

## **Cabinet – 3 February 2010**

### **Traffic Regulation Order - Lower Bridge Street, Walsall**

**Portfolio:** Councillor Ansell - Transport  
**Service:** Engineering and Transportation  
**Wards:** St Matthews  
**Key decision:** Yes  
**Forward plan:** No

#### **1. Summary of report**

The Taxi Owners Association have requested that the location of the taxi rank in Lower Bridge Street be swapped with that of the disabled blue badge parking on the other side of the road. This request was considered at the Licensing and Safety Committee and approved the advertising of a Traffic Regulation Order (TRO) to facilitate the request. The TRO has been advertised and thirty-three objections received.

#### **2. Recommendations**

The Cabinet is recommended to either

- a) Consider the objections as valid and reject the TRO thereby leaving the taxi rank and blue badge bays in their current locations or;
- b) Overrule the objections and approve the TRO and hence swap the locations of the taxi rank and blue badge bays

#### **3. Background information**

- 3.1 It is appropriate to look back at the history of the taxi rank in Lower Bridge Street to understand why it is located in its present position.
- 3.2 In 2004 a scheme known as Civic Quarter was formulated to pedestrianise Leicester Street and Darwall Street. At the time the taxi rank was located in Leicester Street. A report went to the Taxi Liaison Forum in September 2004 which detailed the Civic Quarter proposals and the impact on the Leicester Street taxi rank. The report identified three possible alternatives for the taxi rank, those being Bridge Street, Lichfield Street and Freer Street.

- 3.3 The following month, Faber Maunsell was commissioned to submit a study as an independent examination of the options for the relocation of the Leicester Street taxi rank. It was not intended to be a full examination of the current provision and future provision of the taxi service in the town centre.
- 3.4 The study was undertaken as to possible locations for taxi rank, there were four options tabled:-
- Option 1 – Lichfield Street
  - Option 2 – Upper Bridge Street (South Side)
  - Option 3 – Lower Bridge Street (East Side)
  - Option 4 – Lower Bridge Street (West Side)
- 3.5 The study outlined the advantages and disadvantages of each option. It concluded that Option 4 would present the best solution, as it had the least impact on the existing parking arrangements, is close to the main shopping area and bus station and would be most likely to have the support of the local taxi association.
- 3.6 At the November 2004 Taxi/Private Hire Liaison Group Meeting, the Faber Maunsell study was circulated and discussed. Members discussed the four possible options and noted that this option:
- was favoured by the taxi federation.
  - involved the minimum disruption to surrounding streets and existing parking provision.
  - would not have any effect on the existing blue badge disabled parking located on the south side of Lower Bridge Street.
- 3.7 The committee agreed unanimously that Option 4 would offer the best solution for relocating the taxi rank. In January 2005, Cabinet resolved that approval be given to the advertising of a Traffic Order to facilitate the relocation of the Leicester Street Taxi Rank in part to Lower Bridge Street, as endorsed by the Taxi Liaison Forum
- 3.8 At the Taxi/Private Hire Liaison Group in December 2005, representatives of the trade noted their concern with respect to the safety of the position of the rank from the public/disabled point of view, particularly wheelchair access. The trade requested that the location be reconsidered with a view to transferring it to the other side of the road and that consideration might also be given to increasing the number of spaces. Officers noted that this problem had not previously been raised.
- 3.9 It has to be noted that the Taxi Forum approved unanimously to have the taxi rank relocated to its present position and Cabinet subsequently endorsed and approved this decision.
- 3.10 The Blue Badge disabled parking spaces are on the opposite side of the carriageway to the taxi rank and had been located here for a number of years prior to the study by Faber Maunsell. One of the advantages given in their study was that they would be unaffected by the proposals.

