

Sustainable Communities Scrutiny Committee

Agenda

Date: Thursday, 5th January, 2012
Time: 10.30 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Minutes of Previous Meeting** (Pages 1 - 6)
3. **Declarations of Interest/Whipping Declarations**

To provide an opportunity for Members and Officers to declare any personal and /or prejudicial interests in any item on the agenda.

4. **Public Speaking Time/Open**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers

5. **Customer Service Update** (Pages 7 - 10)

To receive an update on the performance of Customer Services from the Customer Services Manager

For any apologies or requests for further information, or for a member of the public to make a statement:

Contact: James Morley
Tel: 01270 686465
E-Mail: james.morley@cheshireeast.gov.uk

6. **Hackney Carriage Vehicles - Quantity Controls** (Pages 11 - 32)

To consider the content of the Licensing Committee report appended as it relates to hackney carriage vehicle quantity controls; and to make recommendations to the Cabinet Member for Safer & Stronger Communities in relation to hackney carriage vehicle quantity controls.

7. **Work Programme** (Pages 33 - 36)

To give consideration to the Work Programme

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee**
held on Thursday, 3rd November, 2011 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Murray (Chairman)
Councillor M Grant (Vice-Chairman)

Councillors A Barratt, G Barton, L Brown, D Hough, J Jackson, W Livesley,
M Parsons, G Morris, J Wray and Lam

OFFICERS PRESENT

Kevin Melling – Head of Highways and Transport
Rosemary Kidd – Spatial Planning Manager
Pryce Evans – Ringway Jacobs
Martin Dowle – Community and Road Safety Manager, Cheshire Fire &
Rescue Service
Stephen Pickup – Deputy Chief Executive, Police Authority
Diane Bramall – Media Relations Officer
James Morley – Scrutiny Officer

133 MINUTES OF PREVIOUS MEETING

RESOLVED: That subject to the following amendments the minutes of the meeting held on 6 October 2011 be approved as a correct record.

(a) That Emily Lam's apologies for absence be recorded.

134 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

There were no members of the Committee present who wished to declare any interests.

135 PUBLIC SPEAKING TIME/OPEN

There were no members of the public present who wished to address the Committee.

136 CCTV QUESTIONS FROM PREVIOUS MEETING

At the previous meeting the Committee reviewed the draft report documenting the feedback that members gave at the meeting on 1 September 2011 on their site visits to Macclesfield CCTV Control Room. During the previous meeting the following resolutions were made:

(a) That the report with the agreed changes be forwarded to the Safer and Stronger Communities Portfolio Holder.

- (b) That the Scrutiny Officer be requested to ask the following questions of the Head of Safer and Stronger Communities.
- i. Are members of the public allowed to review CCTV footage themselves?
 - ii. Are CCTV tapes subject to the Freedom of Information Act?

The Head of Safer & Stronger Communities had provided the Scrutiny Officer with answers to the questions. The Scrutiny Officer stated that public could only request to view specific footage under subject access rights and would need to fill out the relevant form and pay a fee. Under data protection the Council would need to ensure that others were protected and reason for viewing was valid. In practice that meant any other individuals included in any footage viewed would need to be 'obscured' and registration numbers (and any other data that could be traced to another person) would also need to be blanked. There was a cost to that editing and hence the fee. Members of the Public could not otherwise request to review CCTV footage nor were tapes subject to the Freedom of Information Act.

The Committee also noted that the CCTV Control Room Site Visit report had been forwarded to the Safer and Stronger Communities Portfolio Holder.

137 **ROAD SAFETY PROVISION**

The Committee received a report from the Head of Highways and Transport and the Cheshire Fire & Rescue Service's Community & Road Safety Manager on the proposed arrangements for delivering road safety in Cheshire East. The Committee was asked to provide comment and support for the proposed arrangements prior to a formal agreement being set up between the Council and Cheshire Fire & Rescue Service (CFRS).

The proposed arrangements were that CFRS would fulfil the role of commissioned service provider for specified aspects of road safety education over the next four years starting from April 2012 with an initial set up period running until then. The road safety educational support by CFRS would compliment the wider road safety role of Cheshire East when delivering the three E's which were Education, Enforcement and Engineering. Cheshire East would provide the Engineering elements with the Police providing the Enforcement.

Questions were asked and the following information arose.

- Education was mainly to be aimed at primary school children to teach them about road safety as a pedestrian and cyclist on the roads. It was also aimed at children about to leave secondary school who would soon be learning to drive to teach them about the importance of safe driving.
- The agreement between the Council and CFRS was to be the first of its kind between any local authority and fire service and it would provide an opportunity to combine and make better use of each others resources. Members were happy that strong relationships were being built and hoped they would grow and develop in the

future.

- Members of the Committee felt that cyclists needed to be provided for by ensuring that the edge of roads used on main cycle routes were well maintained to remove the dangers to cyclists of unsafe surfaces. This would be important as many tourists came into the borough to use the cycle routes. Young cyclists were educated about safe use of the road on the bikability hosted by schools. Bikability had replaced the Cycling Proficiency Tests.
- Accident statistics were used to measure the success of education initiatives however it was difficult to attribute reduction in road incidents to education programmes. CFRS regularly review their processes to ensure effective and quality delivery of education programmes. Members of the Committee were keen to see more performance indicators to help them evaluate the performance of road safety initiatives.

RESOLVED:

- (a) That the Committee offered support the proposals to set up a formal agreement for Road Safety delivery between Cheshire East Council and Cheshire Fire & Rescue Service.
- (b) That the Head of Highways and Transport be requested to return to the Committee in 3 months with proposed targets and methods for measuring achievement of desired outcomes. The Head of Highways and Transport should also provide a breakdown of the global figures used in the report to illustrate figures for individual areas of the borough.

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POLICE REFORM AND SOCIAL RESPONSIBILITY ACT

The Committee received a presentation from the Deputy Chief Executive of the Police Authority on the Police Reform and Social Responsibility Act and its effects on the Scrutiny Function.

The presentation explained that Police Authorities were to be abolished and replaced with elected Police and Crime Commissioners (PCCs); elections were set to be held on 15 November 2012. PCCs would have statutory duties to maintain an efficient and effective police force, hold the Chief Constable to account, scrutinise police performance and monitor complaints. There would also be Police and Crime Panels comprised of representatives from the four Borough Councils in Cheshire whose role it would be to scrutinise the PCC only and not the constabulary as a whole. The role of local authorities' scrutiny functions was unclear at the time and guidance was being sought from the Home Office. It was also unclear at the time which funding streams would be transferred from local authorities to PCCs.

Questions were asked and the following information arose.

- The Committee was keen to receive more information on the changes being brought about by the act and requested that the Deputy Chief Executive of the Police Authority return to the Committee when more clear information was available.
- Members of the Committee questioned the ability of one person in the role of a PCC to carry out the work currently done by Police Authorities. Police Authorities currently had a number of people working very hard to carry out their work and one person would struggle to carry out the work load.
- It would be important in the future for PCCs to develop strong relationships with local authorities to ensure quality safer communities delivery. The strength of the relationship between PCCs and local authorities could depend on the person who was elected as PCC.
- Members felt that there should be a job description and person specification for the role of PCC. Members also felt that anyone who put themselves forward should be vetted to ensure they are trustworthy with classified information. The Committee was told that there was no person specification or job description but they may be produced once PCCs salaries were agreed. People could not stand for election if they had a criminal record although the Government had decided that potential candidates would not be vetted.
- It was suggested that most of the candidates for election in each area would come from the main political parties. Some Members expressed concerns about the potential of politicisation of the Police by having elected PCCs.

