

Licensing and Public Safety Committee

Wednesday, 7 March 2012

Present: Councillor Stella Walsh (Chair), Councillor Keith Iddon (Vice-Chair) and Councillors Terry Brown, David Dickinson, Doreen Dickinson, Hasina Khan, Paul Leadbetter, Marion Lowe, Mick Muncaster, Steve Murfitt, Beverley Murray, Pauline Phipps, Alan Platt, Debra Platt, Dave Rogerson and Ralph Snape

Substitutes: Councillor Alison Hansford

Also in attendance: Alex Jackson (Senior Lawyer), Paul Carter (Public Protection Co-ordinator) and Dianne Scambler (Democratic and Member Services Officer)

12.LPS.35 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor John Walker.

12.LPS.36 MINUTES

RESOLVED – That the minutes of the Licensing and Public Safety Committee meeting held on 14 December 2011 be held as a correct record for signing by the Chair.

12.LPS.37 DECLARATIONS OF ANY INTERESTS

No declaration of interest were received.

12.LPS.38 MINUTES OF THE GENERAL LICENSING SUB COMMITTEE'S

RESOLVED – That the minutes of the meetings of the General Licensing Sub Committee held on 11 January and 8 February 2012 be confirmed as a correct record for signing by the Chair.

12.LPS.39 REVIEW OF HACKNEY CARRIAGE LICENCE NUMBERS

The Committee received a report of the Director of People and Places on a review of hackney carriage vehicle licence numbers where the Council intends to continue to regulate the number of available hackney carriage vehicle taxi licences that it issues.

The Council had established a limit to the number of hackney carriage vehicle licences it issues. The current limit stood at 36 hackney carriage vehicle including provision for disabled access vehicles.

Members were informed that the Council are not obliged to maintain a limited number of hackney carriage licences, however were a limit exists, the Council had to be satisfied that there is no significant unmet demand.

To establish if there is any unmet demand, the Council are required to commission a survey to be undertaken every three years and recover the costs.

If Members decided not to commission the unmet demand survey then the Council would be passively removing the limit of hackney carriage vehicle licences that it

issues. This would mean that the Council would find it hard to refuse the granting of an application for a hackney carriage vehicle licence without being exposed to a possible legal challenge.

Members were aware that the Law Commission had been appointed to conduct a wholesale review of taxi provision and surrounding legislation, that was due to report back to Government with draft legislation in September, with the implementation of new legislation anticipated in mid 2014. With this in mind, Members sought advice from the officers as to whether it was worth delaying the survey until the outcome of the Law Commission review was known.

It was explained to the Committee that as it was already more than three years since the completion of the last unmet demand survey, the Council would be at risk of challenge.

The Public Protection Officer also explained to Members that although there did seem to be plenty of provision in the town centre area of the town, the unmet demand survey would be in the interests of the whole of the Borough, and would take into account that places like Adlington, Buckshaw and Eccleston had no ranked taxi provision.

The issue had been discussed at the Chorley Licensing Liaison Panel meetings on 31 October 2011 and 13 February 2012, where the hackney carriage trade representatives had expressed their wish to have an unmet demand survey carried out, and were aware that the cost of undertaking such a survey were likely to be recharged through the hackney carriage licence fee.

Quotations to undertake the survey had been obtained by the Council from suitably qualified organisations. A total of four companies had been identified and invited to tender, two quotations had been received and copies were attached to the report for Members information.

Officers had undertaken a basic evaluation of both quotations and determined that the methodologies of the suggested surveys differed, with Halcrow providing a personal observation survey at rank level as opposed to the use of video surveillance by CTS. Whilst both companies have some experience in this type of work, the Halcrow quotation was significantly more comprehensive.

The costs of both surveys were similar with, Halcrow Group Limited costing marginally more than CTS Ltd., which would result in a difference of £4.00 on the recharge costs to the proprietors of hackney carriage vehicle licences. Council procurement rules for contracts of this size indicate that the quotation that provide the best value would normally be the one preferred. However as the cost were very similar, officers had recommended that on the basis of experience, methodology and the comprehensiveness of the quotation, Halcrow Group be engaged to undertake the survey, if Members decided to proceed.

Although there was no formal allowance for members of the public to speak at the meeting, the Chair of the Committee allowed Mr Charles Oakes, to give representations to the Committee on behalf of the hackney carriage drivers/proprietors.

Mr Oakes urged the Members to approve the survey of the unmet demand to be carried out as this was the express wishes of the trade and needed to be undertaken every three years if they wished to continue to regulate its number of hackney carriage vehicle licences within the Borough of Chorley.

Mr Oakes requested that the Council employ the services of CTS Ltd to undertake the survey as the licenced proprietors had indicated that they thought he Council should employ the lowest priced provider that had tendered to undertake the survey, as in the

present economic climate, albeit it only be by a few pounds they would provide the best value for money. Mr Oakes also stated for the record that the request to employ CTS Ltd was purely on behalf of the trade and that he had no connections or financial involvement with the company.

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson and subsequently **RESOLVED that the Director of People and Places proceed with the unmet demand survey of hackney carriage provision in Chorley and that the results of the survey be reported back to a future meeting of the Licensing and Public Safety Committee.**

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson to engage the services of CTS Ltd to undertake the unmet demand survey.

An amendment to the motion was proposed by Councillor Alan Platt, seconded by Councillor Paul Leadbetter, and subsequently **RESOLVED (11-6) to engage the services of Halcrow Group Ltd to undertake the unmet demand survey.**

12.LPS.40 PERFORMANCE REPORT

The Public Protection Manager reported that the implementation of the new ICT software system had been delayed.

Chair