See Appendix 1).

- 3.6 In August 2007, North Wiltshire District Council were notified by Wiltshire County Council that the Cross Hayes car park is no longer in future plans to be resurfaced, and agreement was reached with Wiltshire County Council to mark out the Hackney Carriage Stand.
- 3.7 Since this decision, on 14th August 2007 an objection has been received via email to the agreed proposal taking place. (Appendix 2)
- 3.8 After discussions with Malmesbury Town Council, a local taxi firm and officers of the District Council Licensing Team it was agreed that a new proposal for two spaces in the Market Cross outside the Charity Shop and Travel Agency should be considered as an alternative.
- 3.9 On the 3rd October 2007, consultation letters were sent to Wiltshire Police, Wiltshire County Council, Malmesbury Town Council, Parking Services (North Wiltshire District Council) and affected business in the Market Cross. (Appendix 3)
- 3.10 Positive feedback has been received from Parking Services and Wiltshire County Council. Malmesbury Town Council has agreed to the proposal with a further provision for a space in the Cross Hayes. (Appendix 4). This proposal request that provision of a space in Cross Hayes is still provided. However, it is the view of Officer's that once provision is granted for a Hackney Carriage Stand in Market Cross, the Taxi Trade would not wish to use a space in Cross Hayes.
- 3.11 An objection to the proposal has also been received from Dorothy House. (Appendix 5). This objection could be addressed by creating one space as a Hackney Carriage Stand and one space as a waiting rank.
- 3.12 A letter was sent to Dorothy House proposing the above change. A response was received from Dorothy House on 19th November 2007 (Appendix 6) to the proposal of one Hackney Carriage space and one waiting rank space asking the Council to reconsider this proposal.

4. Implications - Financial

- 4.1 To date approximately £500 has been spent on advertising the original Cross Hayes proposal.
- 4.2 Numerous Officers have been involved in this proposal over the past few years and a lot of hours have been spent trying to get this particular provision finalised.
- 4.3 To advertise a new proposal will result in a further £500 being spent.

5. Implications – Community and Environmental

- 5.1 The proposed rank provides a place for taxi operator's of Malmesbury to ply for hire. This is a provision that the trade have been waiting for for approximately three years as there has never been any provision provided in the past.

Appendices:	<ul style="list-style-type: none"> • Appendix 1 – Local Order - North Wiltshire District Council • Appendix 2 – Objection by Malmesbury Town Council • Appendix 3 – Consultation Letter • Appendix 4 – Further Proposal for Additional Space in Cross Hayes • Appendix 5 – Letter of objection from Dorothy House, Malmesbury • Appendix 6 – Further Letter of Objection from Dorothy House • Appendix 7 – Location Map for Hackney Stand in Market Cross
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • Personnel, Licensing and Administration Committee Report – 6th September 2004

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
Personnel, Licensing and Administration Committee	6 th September 2004	P40

NORTH WILTSHIRE DISTRICT COUNCIL

**North Wiltshire District Council Hackney Stand
(Cross Hayes, Malmesbury) Order 2006**

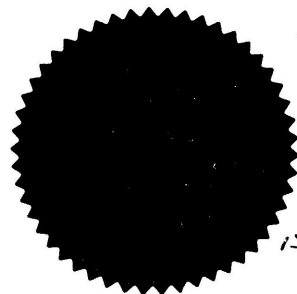
This Order is made pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 ("The Act") to appoint a Hackney Carriage Stand at the location shown on the attached plan.

The Chief Constable of Police and the Highways Authority have been consulted pursuant to Section 63(2) and 63(3) of the Act.

In accordance with the powers conferred under Section 63 of the Act, the North Wiltshire District Council makes the following order:

1. The section of the highway at Cross Hayes, Malmesbury shown shaded blue on the plan attached to this order shall be designed as a Hackney Carriage Stand at all times.
2. Use of the section of Highway referred to in paragraph 1 above by any other vehicle other than a licensed hackney carriage shall be an offence pursuant to section 64 of the Act.
3. The Hackney Carriage Stand detailed in this Order shall come into effect from the date of this Order.
4. Any previous hackney carriage stands in Cross Hayes, Malmesbury appointed by North Wiltshire District Council, or its predecessor are hereby revoked.