RESOLVED:

- (a) That the Deputy Chief Executive of the Police Authority be thanked for attending and the presentation be noted.
- (b) That the Deputy Chief Executive of the Police Authority be invited to return to the Committee in March 2012 to provide more information about the role of Scrutiny and the funding streams that PCCs will receive.

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LDF PANEL

The Committee received a report from the Spatial Planning Manager on the activities of the Local Development Framework Panel (LDF Panel). The report provided an overview of the work of the LDF Panel during the past year and outlined the work programme for the forthcoming year.

Under the Planning and Compulsory Purchase Act 2004, the Council was required to prepare a statutory development plan to guide the future planning and development of towns, villages and countryside for the next 15 years. The Local

Development Framework (LDF) would be a single plan for Cheshire East and would replace the Regional Spatial Strategy, the Cheshire Structure Plan, Cheshire Waste and Minerals Plans and the Local Plans for Congleton, Macclesfield and Crewe and Nantwich.

The LDF Panel was established with Members representing all parts of the Borough to act as a sounding board to provide a steer to officers throughout the early stages of preparing the plan.

Policies for planning would be Borough wide but where required there may be adjustments to policies for specific areas.

Currently Section 106 was used to put money into local areas which were affected by planning developments. New proposals would spread the money across a larger area to ensure that strategic as well as local priorities were being met and the consideration was given to the wider impacts of developments than under Section 106.

The LDF process had an agreed timetable and was on target to provide a draft plan in 2012 and a core strategy would be sent to Planning Inspectorate in 2013 with site allocations being agreed in 2014. The only way that this process could be speeded up would be to reduce the time spent on consultation with the public. This wasn't seen by officers as an option as they felt consultation with people across the whole borough was important to give everyone a say.

The LDF document would have a life time of 15 years until about 2030. The core strategy would be relevant for the life of the document and site allocations would need to be reviewed after ten years. LDF document was a living document that would change over time but would still be centred on the same core strategy.

RESOLVED: That the report be noted and the Spatial Planning Manager be thanked for attending.

140 **WORK PROGRAMME**

The Committee gave consideration to the Work Programme. Committee members expressed an interest in receiving information on the Process and Policy for Anti Social Neighbours in private or rented accommodation in January or February. The Committee also noted the update on the Police Reform and Social Responsibility Act in March as well as the update on Road Safety Provision measures and targets in February or March.

RESOLVED: That amendments to the Work Programme be noted.

The meeting commenced at 10.30 am and concluded at 1.40 pm

Councillor H Murray (Chairman)

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CHESHIRE EAST COUNCIL**REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE**

Date of Meeting: 5th January 2012
Report of: Paul Bayley, Customer Services and Libraries Manager
Subject/Title: Customer contact volumes in response to north waste transformation and silver bin roll out

1. Report Summary

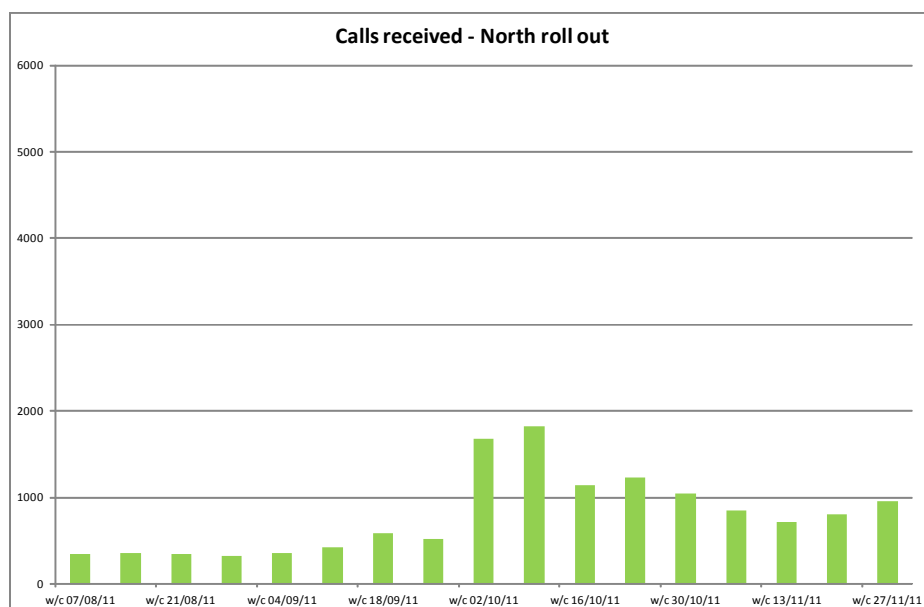
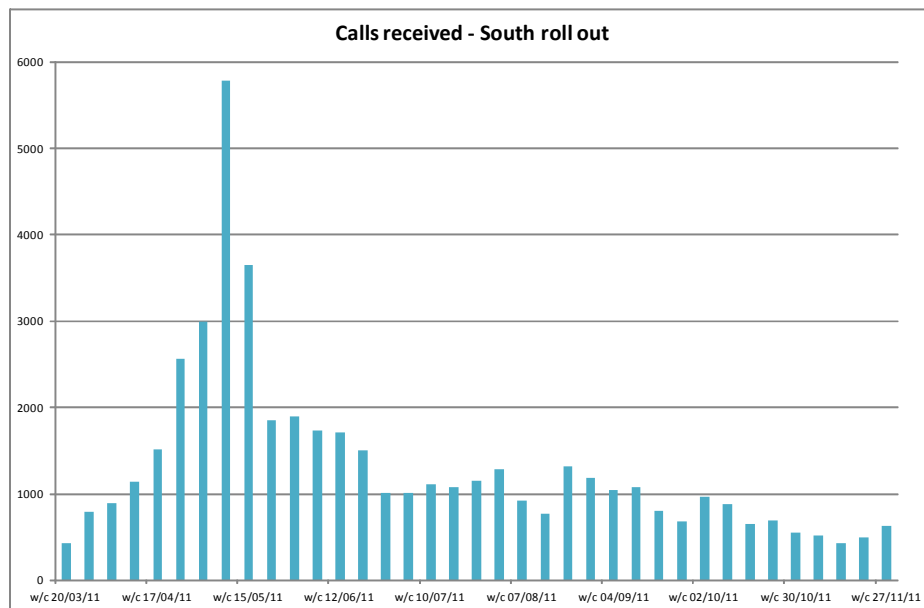
- 1.1 This report provides an update on Contact Centre performance during the waste transformation and silver bin roll out to the north of the borough. Call volumes and customer wait times have been much lower compared with the south of the borough following implementation of many of the lessons learned from that experience.

