

LICENSING AND GENERAL PURPOSES COMMITTEE

22 January 2018

Minutes of the Licensing and General Purposes Committee held at the Town Hall, Bexhill-on-Sea on Monday 22 January 2018 at 6:30pm.

Committee Members present: Councillors C.J. Saint (Chairman), Lord Ampthill, G.S. Browne, Mrs D.C. Earl-Williams, S.D. Elford, K.M. Field, Mrs S. Hart, Mrs J.M. Hughes (Vice-Chairman) and I.G.F. Jenkins.

Other Members present: Councillors K.P. Dixon, I.R. Hollidge (in part), G.P. Johnson (in part) and J.M. Johnson (in part).

Advisory officers present: Executive Director of Business Operations, Executive Director of Resources, Service Manager – Corporate and Human Resources, Service Manager – Environmental Services and Licensing, Deputy Legal Services Manager and Democratic Services Officer.

LG17/09. **MINUTES**

The Chairman was authorised to sign the minutes of the meeting of the Licensing and General Purposes Committee held on 23 October 2017 as a correct record of the proceedings.

LG17/10. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A.K. Azad, R.K. Bird and P.R. Douart.

PART I – RECOMMENDATIONS TO COUNCIL

LG17/11. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE LICENSING – (5.2) AGE OF LICENSED VEHICLES**

At its meeting in October 2017, the Committee recommended to Council that a vehicle age restriction for hackney carriage and private hire vehicles be reintroduced for newly registered vehicles. Prior to the Council meeting in December, the Council had received a petition, signed by a number of drivers, objecting to the proposed 9 year age limit for newly licenced vehicles. This petition had been brought to the attention of Council and as a result Council requested that the Licensing and General Purposes Committee reconsider its recommendation of a 7 year limit for vehicles licenced for 2 years.

Members noted that the petition had been signed by approximately 35% of the trade and recognised that the proposed age limits were on

the grounds of public safety. These proposals were in keeping with neighbouring authorities and took into account that an older vehicle was likely to deteriorate more quickly than a new vehicle. Currently, the average age of a vehicle was over 10 years and officers were spending a disproportionate amount of time ensuring that older vehicles met the required standards. It was noted that should this trend continue, the Council would have to introduce a 'call-in scheme' for older vehicles, increasing the cost of providing the service. As a consequence, this would result in higher licensing fees which would need to be borne by the whole taxi trade. It was also likely that as neighbouring authorities had lower limits, vehicles that were too old to be licenced in neighbouring authorities would be licenced in Rother.

At its meeting in December, Council had discussed the monitoring of vehicle mileage opposed to age of a vehicle however, the Committee recognised that mileage was difficult to monitor, where the age of a vehicle could be established easily through the V5 certificate. Although this seemed simplistic, it was a cost effective way of maintaining standards.

Members considered that the matter of vehicle emissions was important and considered that over time, with an age restriction policy, licensed vehicles would have relatively modern engines and therefore lower emissions. For example, vehicles up to 7 years old in November 2017 would meet at least Euro 4 standards. Members recognised the importance of vehicle emissions and requested that consideration be given to encouraging the use of lower emission cars at a future meeting.

Members felt that an age restriction policy was appropriate but recognised the need to balance public safety and emissions with the business aspect of the service. After careful deliberation, the Committee considered that a 7 year minimum age limit for newly registered taxis was appropriate with a 10 year upper age limit. It was emphasised that any new age restriction standard could not be imposed retrospectively and the new standard would not apply to those vehicles already licensed.

RECOMMENDED: That a new age restriction criteria policy be approved and introduced from 1 April 2018 as follows:

- 1) any new licenced Hackney Carriage or Private Hire vehicles to be less than seven years old when first licensed (determined by the date of first registration on the V5 document). No licensed vehicle will be licensed beyond 10 years;
- 2) the age limit not to apply to Hackney Carriage or Private Hire vehicles licensed prior to 1 April 2018; and
- 3) applications may be considered to licence and re-licence a classic, novelty or vintage vehicle for example a Rolls Royce. The expectation being that they would not work from a taxi rank or carry out routine work.

LG17/12.
(6.1)

SURVEILLANCE POLICY AND ANNUAL UPDATE

Consideration was given to the report of the Executive Director of Resources that updated the Council's Surveillance Policy and introduced an annual report for Members that detailed the use of the Council's powers under the current Regulation of Investigatory Powers Act 2000 (RIPA).

In October 2017, the Investigatory Powers Commissioner's Office completed an inspection of Rother's Surveillance Powers. The inspections reviewed the Council's policy and records and were carried out around every four years. A number of recommendations had been made as a result of the policy review including the inclusion of guidance on surveillance of social media, surveillance activity updates for Members on a regular basis, and the updating of staff training.

As a result of the recommendations of the review, the Council's policy had been updated and now met the Surveillance Commissioner's key recommendations; the updated Policy was appended to the report for Members' consideration.

It was proposed that a report detailing the Council's use of legal powers be brought to the Committee on an annual basis. It was noted that the use of the powers was very limited; the last time the powers were applied for was in 2015.