- 3.11 It is not coincidence that the Blue Badge disabled parking is located on this side of Lower Bridge Street. From this location disabled people can access the main area of the town centre without having to cross the road and hence not to have to negotiate kerbs or other such obstacles.
- 3.12 If the Blue Badge parking spaces were to be moved to the location of the taxi rank, disabled people who find it difficult to negotiate kerbs and cross the road would either have to walk back to the crossing at the junction of Lichfield Street/Lower Bridge Street/Upper Bridge Street/Freer Street, or to the crossing in St Paul's adjacent to the Bus Station. Both can be a significant increase in distance for a disabled person. To aid crossing of the road, it is common to construct dropped kerbs. However, Lower Bridge Street is not considered to be appropriate for dropped kerbs without a formal crossing.
- 3.13 The taxi operators' concern regarding disabled passengers arising particularly from the fact that their access ramps can only be accommodated from the nearside (left hand side) of vehicle is justified. (The old style London taxis only have the disabled ramps on this side however new London taxis have access from either side and other makes of taxi vehicles have access from the rear of the vehicle). This does mean that any wheelchair bound passengers would have to board from the roadside. There are sixty-seven old style taxis and fifty-seven other makes of Taxis. There are *circa* 45,000 live blue badges that have been issued to Walsall residents.
- 3.14 However, the argument that this would be alleviated if they were to be re located to the other side of the road is only partially valid as this would also disadvantage disabled people with their own vehicle.
- 3.15 The taxi operators raise concerns regarding fumes entering premises. Under the licensing conditions, they are not allowed to sit at the taxi rank with their engines running and indeed it is an enforcement issue to do so. The argument about vehicle fumes entering premises revolves around the intermittent starting of what could be cold engines. In air quality terms, this short localised emission would have negligible effect considering the number of vehicles, particularly buses that use this road. Similarly the fact that taxi exhausts are located on the offside would make very little difference to the amount of fume encountered within roadside buildings. It is also irrelevant for the purposes of air quality monitoring and modelling. Pollution Control is not aware of any formal complaints regarding fumes entering premises in the last two years.
- 3.16 The Faber Maunsell study reported that, prior to the relocation of the taxi rank, taxis parked on the double-yellow lines on the bend adjacent to Tesco's caused difficulties for the numerous buses negotiating the bend. It appeared that the taxis waited here for a fare, rather than wait in their designated location, to wait a call from a passenger from Tesco.
- 3.17 Tesco operates a free phone for their customers which a local private hire car company has won through a tender process. The fare in a private hire car is cheaper than a hackney taxi and may therefore be favoured by certain sections of the community.

3.18 To address this and the taxi drivers' concern regarding wheelchair-bound passengers, a potential solution would be to mark out a one bay taxi rank behind the Ring and Ride bus stop outside of Tesco. It would operate by a taxi waiting in this bay for any trade from Tesco or a wheelchair bound passenger. When a fare has been taken the first taxi at the rank would replace it.

3.19 Licensing and Safety Committee considered a number of options:

- Swap over the taxi rank and disabled parking spaces
- Swap one disabled space for one taxi rank space at the Tesco end of the disabled parking bay
- Swap 50/50 disabled spaces for 50/50 taxi rank i.e. have a short disabled and taxi rank each side of the road.
- Do nothing

3.20 After hearing the advantages and disadvantages of each option, the Licensing and Safety Committee meeting of 22 October 2008 resolved the following:

- (1) That approval be given to swapping the taxi rank with the blue badge parking bays in Lower Bridge Street, Walsall so that the taxi rank is located on the east side of Lower Bridge Street and the blue badge parking bays on the west side of Lower Bridge Street;
- (2) That in noting that these changes will result in the loss of three or four blue badge parking bays, officers be requested to report back to the Committee on suitable alternative blue badge parking bays that can be created in the town centre to compensate for this loss;
- (3) That officers be authorised to advertise the requisite Road Traffic Orders in respect of these changes in Lower Bridge Street and that it be noted that if any relevant objections to the proposals are received, this will be reported to Development Control Committee.

3.21 The Disability Forum carried out a survey in December 2008 on the use of taxis by the disabled community. The Chair of the Licensing and Safety Committee kindly allowed this new evidence to be considered and consequently a further report went to the meeting of the 15 April 2009. After considering this new evidence the committee resolved the following:

That, notwithstanding the new information and the survey provided by the Walsall Disability Forum, the Committees resolution from a meeting held on 22 October, 2008 giving approval to swapping the taxi rank with the blue badge parking bays in Lower Bridge Street, Walsall so that the taxi rank is located on the east side of Lower Bridge Street and the blue badge parking bays on the west side of Lower Bridge Street be reaffirmed; and that officers be requested to look at providing the blue badge spaces lost as a result of that decision, in Freer Street.

#### Traffic Regulation Order process

3.22 The Traffic Regulation Order, TRO, was advertised on the 3 July 2009 in the Walsall Observer and 'on street'. The period for objections was twenty-one days.

- 3.23 During this time, a total of thirty-three objections were received objecting to the TRO. In addition to this, a late objection was received from the mother of a disabled lady citing that her daughter would now find it difficult to use Walsall town centre for her shopping.
- 3.24 A petition to support the TRO was received with forty-six signatures.
- 3.25 The making of TROs is an executive function. Under the Constitution where objections do not fall within a set of prescribed factors then the matter has to be referred to the Development Control Committee. This is erroneous (see earlier report on this agenda) as such matters should be referred to Cabinet.
- 3.26 It is Cabinet's responsibility to make a decision on the merits of the objections that have been received to the TRO not the original decision of the Licensing and Safety Committee.
- 3.27 There are three main themes to the objections :
- The gradient of the footway.
  - Exiting the vehicle into the stream of incoming traffic and associated health and safety danger to the disabled vehicle user.
  - Exiting onto this side of the road means access to the Town Centre is difficult without crossing the road.

Officers in the Traffic Management Section believe these are legitimate objections to the TRO.

