

## **MINUTES OF THE MEETING OF THE COUNCIL HELD ON 20 JULY 2011**

Attendance:

The Mayor (Councillor Carter, C R) (P) (in the Chair);

The Deputy Mayor (Councillor Dickson) (P);

Councillors Allen (P), Mrs Bailey (P), Ms Ballard (P), Beavis (P), Bradley (P), Burgess (P), Carter C K (P), Chegwyn (P), Mrs Cully (P), Edgar (P), Edwards (P), Mrs Forder (P), Forder, Foster-Reed (P), Geddes (P), Henshaw (P), Mrs Hook (P), Hook (P), Hylands, Jacobs (P), Jessop (P), Kimber, Lane (P), Langdon (P), Murphy (P), Philpott (P), Ronayne, Scard (P), Mrs Searle (P), Smith (P), Miss West and Wright (P).

Also in attendance: Honorary Aldermen Gill and Train.

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### **APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of Councillors Forder, Kimber, Ronayne and Miss West and Honorary Aldermen Mrs Bailey, Foster, Hayward, Lucas and O'Neill.

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### **MINUTES**

**COUNCIL RESOLVED:** That the Minutes of the Annual and Adjourned Annual meetings of the Council held on 18 and 19 May 2011 be confirmed and signed.

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### **MAYOR'S COMMUNICATIONS**

#### **(A) COUNCILLOR BEAVIS**

The Mayor reported that since the last meeting of the Council, Councillor Beavis had been awarded an MBE under the Queen's Birthday Honour's List. The Mayor congratulated Councillor Beavis on behalf of the Council.

#### **(B) CIVIC DUTIES**

The Mayor advised of the high number of civic duties he and the Deputy Mayor had undertaken over the last few weeks. He reported that he had represented the Borough recently in Winchester when the Armed Forces County Colours had been displayed. Hampshire had the biggest number of Armed Forces companies in the country and in the whole of the UK. Hampshire had been selected as the 1<sup>st</sup> County for such a display.

### **(C) AWARDS**

The Mayor reported on the following successful awards:

#### **Best Partnership**

Fareham and Gosport Councils' Building Control Partnership, in conjunction with Hampshire County Council Property Services, had been recognised with the award of the prestigious 'Best Partnership' at the 2011 LABC South East Building Excellence Awards.

#### **Gosport's Big Green Commuter Challenge (BGCC)**

Gosport's Transport and Sustainability Partnership had invited all businesses and organisations in Gosport to take part in the BGCC from 16 – 22 May 2011. Staff were asked to reduce their car use and try different ways of getting to work by cycling, walking, taking a bus, ferry or sharing their car. Based on the popular Portsmouth Big Green Commuter Challenge, now in its 9<sup>th</sup> year, it was run as a competition open to businesses and organisations of all sizes.

Staff were asked to record their "green miles" electronically and included not only green commuting miles but, business travel and using the stairs instead of the lift. The Borough Council was the winner of the Gosport Large Business category. 11% of the council's staff took part (38 in total). The 'green miles travelled' were 1136 commuting miles and 455 business miles, which averaged out at 5 miles per employee.

#### **Gosport Access Group & Disability Forum Award**

The Borough Council had achieved an Excellent Access Award from the Forum for Main Reception "in the provision of facilities for the benefit and comfort of visitors." (July 2011)

### **(D) CIVIC SUNDAY (17 JULY)**

The Mayor expressed his disappointment that not every councillor was able to attend the recent Civic Sunday service. Eleven councillors were not able to attend and he had noticed that there were a number of councillors who never attended any of the civic events or tendered their apologies. He wanted councillors to take note of this situation.

**(E) GOSPORT OPPORTUNITIES 2011-2026**

The Mayor drew the Council's attention to the document recently released by the Council on Regeneration, 'Gosport Opportunities 2011-2026'.

**(F) GOSPORTEERS BAND CONCERT (27 JULY)**

The Mayor made mention of the Gosporters' Band Concert on 27 July 2011.

**(G) BUPA GREAT SOUTH RUN**

The Mayor made mention of his challenge with the Lord Mayor of Portsmouth regarding the BUPA Great South run on 20 October 2011. Entry for the Event had now closed to the public, but BUPA had allocated both The Mayor of Gosport and the Lord Mayor of Portsmouth 10 places each. The Mayor was looking for volunteers to take part in the event and any money raised would be split between the two sets of Mayors' charities.

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**DEPUTATION – OBJECTION TO THE PROPOSED INCREASE TO THE HACKNEY CARRIAGE TARIFF**

Mr Wilson thanked the Council for allowing him to speak and advised that he was representing many colleagues in the taxi trade. He advised that he was questioning the legality of the introduction of the new tariff and advised that he believed his costs had increased by 30-35%.

Mr Wilson advised that fees, fuel, licence costs and maintenance were all increasing and that the new tariff would lead to a loss of between 20p and 60p on journeys of under 3 miles. Mr Wilson advised that the majority of journeys undertaken by him were under three miles and that, based on previous figures, he stood to lose £980 p/a. He advised that neither he, nor other licence holders could afford to lose this money and that he feared that the servicing and maintenance of cars would be pushed to the limit to save money and that this could compromise customer safety and comfort.

Mr Wilson stated that the Government's Code of Practice on Consultation advised that a formal written consultation should take place and that Department of Transport best practice advised that the criteria for written consultation should 'clarify the scope of the impact and make clear what is proposed'. He advised that he had been told by Licensing Officers that there were 79 Licence Holders, not 68, as had been presented in the report. He also advised that the 3 options presented for the tariff were confusing. He stated that the consultation was incomplete as he felt all plate holders, drivers and operators should have been consulted on the proposed changes.