2. Background

- 2.1 The Customer Services Manager presented an update on Customer Services to the Sustainable Communities Scrutiny Committee in September 2011. A section of the presentation, and subsequent questions from Members, focused on the extended wait times that customers were experiencing when calling the Contact Centre at that time. The primary reason for the poor performance was the increased call volumes as a result of the waste transformation and the silver bin roll out in the south of the borough.
- 2.2 The Committee requested that a report be produced by the Customer Services Manager within a month of the roll out of silver bins in the north of the borough, on contact centre performance and present it to the Committee.
- 2.3 The call volumes for the south waste roll out were unprecedented. In June and July 2009 we received 6,350 calls following changes to waste and collection affecting all properties in the south of the borough. We received 29,000 calls in the initial three months of the south waste roll out in 2011. One of the main drivers for the high call volumes was that the LLPG dataset used to map the new collection routes was incomplete and so we received many calls from the same customers who did not receive any collections for several weeks after the new routes were introduced.
- 2.4 A review of lessons learned from the south roll out had already been undertaken to inform plans for the north waste roll out and some key changes were implemented that were expected to reduce customer calls:
- Improved communications in advance of the roll out with a particular emphasis on the website for the most up to date information
 - The recruitment of 12 Customer Service Advisors (CSAs) into the Contact Centre on a short term basis to handle the expected increase in calls
 - The development of the CRM system to be used by both the Contact Centre and the Waste teams to enable improved tracking of a customer request

3. Customer Impact

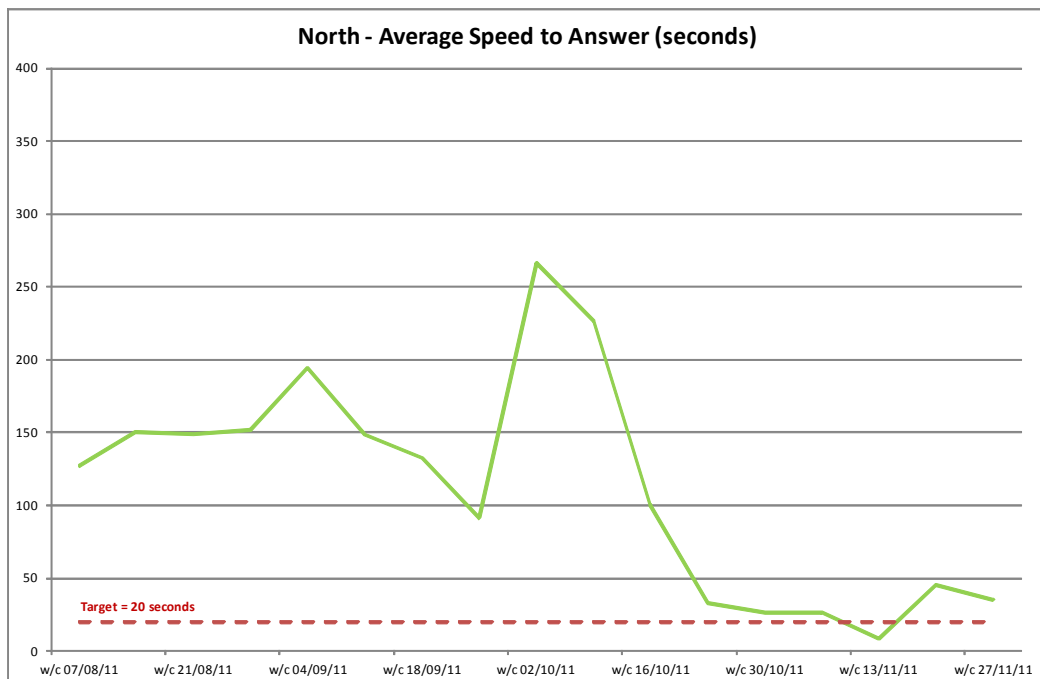
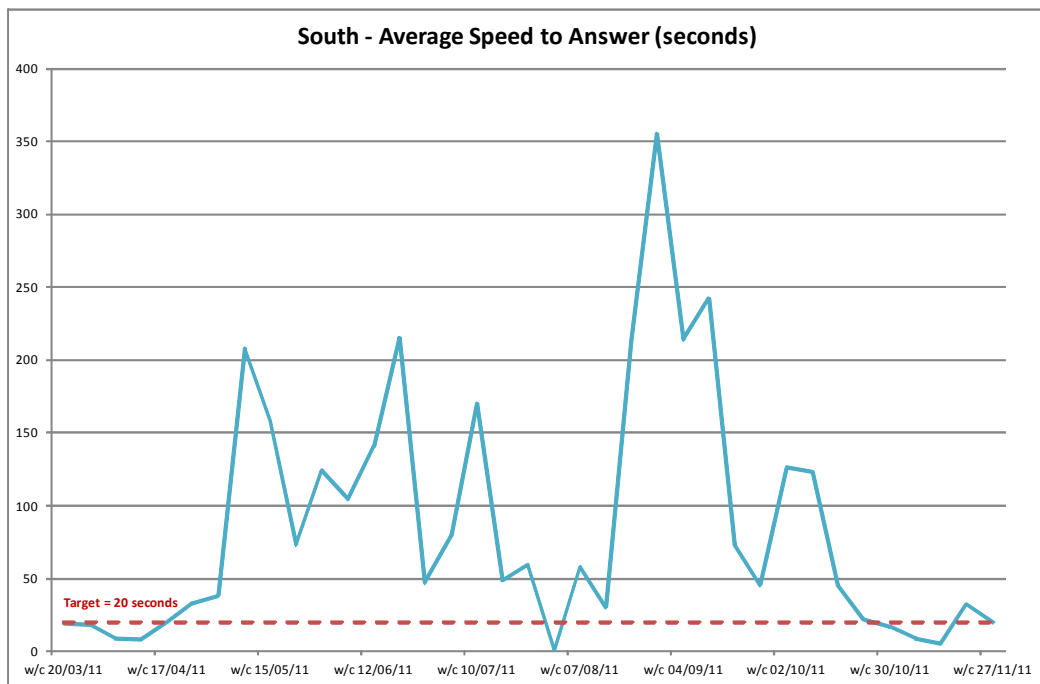
- 3.1 The volume of calls received from the north of the borough has been much lower. The peak weekly call volume was 1,824 compared with 5,785 during the south roll out. As can be seen from the graphs below, the duration of the call peak was also significantly shorter with weekly call volumes exceeding 1,000 for only 5 weeks following the start of the new collection rounds on 3rd October, compared with 23 weeks for the south which also started earlier with the delivery of the silver bins from 11th April. Call volumes relating to missed collections and missed assisted lifts remain higher than before the new collections rounds but the Waste team are continuing to work to reduce these.



- 3.2 Improvements to the waste and recycling pages on the website played a key role in reducing call volumes for the north roll out. 34,616 customers checked their collection day calendar online during the roll out. 71% of customers who

chose to 'rate this page' for the waste and recycling content and online services during this period rated it as 'good'.

- 3.3 Customers did experience extended wait times during the first few weeks of the north waste roll out. This was partly due to continued high volumes of calls from south customers which remained above 1,000 per week during the first few weeks of the north roll out. It was also due to the learning curve associated with the new recruits in the Contact Centre and the implementation of the CRM system. Call durations quickly reduced, however, as the experience of the new CSAs and familiarity with the new system increased resulting in reduced wait times for customers.



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CHESHIRE EAST COUNCIL

REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Date of Meeting:	5th January 2012
Report of:	Head of Safer & Stronger Communities
Subject/Title:	Hackney carriage vehicles – quantity controls
Portfolio Holder:	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 The report provides background to the recommendation made by the Licensing Committee to the executive in relation to hackney carriage vehicle quantity controls, and invites the Sustainable Communities Scrutiny Committee to consider this recommendation.

