

15 JANUARY 2010

NEW FOREST DISTRICT COUNCIL

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 15 January 2010.

e Cllr P R Woods (Chairman)
p Cllr A W Rice TD (Vice-Chairman) (in the Chair)

Councillors:

p G C Beck
e W H Dow
p J A G Hutchins
Mrs P Jackman
p Mrs M McLean
p J Penwarden
e W S Rippon-Swaine

Councillors:

R F Scrivens
p A E J Shotter
p Mrs B Smith
e M S Wade
e S S Wade
p Mrs P A Wyeth

Officers Attending:

Mrs R Rutins and for part of the meeting, Ms H Aylet; Mrs M Sandhu, K Smith, P Weston and E Williams.

20. MINUTES.

RESOLVED:

That the minutes of the meeting held on 13 November 2009, having been circulated, be signed by the Chairman as a correct record.

21. DECLARATIONS OF INTEREST.

Cllr Mrs Wyeth – Minute No. 25

22. PUBLIC PARTICIPATION.

Cllr P Stammers, Godshill Parish Council, for Minute No. 23.
Mr T Cornick, Unison Representative, for Minute No. 26.
Mr D Shearing, Hackney Carriage Owners' Association, for Minute No. 27.

23. COMMUNITY GOVERNANCE REVIEWS (REPORT C).

The Committee considered requests by Copythorne Parish Council and Godshill Parish Council for community governance reviews (CGRs) to be undertaken in their parishes.

It was reported that Fordingbridge Town Council's Planning Committee had recently reconsidered the question of transferring the area of land on which Crystal Hollow was situated to Godshill Parish Council, as it understood that this was the wish of a number of Crystal Hollow residents. The Town Council had now advised that it would not object to Crystal Hollow transferring provided only the area comprising Crystal Hollow was lost from Fordingbridge Town Council's area.

It was further reported that Cllr Dow, whose District Ward incorporated Godshill, supported the redrawing of the boundary between Fordingbridge and Godshill so that Crystal Hollow fell within Godshill. Cllr Shand, one of the two District Councillors for Fordingbridge, supported the status quo. It was, however, noted that Cllr Shand's comments had been made before Fordingbridge Town Council had reconsidered its initial view on Crystal Hollow transferring to Godshill.

Cllr Peter Stammers of Godshill Parish Council was in attendance. He requested the Committee to proceed to undertake a review of the boundary between Fordingbridge and Godshill at Crystal Hollow and also the boundary with Breamore shown on Appendix 3 to Report C. Mr Stammers reiterated the information contained in Report C regarding the determination of Godshill's boundary with Fordingbridge when the Parish had been created in 1999. It had been proposed that Crystal Hollow fall within Godshill but this had not been agreed by the then Department of the Environment. At that time Crystal Hollow had been a derelict former gypsy encampment, but had now been redeveloped. The residents of Crystal Hollow related more to Godshill than to Fordingbridge and some had expressed a wish to transfer to Godshill. With regard to the triangular piece of land on the boundary with Breamore, Cllr Stammers thought that the boundary had originally been drawn where it was as the land both to the east and to the west of the River Avon at this point had been in the same ownership.

The Committee supported proceeding with CGRs in Godshill with a view to a possible change in the boundary with Fordingbridge to incorporate Crystal Hollow, and in the boundary with Breamore with a view to transferring the land shown on Appendix 3 to Breamore. Members were disappointed that the Council had not been consulted on possible changes to the boundary with Wiltshire when the Boundary Committee had recently undertaken a review for purposes of the new Wiltshire Unitary Authority, but accepted that it would serve no useful purpose to pursue the matter at this stage. They sympathised with the position at Copythorne but recognised that nothing could be done to address the issues raised by the Parish Council as part of a CGR.

RESOLVED:

- (a) That a CGR be not undertaken in response to the request from Copythorne Parish Council, but that the Parish Council be advised that the issues they raise will be considered when the next Periodic Electoral Review is undertaken;
- (b) That a CGR be undertaken in Godshill with the following terms of reference:
 - (i) To review the boundary of the parish with Fordingbridge, with a view to establishing whether the development known as Crystal Hollow should more appropriately be located in Godshill rather than Fordingbridge;

- (ii) To review the boundary of the parish with Breamore, with a view to establishing whether the triangular piece of land to the west of the River Avon, shown on Appendix 3 to Report C to the Committee, should transfer to Breamore Parish;
 - (iii) That the review be undertaken in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and any statutory guidance.
- (c) That the question of the boundary between Wiltshire and Hampshire/New Forest at Boundary Cottage be not pursued at this stage.