He stated that the two members of the taxi trade that had addressed the

Licensing Board did not need to rely on being a driver as their sole income. One undertook a large amount of airport runs, the other worked as and when needed.

He advised that in the time he had been a Hackney Carriage driver, he had never had a fare leave the taxi and order a private hire vehicle instead due to the high cost. He acknowledged that people had complained about the after midnight prices, but no customer had ever left his taxi because of that reason.

He advised that the proposals were for maximum fares and that there was no minimum tariff to charge.

Mr Wilson expressed disappointment that a request had previously been made to increase fares over the Christmas and New Year period and this had also been refused.

Mr Wilson concluded by requesting details as to whether the decision of the Licensing Board and Council could be appealed against at the Magistrates Court.

The Mayor acknowledged the forty signature petition that Mr Wilson had handed to the Council in the following terms:

“We the undersigned members of the licensed hackney trade, wish to oppose in full, the proposed licensed tariff changes as advertised by Gosport Council, on Mon 20<sup>th</sup> June 2011 in the Portsmouth News.

We the undersigned, would request that Gosport Council continues with the tariff of charges already in-situ, as previously agreed by the trade and introduced on 1<sup>st</sup> Aug 2010.

We the undersigned, would further ask that any future changes to the tariff charge only be implemented following full consultation with ALL members of the licensed hackney trade.”

The Borough Solicitor advised that she did not have a definitive answer regarding Mr Wilson’s question of appeal to the Magistrates Court but there would possibly be an Appeal or Judicial Review in order to make a challenge of the Council’s decision.

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## **PART II MINUTES**

**COUNCIL RESOLVED: That the following Part II Minutes be received.**

Policy and Organisation Board: 17 May (Minute Nos. 84-89), 19 May (Minute No. 5) and 29 June (Minute Nos. 11-12) 2011.

Community Board: 19 May (Minute Nos. 5-6) and 13 June (Minute Nos. 10, 12-

17) 2011.

Economic Development Board: 19 May (Minute Nos. 5-6) and 22 June (Minute Nos. 12-18) 2011.

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## **CONSIDERATION OF AN OBJECTION TO THE PROPOSED INCREASE TO THE HACKNEY CARRIAGE TARIFF**

**Note: Councillors Dickson and Edgar declared personal and prejudicial interests in this item, left the meeting room and took no further part in the discussions or voting thereon.**

The Housing Services Manager had submitted a report which brought to the attention of the Council an objection that had been received to the proposed increase in the Hackney Carriage Tariff for 2011/2012. The report had appended to it:

- Current Hackney Carriage Tariff Table (Appendix 1)
- Table showing the effect of implementing proposed increase (Appendix 2)
- The Licensing Board report (7 June 2011)
- Extract from the draft minutes of the Licensing Board meeting held on 7 June 2011

The Licensing Board on 7 June 2011 had resolved that an increase in the maximum level of Hackney Carriage fares chargeable be approved and that tariff model 3, as shown in Appendix B of the report, be implemented, subject to public consultation, from 1 August 2011.

The Chairman of the Licensing Board advised that he took issue with Mr Wilson in his criticism of the consultation process and the role of the Licensing Officer. He reported that the second part of the petition circulated tonight was not presented during the consultation period. The Chairman stated that Mr Wilson's third point that all members of the licensed Hackney trade had to be consulted statutorily was incorrect; by statute the Council had only to consult with Hackney Carriage Plate holders. There was no duty on the Council to consult with Hackney Carriage drivers. 68 Hackney Carriage Plate holders had been written to with 38 responses received. There were three models for consultation, 27 responses (40%) received supported model 3. Therefore there was a significant majority favouring model 3. There were 68 Plate holders and not 79 as Mr Wilson suggested. As there was one objection received in the consultation period the Council had to bring it before full Council tonight for consideration.

**COUNCIL RESOLVED: That an increase in the maximum level of Hackney Carriage fares chargeable be approved and that tariff model 3 be implemented without modification from 1 September 2011.**

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## **AMENDED FINANCIAL PROCEDURE RULES**

Consideration was given to a report from the Deputy Section 151 Officer on the above. The purpose of the report was to update the Council's Financial Procedure Rules (formerly known as Financial Regulations), previous version dated April 2006; in line with updated legislation, codes of practices, a revised democratic process, Council restructure and reducing bureaucracy to improve and streamline decision making.

**COUNCIL RESOLVED:** That approval be given to the Financial Procedure Rules as set out at Appendix 1 to the Officer's report and as part of the Council's Constitution (Part 4 – Schedule 16).

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## **UPDATED ANTI FRAUD & CORRUPTION POLICY**

Consideration was given to a report from the Deputy Section 151 Officer on an update to the Council's Anti Fraud & Corruption Policy (Constitution: Part 5 – Schedule 22). The update was in line with updated legislation (Bribery Act 2010). The Act would come into force on 1 July 2011.

**COUNCIL RESOLVED:** That approval be given to the following:

- **Anti Fraud & Corruption Policy set out in Appendix 1;**
  - **Anti Money Laundering Policy set out in Appendix 2;**
  - **Anti Bribery Policy set out in Appendix 3; and**
  - **Whistleblowing Policy set out in Appendix 4**
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## **PROJECT INTEGRA STRATEGIC BOARD – STANDING DEPUTY**

**COUNCIL RESOLVED:** That Councillor Burgess, Chairman of the Community Board, be appointed as the Council's Standing Deputy to the Project Integra Strategic Board for the 2011/12 Municipal Year.

**The meeting ended at 6.54pm**