2.0 Recommendations

- 2.1 The Sustainable Communities Scrutiny Committee is requested:
- 2.1.1 to consider the content of the Licensing Committee report appended as it relates to hackney carriage vehicle quantity controls; and
- 2.1.2 to make recommendations to the Cabinet Member for Safer & Stronger Communities in relation to hackney carriage vehicle quantity controls.

3.0 Reasons for Recommendations

- 3.1 On 7th March 2011 the Licensing Committee considered a report relating to a review of the hackney carriage service. As part of this review consideration was given to the issue of quantity restrictions in relation to hackney carriage vehicles. Having considered the information within the report the Licensing Committee resolved to recommend to Cabinet/the Cabinet Member that an unmet demand survey be commissioned in each of the three hackney carriage zones within the Borough.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

**6.0 Policy Implications including - Carbon reduction
- Health**

- 6.1 The report deals with matters relating to the Council's policy on hackney carriage quantity controls.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Please see paragraph 7.1 of the 7th March 2011 Licensing Committee report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Please see paragraphs 8.1.1 - 8.1.5 of the 7th March 2011 Licensing Committee report.

9.0 Risk Management

- 9.1 The legal risks are identified within paragraph 8.1 of the 7th March 2011 Licensing Committee report.

10.0 Background and Options

- 10.1 On 7th March 2011 the Licensing Committee considered a report relating to a review of the hackney carriage service. As part of this review consideration was given to the issue of quantity restrictions in relation to hackney carriage vehicles. The background to the existing policy position, the legal issues in relation to quantity controls and the options open to the Council were identified within paragraph 10.2 of the report, a copy of which is attached as Appendix A. Members of the Licensing Committee were referred to paragraphs from the Department of Transport Best Practice guidance; an extract from the guidance containing the relevant paragraphs is attached to this report as Appendix B.
- 10.2 Having considered the information within the report the Licensing Committee resolved to recommend to Cabinet/the Cabinet Member that an unmet demand survey be commissioned in each of the three hackney carriage zones within the Borough. The relevant minute of the Licensing Committee meeting is attached as Appendix C to this report.
- 10.3 Members will note that the options which were open to the Licensing Committee were one (or a combination) of the following:
- (a) that a formal consultation is undertaken in relation to the removal of the existing quantity restrictions within zone 1 (Congleton zone);
 - (b) that the current position of 'de-limitation' within either zone 2 (Crewe & Nantwich) or zone 3 (Macclesfield) is maintained; and
 - (c) that an unmet demand survey is commissioned in one, two or all of the hackney carriage zones.

- 10.4 Members are requested to consider the content of the report to the Licensing Committee and the resolution made by it on 7th March 2011. Members are further requested to make recommendations on the issues raised to the Cabinet Member for Safer & Stronger Communities.

11.0 Access to Information

Appendix A – Licensing Committee report (7th March 2011)

Appendix B – Extract from Department of Transport Best Practice Guidance

Appendix C – Extract from minutes of Licensing Committee (7th March 2011)

The background papers relating to this report can be inspected by contacting the report writer:

Name: Kate Khan

Designation: Solicitor

Tel No: (01270) 685847

Email: kate.khan@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 7 March 2011

Report of: Head of Safer & Stronger Communities

Subject/Title: Review of Hackney Carriage Service

1.0 Report Summary

- 1.1 The report provides details of the responses received in relation to the recent consultation exercise carried out regarding the hackney carriage service. A copy of the consultation document is attached as Appendix A. The report analyses the responses received and makes suggestions about the next steps to progress the issues raised by the consultation exercise.

2.0 Recommendations

Quantity controls

- 2.1 The Licensing Committee is requested to consider both the consultation responses and the information within the report about the principles relating to restrictions on the numbers of hackney carriages, and to resolve which of the options (or combination thereof) within paragraph 10.2.9 to recommend to Cabinet or the Cabinet Member for Safer & Stronger Communities.

Table of fares

- 2.2 The Licensing Committee is requested to consider the consultation responses received in relation to hackney carriage tariffs, and, having considered these responses:
- 2.2.1 to formulate proposals in relation to the variation to the table of fares in each of the three hackney carriage zones within the Borough, and if new tariffs are proposed, to authorise the Borough Solicitor, or an officer acting on her behalf, to publish notice of the proposals in each of the three zones, making provision for any objections to be submitted within the statutory consultation period of fourteen days;
- 2.2.2 to resolve that if no objections are received within the statutory consultation period, or if any objections that are received are withdrawn, that the table of fares published in accordance with the resolution under 2.2.1 above will come into operation in each of the three zones on the date of the expiration of the consultation period. If objections are received and not withdrawn, these will be reported to a subsequent meeting of the Licensing Committee for consideration.

Conditions

- 2.3 The Licensing Committee is requested to consider the consultation responses received in relation to hackney carriage vehicle conditions and, having considered these responses:
 - 2.3.1 to determine any proposed amendments to the hackney carriage vehicle conditions for each of the three zones and to authorise officers to carry out a further consultation exercise in relation to these proposed conditions;
 - 2.3.2 subject to the decision in 2.3.1 above, to authorise officers to draft vehicle test guidelines which reflect the requirements of the conditions so that these guidelines may form part of the further consultation exercise;
 - 2.3.3 to resolve that if no objections are received within the consultation period, or if any objections that are received are withdrawn, that the conditions proposed in accordance with the resolution under 2.3.1 above (together with the accompanying vehicle test guidelines), will come into operation in each of the three zones on the day after the last day of the consultation period. If objections are received and not withdrawn, these will be reported to a subsequent meeting of the Licensing Committee for consideration.

Hackney carriage stands

- 2.4 The Licensing Committee is requested to recommend to the Cabinet Member for Safer & Stronger Communities that:
 - 2.4.1 the Borough Solicitor, or officer acting on her behalf, be authorised to provide notice in accordance with the requirements of section 63 of the 1976 Act, in relation to the proposed variation of hackney carriage stands set out within paragraph 10.5 of the report;
 - 2.4.2 officers are authorised to seek the consent of the Highway Authority in relation to the propose variation to hackney carriage stands set out within paragraph 10.5 of the report;
 - 2.4.3 subject to the consent of the Highway Authority being received, if no objections or representations are received within the statutory consultation period, the variation to the hackney carriage stands will come into effect on the day after the last day of the consultation period; and
 - 2.4.4 it be noted that if objections or representations are received within the statutory consultation period, these will be reported to a subsequent meeting for consideration.
- 2.5 The Licensing Committee is requested to consider the consultation responses received in relation to taxi ranks and is requested to authorise officers to engage in discussions with the Highway Authority about the location and number of taxi ranks in each of the three hackney carriage zones.

