

Cheltenham Borough Council

Corporate Director & Monitoring Officer

Termination of Contract to provide Taxi Marshals

Accountable member:

Councillor Martin Horwood, Cabinet Member for Customer and Regulatory Services

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

College & Lansdown

Key Decision: No

Executive summary:

The authority has a contract in place to provide taxi marshal security services on the Promenade taxi rank. As part of the authority's wider review of discretionary spending, a "value for money" review was undertaken in relation to the contract.

A consultation on proposals to terminate the contract, aside from key periods through the year, was undertaken with key interested parties.

This report outlines the consultation outcome and recommendations moving forward.

Recommendations:

1. The Corporate Director & Monitoring Officer is recommended to agree to the termination of the contract to provide taxi marshals as outlined in this report.
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1. Implications

1.1 Financial, Property and Asset implications

The annual cost to the Cheltenham Borough Council for providing taxi marshal services is outlined in appendix 2. Part of this service will be retained to provide assistance during the major events such as Cheltenham races. As a result, the net savings could be reinvested in providing services in more critical areas and will help authority during the time of high inflation and borrowing cost.

Signed off by: Ela Jankowska, Finance Business Partner, ela.jankowska@cheltenham.gov.uk

1.2 Legal implications

- 1.2.1 The authority is party to a contract for the provision of taxi rank security at Promenade taxi rank, Cheltenham. This contract was procured through via a below threshold tender exercise with an anticipated term of 3 years (with the option to extend for a further 2 years) from 1st November 2022 – the contract is currently therefore set to expire on 31st October 2025.
- 1.2.2 Clause 24.3 of the contract allows the authority to terminate the contract at any time by giving the Supplier no less than 3 months' written notice. Such notice will need to comply with the contract's notice clause, whereby the authority is required to deliver the notice by hand or pre-paid first-class post or next working day delivery service. It should be noted that the deemed delivery dates will need to be factored into the 3 months' notice period.
- 1.2.3 During this notice period, the authority will be liable to continue to pay the Charges in accordance with the contract, as such are payable by the authority monthly in arrears.

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

N/A

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

[To demonstrate compliance with the public sector equality duty all new policies and services, amendments to policies and services or decisions which will have an impact on resident require the completion of an [equality impact assessment form](#). The completed assessment must be attached as an appendix to assist members in understanding the impacts as part of their decision making. If you are unsure on whether an EIA is required, contact richard.gibson@cheltenham.gov.uk.]

1.6 Performance management – monitoring and review

N/A

2 Background

- 2.1 The authority has a contract (3785) in place to provide taxi marshal security services on the Promenade taxi rank on Friday and Saturday nights and at key times during the year, for example, during the March Festival and New Year's Eve.
- 2.2 The existing contract commenced on 1st November 2022 for an initial period of 3 years, expiring on 31st October 2025.
- 2.3 The specific contractual obligations and service delivery, in respect of the marshals, are specified as:
- 2.3.1 "Meet, greet and safely dispense" customers using the Promenade Taxi Rank.

- 2.3.2 Minimise anti-social behaviour including noise nuisance, littering, and fouling of the area surrounding the taxi rank by customers using the rank.
- 2.3.3 Notify the police immediately of any incidents that requires their attendance.
- 2.3.4 Provide assistance to the police in dealing with incidents. This shall include providing immediate support as requested and giving witness statements and evidence where required.
- 2.3.5 Offer assistance to taxi drivers to ensure customers comply with their required standards.
- 2.4 The review included scrutiny of incidents of crime and disorder, the level and number of taxi journeys leaving the Promenade taxi rank and the costs to the authority of operating the taxi marshal scheme.
- 2.5 The above applies:
 - 2.5.1 On Friday and Saturday evenings between the hours of 23:00 and 04:00 hours for each evening.
 - 2.5.2 During the Cheltenham Gold Cup on the Tuesday, Wednesday and Thursday and four on Friday between the hours of 18:00 to 04:00 hours for each evening.
 - 2.5.3 New Year's Eve (if not a Saturday or Friday) between the hours of 23:00 and 04:00 hours.
- 2.6 This review concluded the following:
 - 2.6.1 Recorded taxi journeys leaving the Promenade rank as recorded by the marshals indicated, on average, a 65% drop (approx. 50-70 journeys on Fridays and 100-120 on Saturdays).
 - 2.6.2 Data from the police reported that, over the last 12 months (Jan to Dec 2023), there were only 3 recorded incidents of crime and disorder directly attributable to queuing on the Promenade taxi rank and 15 in the "vicinity of".
- 2.7 The annual cost to the authority is set out in Appendix 2 of this report. As commercially sensitive information, the appendix is restricted.
- 2.8 Based on the information above, it was concluded that the contract no longer presents good value for money for the authority.
- 2.9 It is therefore recommended that the authority gives notice to terminate the contract, but it retains discretion and some funding to cover key times in the year where taxi rank security will be necessary.

3 Reasons for recommendations

- 3.1 As outlined in the report.

4 Alternative options considered

- 4.1 The report suggests that marshals will continue to be provided at key times during the year. Alternative arrangements will be made to procure marshals on an ad hoc basis during these key times.
- 4.2 The Corporate Director & Monitoring Officer can decide not to terminate the contract.

5 Consultation and feedback

- 5.1 A targeted consultation was undertaken with the local police inspector, local police licensing officer, taxi trade representatives and BID.
- 5.2 Anonymised responses are attached at Appendix 2 of this report.
- 5.3 On the whole, there was no explicit objection to the proposal to terminate the contract. The two trade responses raised a number of foreseeable issues and consequences. However, the nature of these did not strictly fall within the scope and contractual obligations (see 2.3) and, to that extent, not strictly relevant.
- 5.4 Officer did respond to point out that the issues raised by the trade responses related to policy issues (i.e. card machines and taxi rank locations) and licensing enforcement matters (i.e. driver etiquette).
- 5.5 The outcome of the consultation, coupled with the data that supported the review, supports the authority's proposal and best value assessment.
- 5.6 Informal consultation has also been undertaken with the Cabinet Member for Customer and Regulatory Services & Cabinet Member for Safety & Communities who are both in agreement with the proposals as outlined in this report.

6 Key risks

- 6.1 As outlined in Appendix 1.

Report author:

Louis Krog, Head of Public Protection, louis.krog@cheltenham.gov.uk

Appendices:

- i. Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions