

REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE

(Meeting held 17 September 2004)

1. GOVERNMENT'S ACTION PLAN FOR TAXIS AND PRIVATE HIRE VEHICLES (REPORT A) (MINUTE NO. 15)

The Committee has been informed that, following an Office of Fair Trading (OFT) study into the regulation of licensed taxis and private hire services in the UK, and two Transport Select Committee reports, the Government has written to all Councils that still regulate the number of taxi licences, including NFDC, requiring them to review their policy and to publish the outcome by 31 March 2005. Approximately 48% of Councils in England regulate taxi numbers. The Government is also encouraging Councils to adopt a policy for accessible taxis prior to regulations being made under the Disability Discrimination Act 1995.

Legislation permits licensing authorities to restrict the number of taxi licences only if they are satisfied that there is no significant unmet demand for taxi services in their area. This Council's policy has for many years been to restrict the number of hackney carriages it licenses. As part of a policy review during 1995 the Council commissioned a study by consultants into whether there was an unmet demand for taxi licences in the area. The consultants found that the number of licensed hackney carriages was sufficient at that time. The Council therefore decided to continue to limit the numbers of licences – 88 licences are currently issued in the District.

It is clear that the Government believes that restrictions on the numbers of taxis should continue only if it can be shown that there is a clear benefit to the consumer. However, the Government also recognises that licensing authorities remain best placed to determine local transport needs and to make decisions about them in the light of local circumstances. It is therefore not proposing at this time to remove licensing authorities' powers to limit the numbers of taxis. However, if the Council's current policy is to be retained, the Council will have to commission a further independent survey to assess any latent demand. Case law has shown that a full, independent survey is the only reliable method of determining whether or not unmet demand exists. The cost of a survey is likely to be in the region of £15,000 - £20,000. When the Council last conducted a survey, it was decided to recover the cost by increasing taxi licence fees over a two year period. If the Council continues to restrict licences, the Government will require the Council to review its policy every three years, which is likely to mean a need to commission a survey every three years.

The Committee did not wish to make recommendations regarding a survey and possible means of funding before consulting the taxi and private hire trade and other interested parties. It has therefore asked the officers to consult with the trade both by sending a questionnaire to them, and discussing the matter at a liaison meeting between the trade and the Committee. The Committee has also asked that consultation take place with interested parties such as town and parish councils, consumer groups, chambers of trade and disability groups. A further report will be made to the Committee later in the year.

2. STANDING ORDERS FOR MEETINGS – PORTFOLIO HOLDER QUESTION TIME (REPORT D) (MINUTE NO. 18)

The Committee has reviewed “Portfolio Holder Question Time”, introduced on a pilot basis in December 2001. The purpose of the pilot scheme was to make it easier for members to question the Executive on issues falling within their portfolios than is the case under Standing Order No. 22.

The Committee noted that 63 questions had been asked of portfolio holders since the introduction of the scheme. Within the same period, only one question had been asked under Standing Order No. 22. All members of the Council were invited to submit their views on the scheme – 12 responded. The points raised by these members were set out in Report D to the Committee. Some views contradicted others, and all were considered in detail.

The Committee is in favour of continuing with portfolio holder questions, and generally felt that the current informal arrangements worked well. However, some members expressed disappointment at the quality of questions asked and felt that “planted” questions did not add value to the process. They asked that their concerns in this regard be reported to the Council. Others appreciated that the Portfolio Holder Question Time was being used to advantage by both political groups represented on the Council, as well as for the intended purpose of holding the Executive to account.

The Committee has discussed in detail the time limits to apply and the process for submitting and scheduling questions. Members were in favour of retaining an overall time limit of 30 minutes for the session, but felt that the portfolio holder’s initial answer should be restricted to three minutes, to ensure that there is sufficient time for a supplementary question and answer. A maximum time limit of two minutes for a supplementary question and answer is recommended.

The Committee’s detailed proposals are set out in the recommended amendments to Standing Orders below.

RECOMMENDED:

- (a) *That Portfolio Holder Question Time at Council meetings be formalised; and***
- (b) *That the Council’s Standing Orders for Meetings be amended by the addition of the following paragraphs 22A and 40A:***

“22A Portfolio Holder Questions

- 22.4 A Council member may ask the relevant Portfolio Holder a question on any function of the Council that is the responsibility of the Executive.***

- 22.5** *Any member wishing to ask a question of a Portfolio Holder under Standing Order 22.4 must deliver the question, in writing, to the Chief Executive or the Head of Legal and Democratic Services by 12:00 noon on the working day before the meeting. The question should identify the portfolio holder to whom it is addressed.*
- 22.6** *A question under Standing Order 22.4 shall not be put at the Annual Council Meeting or to an extraordinary or special meeting of the Council.*

Note: *Members may ask questions on items in Cabinet, Committee or Panel reports at Council meetings without giving notice (See Standing Order 39.4)*

Note: *See Standing Order 40A for the procedure for asking Portfolio Holder questions at meetings.”*

“40A *Portfolio Holder Questions of which notice has been given*

This Standing Order applies to questions of which notice has been given under Standing Order 22A.

See Standing Order 39 for questions on reports of the Cabinet, a Committee or Panel when that item is under consideration by the Council.

- 40.4** *A maximum period of 30 minutes in total will be allowed for questions under this Standing Order.*
- 40.5** *Questions will be dealt with in order of receipt (subject to 40.6 below).*
- 40.6** *More than one question may be submitted by a member. Any member submitting more than one question must indicate their first and subsequent preferences. A member’s first preference question will be dealt with in order of receipt. Second and subsequent preferences will be dealt with after all members submitting questions have asked their only, or first preference, question. The Chairman may use his discretion in changing the order in which questions may be asked where he considers a question to be of particular topical relevance.*
- 40.7** *Every question shall be put and answered without discussion. The Portfolio Holder will have a maximum of three minutes to reply. The member who asked the original question may ask one supplementary question arising from the answer. A maximum of two minutes will be allowed for the supplementary question and answer. Every supplementary question shall be put and answered without discussion.*

- 40.8** *Once all written questions have been disposed of, and provided the 30 minute time period has not elapsed, the Chairman may, at his discretion, permit members to ask further questions of portfolio holders.*
- 40.9** *The Chairman of the Council shall disallow any question or supplementary question he considers is unsuitable in form, frivolous or derogatory to the dignity of the Council.”*

**Cllr W H Dow
CHAIRMAN**