3.0 Reasons for Recommendations

- 3.1 A consultation exercise has been carried out in relation to the licensing of hackney carriages; the consultation period concluded on 18th February 2011. The report presents the results of the consultation exercise and requests that the Committee make resolutions in relation to a number of issues.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The report suggests a review of a number of issues relating to the Council's existing policy on the licensing of hackney carriages. Full details are set out within the body of the report.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 There would be significant cost implications in relation to the commissioning of an unmet demand survey. Any contract with a third party supplier to carry out an unmet demand survey would be subject to a procurement exercise, however it is understood, that the costs associated with surveys carried out on behalf of other local authorities have been in the region of £25,000. The costs of such a survey may be taken into consideration when setting fees in relation to hackney carriage licences. It should also be highlighted that in areas where a quantity restriction is imposed surveys are required on a regular basis (once every three years); therefore there would also be costs associated with additional surveys in coming years if a limit is maintained/imposed in any of the zones.
- 7.2 There would be a cost implication associated with the publication of statutory notices in relation to a variation of the 'table of fares'. The publicity costs relating to the statutory notices are estimated to be in the region of £2,000.
- 7.3 There would be a cost implication associated with printing and postage of any further consultation document relating to amended vehicle conditions. These costs are estimated to be in the region of £850 for postage (if send second class) and £300 for printing.
- 7.4 There would be a cost implication associated with the publication of statutory notices in relation to the appointment of hackney carriage stands. The publicity costs relating to the statutory notice are estimated to be in the region of £500.

- 7.5 The costs in paragraphs 7.2 – 7.4 would be met from the Licensing Service's budget, although it is to be noted that these costs would put further financial pressure on the Service's limited budget in 2010-11.
- 7.6 There are also costs associated with the marking on the highway of the extent of hackney carriage stands and the purchase of signage to provide details about the relevant waiting restrictions. Costs for markings for a new stand on the highway will be recharged to the services budget. Maintenance of an existing marking is paid from Highways Maintenance Budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Quantity controls

- 8.1.1 Section 16 of the Transport Act 1985 provides that the grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis "if but only if the person authorised to grant licences [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet."
- 8.1.2 Any decision to refuse a hackney carriage proprietor's (vehicle) licence on the basis of numbers may be subject to appeal to the Crown Court. In order to successfully defend any such challenge, a local authority must be in a position to establish that it had, reasonably, been satisfied that there was no significant unmet demand. It is generally accepted that unmet demand can only genuinely be measured by conducting a comprehensive survey.
- 8.1.3 Any decision that the Council make about whether to place a limit on the number of hackney carriage vehicles or not, must be reasonable in the Wednesbury sense. In other words, account must be given to all relevant considerations and irrelevant considerations must not be taken into account. Any decision relating to the limitation of numbers may be subject to legal challenge.
- 8.1.4 There is a plethora of case law in relation to decisions about quantity restrictions. The principles which can be drawn from these cases include the following: (i) it is possible to delimit at any time, subject only to the requirement that such a decision must not be unreasonable in the Wednesbury sense (*R v Great Yarmouth Borough Council, ex parte Sawyer [1987]*, *R v (on the application of Royden) v Metropolitan Borough of Wirral [2003]*, *R v Council of the City and District of St.Albans [2000]* etc) or re-limit subject to the same requirements (*R v Halton Borough Council ex parte ex p Gunson [1988]*); (ii) full and genuine consultation must take place before a decision to delimit is taken (*Sadar v Watford Borough Council [2006]*); (iii) consideration must be given to the commercial impact of a delimitation decision, but provided that is done, commercial impact alone is not a ground for challenge (*St Albans and R (on the application of Nemeth) v West Berkshire District Council*); (iv) if it cannot be demonstrated that there is no unmet demand the licences must be granted

(Tudor v Ellesmere Port and Neston Borough Council [1987], Kelly and Smith v Wirral Metropolitan Borough Council [1996]).

- 8.1.5 The Department of Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” (the Best Practice Guidance) referred to throughout the report does not have statutory effect and therefore does not automatically bind the decision of the Council. However, if the Council is to depart from the recommendations within the Best Practice Guidance, it would need to carefully set out its reasons for so doing.

8.2 Table of fares

- 8.2.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the following is required when varying a table of fares: (i) publication of a notice setting out the variation to the table of fares (specifying the period within and manner in which objections can be made) in at least one local newspaper circulating in the district; and (ii) deposit of the notice for the period of fourteen days at the offices of the Council (for public inspection)
- 8.2.2 If no objection to the variation is made within the relevant fourteen day period (or if all such objections are withdrawn) the variation comes into operation on the date of the expiration of the period specified in the notice (or the date of withdrawal of the last objection (if any)). If objection is made and not withdrawn, a further date (not later than 2 months after the first specified date) shall be set on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.

8.3 Conditions

- 8.3.1 Section 47(1) of the 1976 Act provides local authorities with the power to attach to hackney carriage licences such conditions as they may consider ‘reasonably necessary.’ Section 47(2) states that without prejudice to the generality of section 47(1), a council may require vehicles to be “of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.” The imposition of conditions on a hackney carriage vehicle licence is subject to a right of appeal to the Magistrates’ Court.
- 8.3.2 The imposition of policy requirements in relation to licensed vehicles must not be applied in such a way as to fetter the discretion of a local authority and each application which falls outside the policy must be considered on its own individual merits.

8.4 Hackney carriage stands

- 8.4.1 Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the legal procedure involved in the creation of hackney carriage stands (otherwise known as ‘ranks’). Section 63(2) provides that notice must be given to the Chief Officer of Police and must be published in a local newspaper circulating in the district, making provision for objections or representations to

be made within 28 days. Any objections or representations received need to be taken into consideration before any final determination is made.

- 8.4.2 Section 63(3) provides that stands may not be appointed:
- (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position so as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
 - (c) on any highway except with the consent of the highway authority; and in deciding the position of stands the Council is required to have regard to the position of any bus stops for the time being in use.
- 8.4.3 The amendment of existing ranks and the creation of new ranks may require amendments to traffic regulation orders made under the Road Traffic Regulation Act 1984.
- 8.4.4 The function of appointing hackney carriage stands under section 63 of the 1976 Act is, by virtue of the 2000 Regulations, an executive function. As a result, the Licensing Committee is requested to make a recommendation in relation to hackney carriage stands to the Cabinet Member for Safer and Stronger Communities.

9.0 Risk Management

- 9.1 The legal risks are set out within paragraph 8 above.

10.0 Background and Options

- 10.1 In accordance with the decision of the Licensing Committee taken at its meeting on 13th September 2010, a consultation exercise relating to the hackney carriage service within the Borough has been conducted; the consultation period concluded on 18th February 2011. The consultation document, a copy of which is attached as Appendix 1, dealt with issues such as quantity restrictions, tariffs, conditions and taxi ranks. Details of the responses received are set out within the table at Appendix 2.

10.2 Quantity controls

- 10.2.1 The Congleton zone (zone 1) is subject to a restriction on the number of hackney carriages; the current limit is set at forty-two. The Crewe & Nantwich zone (zone 2) and the Macclesfield zone (zone 3) are not subject to a restriction on the number of hackney carriage licences which may be issued. The number of hackney carriage proprietors (vehicle) licences issued in the Crewe & Nantwich zone as at the end of January 2011 was 162; the number in the Macclesfield zone was 315.