The Common Seal of the
North Wiltshire District Council
Was hereunto affixed in the presence of



156289

Jeremiah Solicitor to the Council

Dated: 1st September 2006

14th August 2007

D. Burbidge, Esq.
Chief Executive
North Wiltshire District Council
Monkton Park
Chippenham
Wilts. SN15 1ER

Dear Delwyn

Location of Taxi Rank in Cross Hayes, Malmesbury

I understand that the Wiltshire County Council Highways Department will shortly be marking out the location of the taxi rank in the Cross Hayes Malmesbury. I appreciate that there was originally consultation about the location a few years ago but circumstances have now changed and on behalf of Malmesbury Town Council I request that the District Council reconsider locating the taxis in a rank immediately outside of the main entrance to the Town Hall.

The Town Council is about to commence the refurbishment of the Town Hall. Within the scheme there is considerable emphasis on improving the visual appearance of the ground floor of the building, especially the main entrance on the Cross Hayes. It is now felt that to station two taxis immediately outside the entrance will do little to assist with marketing the venue for increased community and commercial use.

The business plan put forward by the Town Council when the Town Hall was transferred from the District Council included the use of part of the building for commercial purposes to assist in subsidising the community use. The keystone of the plan was to encourage the lease of the West Side of the ground floor as a café or restaurant with the ability to overlook the Cross Hayes and possibly extend to use of the area immediately outside of the entrance. To now locate a taxi rank at the front of the Town Hall will impact upon the ambience and potential to lease that area of the building.

At the moment the taxis park right outside the main door to the Town Hall. As a direct consequence of that location we have the sound of radio, running engines, conversations etc coming into the office during the summer months whenever windows are open. In addition, the COOP is the only town centre foodstore and receives deliveries several times a day by HGVs. These are required to manoeuvre across the front of the Town Hall into the COOP service yard. Unless the parking spaces at the end of the chevrons are removed I cannot see how this can happen with a taxi rank outside of the Town Hall.

The National Blood Donor Service uses the Town Hall several times during the year and their large transport vehicle is unable to gain access into the rear Town Hall car park. The only place in which it can be parked to enable the equipment to be easily transferred is outside the main entrance to the Town Hall, where the taxis currently park and which is the proposed location of the taxi rank.

The Town Council was originally under the impression that a formal rank would not be marked out until the issue with Hyams had been resolved and the Cross Hayes resurfaced and re-lined, probably next year. I understand that this is no longer the case and the marking of the rank will take place very soon. Is there any possibility of the District Council giving further consideration to the proposed location of the rank, and for it to be sited either to the side of the car park or the southern end away from the Town Hall frontage?

Yours sincerely

Jeff Penfold
Town Clerk

Cc Mike Doran

Our Ref: JET-MalmesburyRank/Proposal2

**Community and Environment
North Wiltshire District Council**
Monkton Park
Chippenham
Wiltshire SN15 1ER
DX 34208 CHIPPENHAM

3 October 2007

Dear

Re: Proposal for a Hackney Carriage Stand in Malmesbury

Over the past few years North Wiltshire District Council has been endeavouring to obtain rank space for the operator's of Hackney Carriages providing a service to the Community of Malmesbury.

Agreement had been reached and the final stages had been put in place for 2 spaces to be provided outside the Town Hall in the Cross Hayes. Since then, and although the Town Council were in agreement to the Cross Hayes proposal initially, the Town Council has made moves to appose this proposal and suggested that rank space is provided in the Market Cross.

The proposed location is for spaces outside the travel agency and charity shop, justified by the following positive reasons: -

- More central location. Most of the taxi fares during the day are picked up from the Market Cross.
- A rank would stop illegal parking day and night, and the gathering of young people with their cars as a meeting point with engines running and music playing.
- The rank would be a prominent location and provide safe access into and out of vehicles for members of the public.
- The rank would provide a legal place for Taxis to ply for hire.
- Location of the rank in the Market Cross may aid the Police with anti-social behaviour as they operate late at night and into the early hours of a morning.

Your views would be appreciated on the above proposal and the taxi trade of Malmesbury would very much like this proposal to go forward.

Therefore, can you please provide me with any response you have to the proposal by 31st October 2007.

