

CALL IN REQUEST

Call-in Licensing of Rickshaws in Cheltenham - Cabinet Decision made on 11th December 2012.

The reasons for the call-in of this decision are because the decision was not made in accordance with one or more of the Principles of Decision Making as set out in Article 13 of the Constitution namely:-

13.1 shall be made in accordance with the following principles:

(b) the decision shall be proportionate to the desired outcome;

The desired outcome is a ruling on whether or not CBC will license the use of rickshaws in Cheltenham. The decision has still not been made and has been deferred for an indefinite period. There is no known date when a decision will be made but it is left *“until the outcome of the taxi and private hire licensing law reform review by the Law Commission is published in 2013/14.”* Even if an “outcome” of the review is made there is no known timetable for when it may become law.

This is the second time Cabinet have made a decision that is not proportionate to the desired outcome. In September the Cabinet decided, “To defer the item to a future meeting of Cabinet”.

(d) the decision should be taken following due consultation and on the taking of professional advice from Officers;

Professional advice of Officers did not explain the context of the fact that the City of Westminster has more rickshaws in operation than the whole of the rest of the UK. In total, during 2011, there were upwards of two million journeys and there were just 8 collisions involving rickshaws. No serious injuries resulted and no passengers were injured.

There was insufficient reference to Hereford Council who have been operating licensed rickshaws since 2006. The explanation given of “the difficulty of drafting a new licence” (as mentioned at Cabinet) is clearly invalid given another council has already taken this step.

(f) there shall be a presumption in favour of openness;

The whole process of arriving at a Cabinet decision has not been conducted in a transparent and open manner. Firstly there was an inappropriate delay in actually bringing the item to committee in December. Secondly, no valid reasons have been given for the delay in coming to the decision made by Cabinet on either the 25th September nor the 11th December. It would appear that the “official” reason for the delay in September was that, *“The proposal had been delayed due to the local government elections in May 2012, the change in Cabinet member, the summer*

recess and constitutional changes.” Delays in December are because of “ongoing safety concerns”.

(g) there shall be clarity of aims and desired outcomes;

As for (b) above.

(i) the options considered and the reasons for the decision shall be clearly set out.

When a final decision is to be taken is not “clearly set out” and left to some unspecified date. This is not compatible with good governance and the Council’s responsibility to promote business and economic development in the town. Also, as in (d) above, not all relevant options have been considered.

Cllr Rob Garnham

20.12.2012

This notice of call-in has been signed by the following four members (signatures on attached sheet).

Councillor Rob Garnham

Councillor Penny Hall

Councillor Diggory Seacome

Councillor Jacky Fletcher