- 10.2.2 As set out with paragraph 8 above, the legal position in relation to quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.”
- 10.2.3 The consultation document asked the following questions in relation to the limitation of numbers of hackney carriages: *“What are your views on: (i) the removal of a limit on the number of hackney carriages in the Congleton zone; (ii) an unmet demand survey in relation to the quantity of hackney carriages in any of the zones; (iii) maintaining the status quo; (iv) an increase in licence fees to fund an unmet demand survey?”*
- 10.2.4 As Members will note from the table at Appendix 2, the majority of the consultation responses received are supportive of the imposition of a limit on the number of hackney carriages in each of the three zones; any such proposal would necessitate unmet demand surveys in each of the zones.
- 10.2.5 Recommendations to local authorities about the principle of quantity restrictions have been provided within the Office of Fair Trading (OFT) report “The regulation of licensed taxi and PHV services in the UK” published in 2003 and more recently within the Department of Transport Best Practice Guidance published in March 2010 (‘the Guidance’), a copy of which is attached as Appendix 3.
- 10.2.6 The OFT report found that: (1) Quantity regulation limiting the number of taxis reduces availability and lowers the quality of service to the public; (2) It is sensible to regulate quality and safety by means of driver and vehicle standards but any such regulation must be proportionate to the quality and safety goals to be achieved; and (3) There are sound reasons to regulate taxi fares, for example, to protect consumers in vulnerable situations. But there could be greater freedom for beneficial price competition below regulated fare caps. The recommendations made to the OFT as a result of the study were: (1) That regulation slowing local authorities to restrict the number of taxis in their areas should be repealed; (2) That best practice guidelines on driver and vehicle quality should be developed and disseminated to assist local authorities; and (3) That local authorities should be encouraged to look at ways of encouraging fair competition on taxi services where appropriate.
- 10.2.7 The Government’s response to the OFT report was published in March 2004. The Government did not accept the principle recommendation of the OFT (i.e. that local licensing authorities’ power to restrict the number of taxi licences they issue should be repealed), taking the view that local authorities should continue to be responsible for making decisions about whether or not to control taxi numbers in their respective areas. However, the Government conveyed its belief that, in general terms, quantity restrictions were unlikely to be in the best interests of consumers. Local licensing authorities that imposed quantity

controls were asked to review their policies with particular emphasis on benefits for consumers.

10.2.8 Paragraphs 45 to 51 of Guidance set out the recommendations of central government's in relation to quantity restrictions of taxi licences outside London. Paragraph 47 states:

Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in the interests of the travelling public – that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of the controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

10.2.9 The Licensing Committee may recommend to the Cabinet Member for Safer & Stronger Communities one (or a combination) of the following options:

(a) that a formal consultation is undertaken in relation to the removal of the existing quantity restriction within zone 1 (Congleton zone);

(b) that the current position of 'de-limitation' within either zone 2 (Crewe & Nantwich) or zone 3 (Macclesfield) is maintained;

(c) that an unmet demand survey is commissioned in one, two or all of the hackney carriage zones.

10.3 Table of Fares ('Tariffs')

10.3.1 As Members are aware, local authorities have the power, under section 65 of the 1976 Act, to set the 'table of fares' which apply to hackney carriage vehicles. As previously reported, due to the fact that the licensing of hackney carriages within Cheshire East remains on a zoned basis, it is not possible at present to set a 'table of fares' or 'tariff' which relates to the Borough as a whole and tariffs must still be set for each individual zone.

10.3.2 The tariffs which are currently in operation came into force within the areas of the predecessor district Councils during the course of 2008 (Congleton – 1 April 2008; Crewe & Nantwich – 29 September 2008; and Macclesfield – 16 April 2008). Copies of the existing tariffs are set out within appendices A, B & C of Appendix 1 to this report. The table below summarises the fares in a manner which allows a simple comparison to be made between the existing provisions:

	ZONE 1 Congleton	ZONE 2 Crewe & Nantwich	ZONE 3 Macclesfield
Flag drop	£2.60 (up to first 1,760 yards)	£2.20 (first 200 yards)	£2.60 (first 1,466.69 yards)
First mile	£2.60	£3.80	£3.00
Two miles	£4.40	£5.60	£4.80

10.3.3 The consultation document asked consultees to comment in response to the following questions: (a) *what are your views on how the differing tariffs should be brought into line?*; and (b) *whether or not the tariffs can or should be standardised across Cheshire East, what are your views on the current table of fares?*

10.3.4 Whilst the majority of consultees support the principle of standardising the tariffs across the three zones, a number of consultees suggest that the differentiation between the tariffs are too great to be harmonised and express concerns about the impact on trade/consumers in the zones where the existing fares are lowest.

10.3.5 As can be seen within the table at Appendix 2, a number of the consultation responses include proposals in relation to amended tariffs. For ease of comparison, details of these proposals are set out alongside the existing tariffs within the table at Appendix 3.

10.3.6 Paragraph 52 of the Department of Transport Best Practice Guidance states that fare scales should be designed with a view to practicality and that it is seen as good practice to “review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week.” The paragraph continues “The Department also suggests that in reviewing fares authorities should pay particular regards to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also so the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.” Members will also note the content of paragraphs 53 and 54 of the Guidance in relation to downward negotiation of fares between passengers and drivers.

10.3.7 The options which are available in relation to the future of tariffs are as follows:

- (a) to harmonise each of the tariffs to one of the existing tariffs;
- (b) to harmonise each of the tariffs to a new level;
- (c) to separately vary each of the existing tariffs; or
- (d) not to vary the existing tariffs.

10.3.8 Subject to the above, the Committee is requested to formulate proposals in relation to the variation to the table of fares in each of the three hackney carriage zones within the Borough and to authorise the Borough Solicitor, or an officer acting on her behalf, to publish notice of the proposals, making provision for any objections to be submitted within the statutory consultation period of fourteen days. As Members will note the consultation responses suggest a number of different approaches to tariffs, however these are not the only options available and Members have the discretion to consider differing fare structures.

10.4 Hackney carriage vehicle conditions

10.4.1 The existing vehicle conditions within the three zones are set out within appendices D, E & F of the consultation document at Appendix 1 to this report. As Members will note, there are differences between the conditions as they relate to matters such as the acceptable vehicle specification and frequency of testing. The consultation document asked the following questions in relation to existing terms and conditions: *“Which of the conditions do you think should be retained? Which do you think should be abolished or changed? Please provide reasons for your responses to this question.”*

10.4.2 The responses received appear to be broadly supportive of the harmonisation of vehicle conditions across each of the three zones. The responses received do make certain specific suggestions in relation to an amended set of vehicle conditions. If Members are minded, subject to consultation, to approve amendments to the hackney carriage vehicle conditions in each of the zones, the following conditions may be considered in order to address the points raised within the consultation responses.

10.4.3 Vehicle specification

The representatives of the Association have suggested the vehicle specification in relation to private hire vehicles within Cheshire East be adopted in relation to hackney carriages, with the addition of a requirement that all new hackney carriage vehicles must be wheelchair accessible (to MI specification) (whilst all existing saloon cars would have the benefit of ‘grandfather rights.’).

A copy of the Council’s existing Private Hire Vehicle conditions is attached as Appendix 5.

Paragraphs 13 to 25 of the Best Practice Guidance cover issues relating to accessibility. Paragraph 14 states:

Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

Paragraphs 26 to 29 of the Best Practice Guidance deals with the specification of vehicles. Paragraph 27 states: “Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible....” Paragraph 28 continues: “It is suggested that local licensing authorities should give very careful consideration to a policy which

automatically rules out particular types of vehicles or prescribes only one type or a small number of types of vehicle...”

As Members will note, condition 3 of the zone 1 (Congleton zone) currently makes provision for all new vehicle licences to be purpose built wheelchair accessible vehicles which are M1 type approved on manufacture.

10.4.4 Age limits

The consultation response from representatives of the Association suggests that the conditions should be amended to ensure that any new application for a hackney carriage vehicle must relate to a vehicle under eight years of age, and that no vehicle may remain licensed once it is over twelve years old. In addition the response suggests that the requirement for six monthly testing in relation to vehicles over seven years old be removed.