If positive feedback is received, the timetable for the implementation would be as follows:

Report to Personnel, Licensing and Administration Committee	14 th January 2007
Advertisement of the Proposal in Gazette and Herald	17 th January 2007
Implementation of Taxi Rank	February / March

Yours faithfully

Tel. 01249 706438
Fax. 01249 443943
Email. ehealth@northwilts.gov.uk

APPENDIX 4.

Phil Rice/NorthWilts
25/10/2007 11:31

To Joanne Tarry/NorthWilts@NorthWilts
cc
bcc
Subject PROPOSAL FOR A HACKNEY CARRIAGE STAND IN
MALMESBURY

Jo

Thank you for your letter of 3 October. Our relevant committee has considered the matter and whilst we are happy with the content of it we would like to add, as previously indicated, that we would like one in the Market Cross outside the premises currently occupied on a short term basis by the Museum and previously occupied for several years by Athelstan Attic. Effectively as you look out of the Cross Hayes entrance to the Town Hall, this is on the right hand side about seven metres along.

We urge that you positively consider this additional space.

Regards

Phil Rice
Malmesbury Town Council
ENGLAND'S OLDEST BOROUGH
Town Hall, Cross Hayes, Malmesbury, Wilts SN16 9BZ
Telephone: 01666 822143, Fax: 01666 826166
E-mail: price@northwilts.gov.uk

29th October 2007



Winsley, Bradford on Avon
Wiltshire BA15 2LE

Tel: 01225 722988
General Fax: 01225 721478
Clinical Fax: 01225 722907

e-mail: info@dorothyhouse-hospice.org.uk
www.dorothyhouse.co.uk

Jo Tarry
Licensing Officer
Community and Environment
North Wiltshire District Council
Monkton Park
CHIPPENHAM
SN15 1ER

Dear Jo,

Re: Proposal for a Hackney Carriage Stand in Malmesbury

Further to your letter of 3rd October 2007, I would make the following comments:-

- Many of our charity shop customers are elderly and have blue badges to enable them to park outside our shop for a short time.
- We rely on donations to our shop, the vast majority of which are delivered by car. Currently vehicles pull up outside for a minute in order to do this.

If the two spaces were allocated to taxis only, short-term parking would not be possible and this would seriously adversely affect our trade. Can I therefore refer you back to the last time you consulted on this issue and your letter to me of 1st April 2004. In it you suggested one discretionary space being made available to the taxi trade. This would, as you said, free up the other space for the use of members of the public loading and unloading and not for the use of taxis. This suggestion would seem a fair compromise.

I look forward to your reply.

Yours sincerely,

Stewart Hoare
Head of Retail & Voluntary Services

Direct Line: 01225 721490
Email: stewart.hoare@dorothyhouse-hospice.org.uk

cc Jeff Penfold
The Town Clerk
Malmesbury Town Council
The Town Hall
Cross Hayes
MALMESBURY
SN16 9BZ

Patron: Her Grace The Duchess of Beaufort

The Dorothy House Foundation Limited Registered Charity Number 275745 Registered Company Number 1360961

Appendix b.

19th November 2007



Winsley, Bradford on Avon
Wiltshire BA15 2LE

Tel: 01225 722988

General Fax: 01225 721478

Clinical Fax: 01225 722907

e-mail: info@dorothyhouse-hospice.org.uk

www.dorothyhouse.co.uk

Jo Tarry
Licensing Officer
Community and Environment
North Wiltshire District Council
Monkton Park
CHIPPENHAM
SN15 1ER



Dear Jo,

Re: Proposal for a Hackney Carriage Stand in Malmesbury

Further to your letter of 12th November, thank you for your suggestion of a waiting rank outside our shop. Whilst this is obviously preferable to two Hackney Carriage Stands, as I said to Andy Inkpen, that does not guarantee that this space is available to our donors or blue badge holders. In fact, it could never be available and at best only available some of the time.

I would be grateful if you would re-consider your position.

I await hearing from you.