- 3.28 First objection - A survey of the gradient of the footway has been carried out. It indicates that the footway gradients are less than the maximum gradient as advised in the guidance for Inclusive Mobility produced by Department for Transport. Notwithstanding this, the gradient is certainly steeper than the east side of the highway where the blue badge bays are now located and therefore, can be perceived as a danger to a wheelchair user or a person with limited mobility.
- 3.29 Second objection - Disabled visitors to the town centre exiting into the stream of traffic is valid should the passenger be the disabled person and the only access to the vehicle is on the left hand side of the vehicle. This can put the disabled person in a precarious situation whilst negotiating getting into a wheelchair. Indeed this is exactly the same as the prime reason that the taxi owners have cited for the swap.
- 3.30 Third objection - Access to the facilities of the Town Centre will entail crossing a road for disabled people when they alight from their vehicle onto this side of Lower Bridge Street. If the Blue Badge parking spaces were to be moved to the location of the taxi rank disabled people who find it difficult to negotiate kerbs and cross the road would either have to walk back to the crossing at the junction of Lichfield Street/Lower Bridge Street/Upper Bridge Street/Freer Street, or to the crossing in St Paul's adjacent to the Bus Station. Both can be a significant increase in distance for a disabled person

- 3.31 To alleviate these objections, options are being investigated to improve the gradient and safety of the disabled user.
- 3.32 Should the approval be given to the swapping of the taxi rank and blue badge bays Engineering and Transportation will engage with any Disabled Groups to give full consideration of our duties as laid out in the Council's Disability Equality Scheme.
- 3.33 Following the conclusion of the objection period, the Disability Forum and Access all Areas consulted their members on alternative proposals that were not subject to the TRO process. Those are not detailed here as the purpose of this report is to consider the objections that been raised to the proposed TRO and whether they are considered to be valid. Should interested stakeholders wish to pursue those, they will need to follow the Council's normal processes for initiating TROs.

#### **4. Resource considerations**

- 4.1 **Financial:** There is a financial implication of *circa* £2K for advertising legal orders and road markings which will be found from within the existing traffic management revenue budget. The cost of civil engineering works, construction of dropped kerbs, reconstruction of footway, road markings and drainage is in the order of £70K based on estimates from the Tarmac schedule of rates and those used by the department. The £70K has been included in the revised draft capital programme for 2010/11.
- 4.2 **Legal:** These are contained within the body of the report.
- 4.3 **Staffing:** None.

#### **5. Citizen impact**

- 5.1 The two groups of citizens that will be most affected by any amendment of the current arrangements will be the taxi drivers and the disabled groups. Both groups have been consulted.

#### **6. Community safety**

- 6.1 The swapping of the parking bays will not affect the safety of road users.

#### **7. Environmental impact**

- 7.1 None.

#### **8. Performance and risk management issues**

- 8.1 **Risk:** Measures will be put in place to mitigate risks associated with the relocation of the blue badge bays. Options of increasing the bay width and reducing the gradient of the footway are being investigated.
- 8.2 **Performance management:** There are statutory requirements and procedures for the advertising, consultation and creation of a Traffic Regulation Order. When implemented, the TRO is enforced through the Civil Enforcement Officers. The Civil Enforcement Officers are employed by the Council's Civil Parking Enforcement contractor Apcoa. There are a number of monitoring mechanisms in the contract with Apcoa to ensure compliance with the legislation.

## 9. Equality implications

- 9.1 The swapping of parking spaces will result in:
- Assistance in the inclusiveness of mobility restricted individuals whether driver or passenger or indeed Taxi user.
  - An improvement in the access to taxis for everyone wanting to travel from the Town Centre near Tesco.
  - An Equality Impact Assessment (EqIA) (**Appendix A**) has been completed and shows no impact by the recommendation.

## 10. Consultation

Consultation was carried out by the advertisement of the TRO in a local paper and on-street. Further, all persons and organisations that had objected in response to the advertised TRO were written to again in December 2009 asking if they had any further comments in time for the 11 January 2010 meeting. All comments received have been encompassed in writing this report.

## Background papers

- September 2004 Taxi Liaison Forum.
- November 2004 Taxi/Private Hire Liaison Group Meeting.
- 19 January 2005 Cabinet
- December 2005 - Taxi/Private Hire Liaison Group
- 22 October 2008 Licensing and Safety Committee
- 15 April 2009 Licensing and Safety Committee
- 5 November 2009 Development Control Committee
- 11 January 2010 Development Control Committee

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Jamie Morris  
Executive Director

A handwritten signature in black ink, appearing to read 'J. Morris', with a stylized, flowing script.

22 January 2010

Councillor Tom Ansell  
Portfolio Holder

A handwritten signature in black ink, appearing to read 'Tom Ansell', with a clear, legible script.

22 January 2010