Paragraph 32 of the Best Practice Guidance states as follows in relation to age limits: “it is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old.

The argument in support of an age limit would be that the condition seeks to ensure that licensed vehicles are as safe, reliable and comfortable as possible. Some local authorities have imposed age limits which subject to an exemption in relation to vehicles in ‘exceptional condition’ however any such exemption may itself be subject to appeal due to different interpretation of ‘exceptional condition.’

At present none of the existing vehicle condition seek to impose an age restriction on vehicles, however the zone 3 (Macclesfield zone) conditions require vehicles over seven years old to be subject to six monthly testing.

If Members are minded to approve a condition imposing an age limit, the following wording may be considered: “A hackney carriage vehicle licence will not be issued to a vehicle more than [insert] years after the date of first registration of the vehicle in the UK or any other country. A hackney carriage vehicle licence will not be renewed in relation to a vehicle more than [insert] years after the date of first registration of the vehicle in the UK or any other country.”

10.4.5 Tow bars

The existing zone 3 (Macclesfield zone) conditions explicitly prohibit tow bars; this condition was originally imposed in the interests of safety (due to the additional risks inherent in towing trailers). The representation from the Association suggests that the conditions should not restrict the installation of tow bars on hackney carriage vehicles.

If tow bars are to be permitted then, it is suggested that conditions in relation to trailers are required. An example of conditions in relation to trailers is set out below (taken from the Halton Borough Council Hackney Carriage Vehicle Conditions):

- (a) trailers shall be subject to prior approval by the Council;
- (b) trailers shall be painted the same colour as the towing vehicle;
- (c) an identity plate supplied by the Council shall be affixed to the rear of the trailer;
- (d) a trailer shall be used in conjunction with one licensed vehicle;
- (e) trailers shall be tested initially before use at the Council's testing facility and thereafter tested annually at the same time as the towing vehicle;
- (f) trailers shall not be used while the towing vehicle is standing or plying for hire.

10.4.6 In addition to the specific issues raised above, Members are requested to consider the remainder of the points dealt with by the existing vehicle conditions, including matter such as taximeters, signs and notices, advertising, licence plates, safety equipment, insurance etc. It is recognised that Members may require additional information in order to formulate a new set of proposed conditions; if this is the case any such additional information will be reported to a future meeting of the Committee.

10.4.7 Independently of the consultation exercise, officers have been made aware of concerns raised by two residents about the location in which hackney carriage vehicles are parked when not in use. The residents have suggested to officers that conditions should be imposed which require the proprietor of the vehicle to park their vehicles 'at home' or at some approved 'off-road' parking site when they are not in use. Legal advice has previously been provided about the lawfulness of any such condition, as any conditions imposed must be 'reasonably necessary.' As decisions in relation to vehicle conditions are dealt with by the Committee, this matter has been highlighted so that Members may consider it as part of their deliberation on conditions.

10.5 Hackney Carriage Stands

10.5.1 Section 63 of the 1976 Act provides the Council with the power, subject to statutory consultation and the consent of the owner of the land (or the highway authority where the land in question forms part of the highway), to appoint stands for hackney carriages.

10.5.2 The consultation document lists the current hackney carriage stands (or 'ranks') within each of the three zones. The document also recognises that a previous consultation was carried out by the Highways Authority in 2009 in relation to certain amendments to taxi ranks within the Macclesfield zone (zone 3). Following this consultation exercise two traffic regulation orders were made under the provisions of the Road Traffic Regulation Act 1984 which included limitations in relation to waiting in hackney carriage stands in Macclesfield and Wilmslow.

- 10.5.3 The Cheshire East Borough Council (Hackney Carriage Stands and Street Parking Places) (Wilmslow Town Centre) Order 2010 came into operation on 1st March 2010. The order has effect (a) of removing the existing stand on Water Lane, Wilmslow (on the south side of the road) and replacing it with a seven space stand on the north side of the road to be operational between the hours of 18.30 and 06.00; and (b) of removing the existing stand on Alderley Road, Wilmslow and replacing it with a rank adjacent to numbers 21 – 29 Alderley Road (operational between the hours of 21.00 and 06.00) and a stand adjacent to numbers 1 – 3 Alderley Road (operational between the hours of 06.00 and 21.00). The plan attached as Appendix 6 shows the relevant restrictions.
- 10.5.4 Similarly, the Cheshire East Borough Council (Hackney Carriage Stands and Street Parking Places)(Macclesfield and Knutsford) Order 2010 came into operation on 1st March 2010. The order has the effect, amongst others, of (a) adding an additional space to the existing stand on Exchange Close, Macclesfield (to be operational on a 24 hour basis); (b) creating an additional stand with five spaces further along Exchange Close (to be operational on a 24 hour basis); and (c) creating a new stand with two spaces at Pickford Street, Macclesfield (to be operational on a 24 hour basis). The plan attached as Appendix 7 shows the restrictions in relation to Exchange Close, the plan at Appendix 8 shows those relating to Pickford Street.
- 10.5.5 The changes to hackney carriage stands made within the orders were subject of a report to the then Macclesfield Local Joint Highways Committee in March 2009. The report indicated that the proposed hackney carriage stands in Wilmslow had been ‘agreed with local councillors through the Town centre review.’ In relation to Exchange Close, the report noted that the previous rank was a very busy one alongside Tesco and that whilst only being a 14 metre long stand, “more than 10 taxis can be observed during daytime queuing around the corner of the building.” Traffic regulation orders are subject to statutory consultation in accordance with the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996, including publication of a notice in local newspapers and a twenty-one day consultation period.
- 10.5.6 The Licensing Committee is requested to consider the factors within section 63(3) of the 1976 Act (see paragraph 8.4.2 of the legal implications) and to recommend to the Cabinet Member for Safer & Stronger Communities that the authorisation be given for the provision of notice relating to the appointment of stands to bring the designation of stands under section 63 of the 1976 Act in line with the provisions within the traffic regulation orders referred to in paragraphs 10.4.3 and 10.4.4 above and illustrated within the plans at Appendix 6, 7 and 8.
- 10.5.7 As Members may be aware, there is a bus stop on the south side of Water Lane, Wilmslow (between the junctions with Alderley Road and Kings Close). In addition, the Macclesfield bus station is located at the top of Pickford Street, although there is no vehicular access from Pickford Street into the bus station. Officers are not aware of any pick up points (for the purposes of the Transport Act 1985 or the Public Passenger Vehicles Act 1981) in the vicinity of the propose stands.

10.5.8 The consultation document asked consultees to respond to the following question: *“How suitable do you think the current provision of ranks is, and what, if any, changes do you think are necessary?”*

10.5.9 Hackney drivers from each of the three zones have stated that there is insufficient rank provision in their zones. Particular comment is made in relation to Swinemarket in Nantwich, Crewe town centre, Congleton and Macclesfield town centre. Knutsford Town Council have made specific comment about the ranks at Canute Place in Knutsford. The Congleton Neighbourhood Policing Team have advised that they feel there is a need for additional rank provision in High Street, Sandbach.

10.5.10 The Licensing Committee is requested to consider the consultation responses received in relation to hackney carriage stands. If Members are minded to do so, as the consent of the Highway Authority is required in relation to the appointment or alteration of a hackney carriage stand on the highway, the Committee and is requested to authorise officers to engage in discussions with the Highway Authority about the location and number of taxi ranks in each of the three hackney carriage zones.