RECOMMENDED: That the Council's amended and updated Surveillance Policy (in line with the inspection recommendations) be approved and adopted.

AND

It was **RESOLVED:** That the 2017 annual update report be noted.

LG17/13.
(6.3)

DISCIPLINARY, GRIEVANCE, DIGNITY AT WORK AND OTHER STAFF POLICY UPDATING

The report of the Executive Director of Resources provided Members with details on updates to the Disciplinary, Grievance, Dignity at Work and other staff policies.

The restructuring in 2013 had made a number of significant changes to senior management posts, including the removal of the Chief Executive post and a number of staffing policies required updating to reflect the changes.

The Council's disciplinary and grievance procedures had an appeal mechanism based around the Chief Executive post. In the previous revision, the Committee wished to retain a final level of appeal (in the circumstance of dismissal) within the disciplinary procedures to a Member panel. However, in light of diminished resources, a more streamlined approach was proposed for both disciplinary and redundancy procedures. The proposal would allow a clear appeal route but would remove the more extensive second level of appeal. It

was noted that currently the procedure was: a disciplinary hearing heard by one Executive Director, then if required, a first appeal would be heard by the other Executive Director and then second level of appeal by a Member panel. Two levels of appeal were not required in employment law and all staff had the right to an employment tribunal. Members were reassured that Staff Side had not objected to the proposed changes to the appeal procedures.

Key employment policies had also been reviewed and brought up to date; revised disciplinary and grievance, together with dignity at work procedures were appended to the report for Members' consideration. Changes to these policies were mainly procedural and did not change the key purpose and principles of the documents. A number of requests had been received by Staff Side in relation to the Dignity at Work Procedure. These included the retention of the right to appeal and the right to be accompanied, in addition to the request for a slight rewording of the part of the policy describing malicious complaints; the concern being it would put staff off raising issues for fear of being punished if their claim was unsuccessful. One request regarding informal discussions had not been agreed; Staff Side had requested that informal discussions take place prior to formal disciplinary procedures, however it had been recognised that there would be cases where this would not be appropriate therefore this would not be included in the policy.

Other staff policies required simple amendments to update references to the Chief Executive post to the Head of Paid Service; it was proposed that these amendments were delegated to the Executive Director of Resources.

After discussion, Members agreed with the proposed recommendations to Council to amend the appeal procedure in both the disciplinary and redundancy policies and to update the disciplinary, grievance and dignity at work policies taking into account Staff Side comments. The Committee also resolved that all staff policies be updated to reflect the senior management structure.

RECOMMENDED: That Council's updated and amended Disciplinary, Grievance and Dignity at Work policies be approved and adopted.

AND

It was **RESOLVED:** That delegated authority be given to the Executive Director of Resources to amend all staff policies to reflect the senior management structure.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

LG17/14. (5.1) APPOINTMENT OF COUNTING OFFICER FOR LOCAL REFERENDUMS

The culmination of the Neighbourhood Plan process was the holding of a referendum on an approved plan. A Counting Officer was required to

be appointed under section 8 (2) of the Representation of the People's Act 1983 to undertake duties associated with a neighbourhood plan referendum.

A formalising of this appointment was required for both neighbourhood referendums and any other referendums the Council may hold and the Council's Returning Officer, the Executive Director of Resources, was a logical choice to undertake these duties.

RESOLVED: That the Executive Director of Resources be appointed to act as Counting Officer under section 8 (2) of the Representation of the People's Act 1983 for Neighbourhood Plan and other local referendums.

LG17/15. **STAFFING DIGEST – APRIL 2017 TO SEPTEMBER 2017**

Members considered the Staffing Digest Report of the Executive Director of Resources covering the period April 2017 to September 2017 which gave an update in the field of staff management. The following key points were noted:

- Recruitment remained active and turnover was 5.76% for the Period April 2017 – September 2017 (previously 4%). Issues around professional post recruitment had been raised and remained a concern.
- One disciplinary hearing had been held.
- In July 2017, the Supreme Court ruled that the Government's policy of requiring fees for instigating an Employment Tribunal was unlawful, therefore the Council had returned to employment tribunals with no financial barrier.
- In-house IT training remained popular.
- The Sussex Training Consortium management programme; four managers had taken up the first line manager programme and two, the middle manager programme.
- A number of further training sessions via the Sussex Training Consortium had been made available to staff, providing cost effective training in a variety of subjects, this included Continuing Professional Development (CPD) training for professions.
- There were no health and safety incidents in this period.
- No new policies had been brought forward during this period and the pay policy had been updated in line with the pay award for 2017/18.

The Executive Director of Resources updated Members on a number of service managers' resignations/ imminent retirement. Members noted that the Strategic Management Team was currently reviewing the organisation structure to ensure that the Council could continue to deliver savings through the Rother 20/20 programme.

It was suggested and agreed that in future the report be brought to Committee on an annual basis to enable more detailed analysis of staffing activity.

RESOLVED: That:

- 1) the report be noted; and
- 2) future Staffing Digest reports to be brought to Members on an annual basis at the Committee meeting held in April.

CHAIRMAN

The meeting closed at 7:40pm

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