24. CORPORATE CONSULTATIONS – INCLUDING CITIZENS’ PANEL AND YOUNG PEOPLE’S PANEL (REPORT A).

The Committee considered bidding for the use of the Citizens’ and/or Young People’s Panels/Equalities Network in 2010/11. It also received details of the consultations held in 2009/10 and other related issues for the year ahead.

Members were particularly interested to test how the public perceived the quality of the licensing decisions made by the Committee. It was explained that the Citizens’ Panel could be appropriate for undertaking that research but only if there had been a sufficient number of decisions made across the district to make input from the majority of members of the Panel meaningful. If not then other methods might be more appropriate. Officers would consider the best way of achieving members’ wishes. No particular time slot within the year was requested by the Committee.

The Committee discussed several examples of how young people were engaged with public services within the district. James Binns, Chairman of the New Forest Youth Council, was the young people’s representative on the Local Strategic Partnership (LSP); the Leisure Review Panel had a good track record of involvement; and local councils such as Ringwood and New Milton had their own arrangements for involving young people in their business. The agreement of the Community Engagement Framework by the LSP and the Cabinet at its next meeting should enhance opportunities for partners to work closer on involving communities, including young people, in projects and service design. Closer working through youth workers was seen as a potential area to develop in order to engage with some young people who might not be taking part in the more traditional engagement processes.

The value of the use of the panels to the Council was discussed. Each consultation produced results that were used by the services or partners to help develop their work. Following every consultation each service using the panels was asked to report on how the results had been used. Examples from these responses were then published and reported back to members of the panels via newsletters. All results were made available to Council Members and they were encouraged to make use of those results as part of their scrutiny and review role.

RESOLVED:

- (a) That the corporate consultations that have been conducted in 2009/10 and those that are still to be undertaken be noted; and

- (b) That research take place during 2010 / 11 to assess the public perception of the quality of licensing decisions made by the Committee using the Citizens' Panel or other means.

25. QUORUM

The meeting was not quorate from this stage. Members noted that some of the items remaining on the agenda required decision before the next scheduled meeting of the Committee and could not be held over until the next meeting. Members therefore considered that the best way forward was to consider the remaining items of business and to submit informal recommendations in respect of each to the Council for decision.

26. PAY AND REWARD REVIEW – PROPOSED CHANGES TO TERMS AND CONDITIONS (REPORT B).

Cllr Mrs Wyeth declared a personal interest in this item as her brother was employed by the authority. She considered that her interest was prejudicial and left the meeting.

Members considered the proposals for changes to the terms and conditions for employees. The Head of Human Resources explained the background to the current pay and reward review. A project team comprising representatives of the employers' and the employees' sides had been set up to consider proposals which covered the following key areas:

- New pay structure
- Job evaluation
- Monthly pay
- Sickness absence payments
- Probation for new employees
- Employees contracted to work 39 hours
- New ways of working

The findings had been considered by the Pay Panel but the employers' and the employees' sides had been unable to reach agreement. The Council had therefore undertaken the proposals through formal consultation.

The Head of Human Resources explained the detailed proposals. These included provision for

- all employees on fixed points to move incrementally through their current pay bands
- the width of some bands to be reduced
- restructuring of bands, where considered appropriate

- moving all weekly-paid employees to monthly pay in June 2010
- the reduction of sickness absence entitlements during the first year of employment
- fixing the probationary period for all new employees at 6 months (including employees recruited from other local authorities)
- requiring employees, where necessary and to facilitate flexible approaches, to work any 5 days out of 7.

Mr Cornick, Unison Representative, was in attendance and addressed the Committee. He explained the employees' side's concerns at the proposals and the negative impact these would have on the Council's employees.

He said that the employees' side welcomed some of the changes, and in particular the move away from fixed pay points for some employees to allow them to progress through the bands. The employees' side did, however, have concerns at some of the proposals, including that to require employees to work any 5 days from 7. He said that currently employees who were required to work at weekends, when weekend working was not the norm, were paid enhanced rates for such weekend work. The employers' side had stated that volunteers would be sought when a change from normal Monday-Friday working to take in weekends was required, but he pointed to a case where employees whose contracts of employment had not included weekend working had been required to change their working days to include Saturday mornings, without additional pay. The employees' side was concerned that this practice would become widespread.

The employees' side was also concerned that some employees would face hardship when transferring to monthly pay, and he requested that affected employees be given support while this transition was taking place.

