

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 28 November 2018 in the Council Chamber - Town Hall, Runcorn

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), Fry, K. Loftus, A. McInerney, Nelson, Wainwright and Wall

Apologies for Absence: Councillors P. Hignett, McDermott and G. Stockton

Absence declared on Council business: None

Officers present: K. Cleary, J. Tully, N. Wheeler and S.Thornett

Also in attendance: 20 members of the public.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG14 MINUTES

The Minutes of the meeting held on 3rd October 2018 having been circulated were signed as a correct record.

REG15 RESTRICTION OF HACKNEY CARRIAGE VEHICLE NUMBERS IN THE BOROUGH

The Committee were requested to consider issuing additional hackney carriage vehicle licenses in addition to the current limits.

Applications were received from John Roberts, Lee Barks and Darren Dickson. Mr Roberts requested 14 plates (reduced to 13) and Mr Barks and Mr Dickson made single applications.

Mr Roberts was represented at the Committee meeting by Mr Angus Gloag Counsel Kings View Chambers. Mr Barks and Mr Dickson were not represented.

At the beginning of the hearing the Chair introduced the members of the Committee and the officers present, and asked the applicants to introduce themselves.

Mr Tully outlined the procedure which would be followed at the hearing and Mr Wheeler summarised the details set out in the agenda. He also reminded those present that the report was produced whilst having regard to the following documents:

- Department of Transport Circulars 3/85 and 4/87
- Department for Transport Best Practice Guidance 2006 with March 2010 revision
- The Competition and Marketing Authority statement issued in April 2017

Mr Barks had prepared a written statement which was read out to Members. This made the following points:

1. The Council was legally bound to undertake an unmet demand survey every three to five years.
2. The Council had not done this.
3. The population had risen since 1985.
4. The Council had refused applications for hackney carriage licences in 2017 and 2018.
5. New companies such as Delta and Abba operating in the Borough demonstrated unmet demand.
6. District Taxis were taking many wheelchair user bookings every week.
7. There were only 21 (or 19) fully wheelchair accessible vehicles licensed in Halton.
8. Sure Start had repeatedly informed the Council about the massive shortages of fully wheelchair accessible vehicles.
9. The world has changed over 30 years and we now have an aging population.

Mr Gloag presented his case on behalf of his client Mr Roberts and made the following points:

1. He disagreed with paragraphs 2.4, 4.5, 6.1 and 6.2 of the printed agenda.
2. He commented on the allegedly non-existing policy limiting the number of hackney carriages.
3. There was no audit trail for the last unmet demand survey.
4. He went through the text of section 16 Transport Act 1985 and stated that the only way that the applications could be removed was if the Committee were satisfied that there was no unmet demand.
5. He did not agree with paragraphs 1 and 2 of Appendix A of the printed agenda as referred to at paragraphs 2.6.2 of the agenda.

6. Taking up the point made by Mr Barks about Sure Start he referred to an email of 1 June 2017.
7. He claimed that paragraphs 2.1, 2.2 and 2.6.3 of the agenda were deliberately foggy and that Appendix A paragraph 5 was a vague summary.

Mr Roberts claimed in the last 2 years he had 2000 calls per week from people who cannot get a wheelchair vehicle. He had 75 vehicles of which 36 are fully wheelchair accessible.

Mr Dickson was asked if he wished to address the Committee and he said he agreed with Mr Roberts that there is a lack of wheelchair accessible vehicles in Halton. He also confirmed that the statement read out by Mr Barks should be taken as a joint statement on behalf of Mr Barks and Mr Dickson.

The Committee asked a number of questions throughout the hearing. Mr Wheeler was asked about the email from Sure Start. He could not remember specifically this email and had been given no notice of it.

Mr Tully confirmed that the legal advice was that there was no legal obligation to carry out an unmet demand survey notwithstanding the circular advice to do this. The original policy of limiting the number of hackney carriages could no longer be challenged and the last unmet demand survey was presumably destroyed many years ago. Its findings were no longer relevant since the test in section 16 of the Transport Act 1985 had to be applied as at the date of the hearing.

Mr Gloag summed up their representations following which the Committee retired to consider the applications. At the conclusion of the Committee's considerations the parties re-assembled and the Chairman directed Mr Tully to read out the decision of the Committee.

RESOLVED: That

1. For the reasons set out in the report as amplified during the hearing the Committee was satisfied that there was no significant demand for the services of hackney carriages in the Borough which is unmet.
2. Nothing put forward by the applicants justified a different conclusion; and
3. Consequently, the applications were refused.

Strategic Director
Enterprise,
Community and
Resources

REG16 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

- (1) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- (2) Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG17 TAXI MATTER

Case No: 719

RESOLVED: A warning was issued and will be held on file for 2 years.

Strategic Director
Enterprise,
Community and
Resources

Meeting ended at 8.30 p.m.