Yours sincerely,

PP

Stewart Hoare
Head of Retail & Voluntary Services

Direct Line: 01225 721490

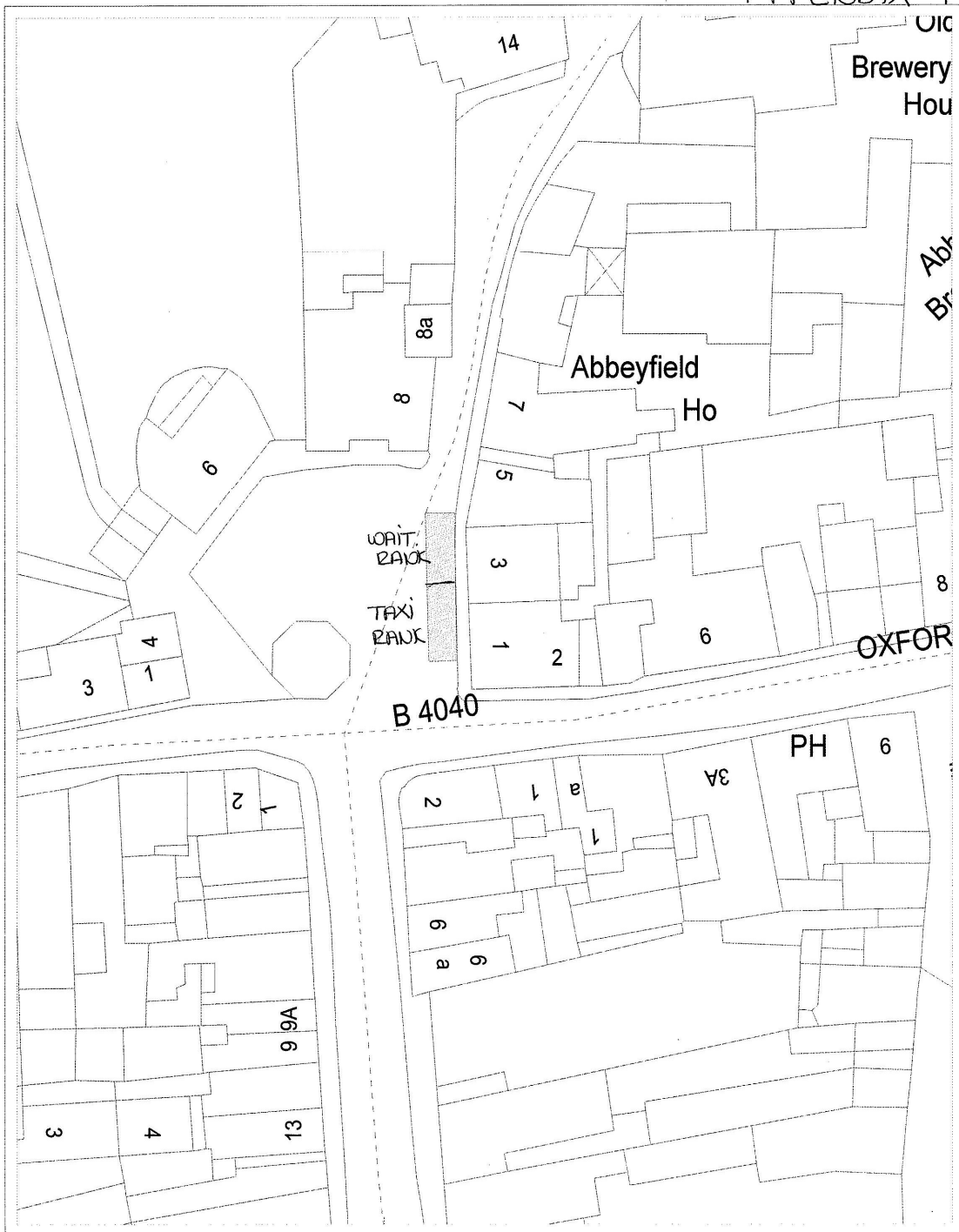
Email: stewart.hoare@dorothyhouse-hospice.org.uk

cc Andy Inkpen, Principal Environmental Health Officer

Jeff Penfold
The Town Clerk
Malmesbury Town Council
The Town Hall
Cross Hayes
MALMESBURY
SN16 9BZ

Patron: Her Grace The Duchess of Beaufort

The Dorothy House Foundation Limited Registered Charity Number 275745 Registered Company Number 1360961



*North
Wiltshire
District
Council*

Market Cross Taxi Rank, Malmesbury
SCALE: 1:500

31/10/2007

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