11.0 Access to Information

Appendix 1 – Consultation Document

Appendix 2 – Table of consultation responses

Appendix 3 – Department of Transport Best Practice Guidance

Appendix 4 – Table of tariff comparisons

Appendix 5 – Private hire vehicle conditions

Appendix 6 – Plan showing hackney carriage stands (Wilmslow)

Appendix 7 – Plan showing hackney carriage stands (Exchange Close, Macclesfield)

Appendix 8 – Plan showing hackney carriage stands (Pickford Street, Macclesfield)

The background papers relating to this report can be inspected by contacting the report writer:

The Office of Fair Trading report “The regulation of licensed taxi and PHV services in the UK” is available on the Office of Fair Trading website: www.oft.gov.uk

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44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

- (5) that the committee procedure be amended to clarify that representatives of an objector may include an MP, local Councillor, legal representative or a friend, and to add to paragraph 1 the requirement for the Chairman to consider any request made by a party for another person to appear at the hearing.
- (b) That the fee levels in relation to sexual entertainment venue applications be as follows:
 - new applications : £2,280
 - renewal applications : £1,140
 - transfer applications : £500
 - variation applications. £2,280

33 REVIEW OF HACKNEY CARRIAGE SERVICE

The Committee considered a report detailing the results of a consultation exercise which had been undertaken in relation to the hackney carriage service within the Borough.

The consultation document had requested views on the number and location of taxi ranks throughout the Borough, and future policy in relation to the numbers of hackney carriages, the tables of hackney carriage fares and the hackney carriage vehicle conditions within each of the three zones.

RESOLVED

- (a) That it be recommended to Cabinet or the Cabinet Member for Safer & Stronger Communities that an unmet demand survey be commissioned in all three of the hackney carriage zones.
- (b) That fares in each of the three hackney carriage zones within the Borough be increased by 10%, and that the Borough Solicitor, or an officer acting on her behalf, be authorised to publish notice of the proposals in each of the three zones, making provision for any objections to be submitted within the statutory consultation period of fourteen days; and
- (c) That, if no objections are received within the statutory consultation period, or if any objections that are received are withdrawn, the table of fares will come into operation in each of the three zones on the date of the expiration of the consultation period; and
- (d) That it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

- (e) That officers be requested to produce a draft set of hackney carriage vehicle conditions for each of the three zones, based on the existing private hire vehicle specification, to include a requirement that all new hackney carriages be wheelchair accessible and provision for the increased testing of vehicles rather than an age limit for vehicles. The draft conditions, together with information on the testing of trailers and tinted windows, to be considered at a future meeting of the Committee; and
- (f) That officers be requested to draft vehicle test guidelines which reflect the requirements of the draft conditions, for consideration at a future meeting of the Committee.
- (g) That the Cabinet Member for Safer & Stronger Communities be recommended to authorise the Borough Solicitor, or officer acting on her behalf, to provide notice in accordance with the requirements of section 63 of the 1976 Act, in relation to the proposed variation of hackney carriage stands set out within paragraph 10.5 of the report; and
- (h) That officers be authorised to seek the consent of the Highway Authority in relation to the proposed variation to hackney carriage stands set out within paragraph 10.5 of the report; and
- (i) That it be noted that, subject to the consent of the Highway Authority being received, if no objections or representations are received within the statutory consultation period, the variation to the hackney carriage stands will come into effect on the day after the last day of the consultation period; and
- (j) That it be noted that if objections or representations are received within the statutory consultation period, these will be reported to a future meeting for consideration.
- (k) That officers be authorised to engage in discussions with the Highway Authority about the location and number of taxi ranks in each of the three hackney carriage zones.

34 LICENCE FEES - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS

The Committee considered a report regarding the fees charged by the Council for licences relating to hackney carriage and private hire vehicles, drivers and operators, which had been set at a meeting of the Licensing Committee on 20 July 2009.

CHESHIRE EAST COUNCIL

REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Date of Meeting:	5 January 2012
Report of:	Borough Solicitor
Subject/Title:	Work Programme update

1.0 Report Summary

- 1.1 To review items in the 2011 Work Programme, to consider the efficacy of existing items listed in the schedule attached, together with any other items suggested by Committee Members.

2.0 Recommendations

- 2.1 That the work programme be received and noted.

3.0 Reasons for Recommendations

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 Not known at this stage.

7.0 Financial Implications for Transition Costs

- 7.1 None identified at the moment.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 None.

9.0 Risk Management

9.1 There are no identifiable risks.

10.0 Background and Options

10.1 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.

10.2 The schedule attached, has been updated in line with the Committees recommendations on 3 November 2011. Following this meeting the document will be updated so that all the appropriate targets will be included within the schedule.

10.3 In reviewing the work programme, Members must have regard to the general criteria which should be applied to all potential items, including Task and Finish reviews, when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:

- Does the issue fall within a corporate priority
- Is the issue of key interest to the public
- Does the matter relate to a poor or declining performing service for which there is no obvious explanation
- Is there a pattern of budgetary overspends
- Is it a matter raised by external audit management letters and or audit reports?
- Is there a high level of dissatisfaction with the service

10.4 If during the assessment process any of the following emerge, then the topic should be rejected:

- The topic is already being addressed elsewhere
- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Sustainable Communities Scrutiny Committee Work Programme – 23 December 2011

Issue	Description/Comments	Officer	Suggested by	Portfolio	Corporate Priority	Current Position	Date
Customer Service update	To receive an update on Customer Services Performance	Paul Bayley	Committee	Performance and Capacity	Nurturing Strong Communities	On Target	5 January 2012
Hackney Carriage Quantity Controls and Delimiting	To consider and review the Council's current policy regarding the control of taxi licenses.	Peter Hartwell & Kate Khan	Conservative Group	Safer and Stronger Communities	Nurturing Strong Communities	On Target	5 January 2012
Equality and Diversity	To receive a briefing on the Council's E&D policy and how performance is measured	Jane Strange	Chairman	Performance and Capacity	Nurture Strong Communities	Deferred from 5 January 2012	2 February 2012
Libraries	To offer a short synopsis of the work the Committee has done on libraries to Informal Cabinet		Committee	Performance and Capacity	Nurturing Strong Communities	On Target	30 January 2012

Possible Items to Monitor or consider at future Meetings

- Performance Management
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Establishment of the Cheshire Road Safety Group
- Potential impacts of the Pilkington Case Report
- Hidden Treasures – role and contribution of the faith sector
- Local Area Partnerships
- Voluntary Sector Grants

Sustainable Communities Scrutiny Committee Work Programme – 23 December 2011

- 6 month update of Community Safety Wardens (March 2012)
- Road Safety Provision measurements – Kevin Melling
- Police Commissioners Update – Stephen Pickup PA
- Risk Management – Information, research & Business intelligence
 - Partnerships
 - Community Safety

Dates of Future Meetings

5 January 2012, 2 February 2012, 1 March 2012, 5 April 2012 and 10 May 2012.

Dates of Future Cabinet Meetings

9 January 2012, 6 February 2012, 5 March 2012, 2 April 2012 and 30 April 2012.

Dates of Future Council Meetings

23 February 2012, 19 April 2012 and 16 May 2012.