The employees' side held the view that there should be no overlapping of pay bands. Although the proposals did away with most overlaps, one remained.

The Head of Human Resources reported that enhanced rates for weekend pay were not, and never had been, part of New Forest District Council's terms and conditions of employment. She stressed that it was essential for the Council to have in place appropriate terms and conditions that enabled Services to respond to the changing customer demands. The Council believed that adopting flexible approaches and working flexibly are advantageous to the Council and its employees. Volunteers would always be sought when changes in working patterns were required.

With regard to the transition to monthly pay, any employees recruited over the previous 3 – 4 years were on monthly pay. Discussions were taking place with the Council's bankers on the possibility of them providing advice to affected employees. An overlap remained between bands 3 and 4 because a number of employees on these bands were on career grades and this situation would be kept under review.

Members discussed the proposed changes. They noted that these had been the subject of discussion and consultation for some considerable time. They appreciated the employees' side's arguments but supported the employer's side's proposals.

RECOMMENDED (INFORMALLY):

That the proposed changes to Pay Structures and Terms and Conditions detailed in section 4 of Report B to the Committee be agreed and implemented from 1 April 2010.

27. SPARE TYRE AND WHEEL CONDITION FOR TAXI VEHICLES (REPORT D).

The Committee considered a request by the Hackney Carriage and Private Hire Owners' Association for the Council to amend its policy regarding the spare wheel and tyre that must be carried by both hackney carriage and private hire vehicles. The current policy provided that, amongst other things, the spare wheel and tyre must be of the correct size and the tyre must be "first life". The policy specifically excluded "space saver" wheels. The request from the Association was for the Council to permit alternatives to a full size spare wheel and tyre.

Mr D Shearing, Secretary of the Hackney Carriage and Private Hire Owners' Association, was in attendance. He referred to the fact that it was increasingly difficult to purchase vehicles that complied with the Council's current policy regarding the spare wheel and tyre. Many new vehicles were now manufactured with space saver wheels, "run flat" tyres or inflation kits, instead of the conventional full size spare wheel. The Council's current policy in regard to the spare wheel was severely restricting the choice of licensees when purchasing new vehicles, and in many cases environmentally "cleaner" and more fuel efficient vehicles were excluded. It was not an option for licensees to carry a full size spare in vehicles where an alternative was provided by the manufacturer as the void for the spare was too small to accommodate a full size wheel.

Members noted that vehicle manufacturers spent a great deal of time and money on research into issues such as spare wheels and were of the view that the Council's requirements for licensed vehicles should be amended as set out below. They considered, however, that there should be a requirement for a driver/operator/Hackney Carriage proprietor to replace any undersized, 'run flat' or inflated tyre at the conclusion of the journey during which the problem had occurred.

RECOMMENDED (INFORMALLY):

- (a) That the "Examination and Assessment of Hackney Carriage and Private Hire Vehicles" (paragraph 3.12.5, Part 3 of the Council's 'Statement of Licensing Principles') be amended to provide that the "spare wheel/tyre condition" be replaced by a requirement for the "original" option as designed and delivered by the vehicle manufacturer;***
- (b) That, in the event of the need arising for the fitting of a "space saver" tyre or the use of a run flat tyre or an inflation kit, a full size tyre in an acceptable condition, namely; the tyre must be "first life", not re-treaded or remoulded, the correct size, in good condition with no bulges, cracks or cuts and not have any steel showing, with a tread depth of a minimum of 2mm over the whole of the tread area, be fitted on completion of the journey.***

28. CRIMINAL RECORDS BUREAU CHECK FOR BOATMAN LICENCES (REPORT E).

The Committee considered the possibility of undertaking Criminal Records checks on applicants for boatman licences. Some Members were concerned that there was no requirement for these and felt that in some circumstances boat passengers could be as vulnerable as those in taxis and private hire vehicles.

The Committee received legal advice, set out in Report E, that any attempted requirement by the Council for a CRB check of applicants was liable to challenge, in particular in the light of the provisions of the Rehabilitation of Offenders Act 1974. Members discussed whether it should make representations to the Local Government Association (LGA) to press for a change in legislation in this regard. It was considered prudent, before making a decision in this regard, to ascertain whether nearby coastal authorities would support this Council in any approach to the LGA.

RECOMMENDED (INFORMALLY):

That the officers establish from other nearby coastal authorities whether they would support this Council in an approach the Local Government Association to include boatmen in the list of posts in respect of which registered organisations may apply for a Criminal Records Bureau check.

CHAIRMAN

(GPLC150110)