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21 March 2007

S U M M O N S

MEETING: Extraordinary Policy and Organisation Board
DATE: 29 March 2007
TIME: 6.00 p.m.
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Chris Wrein



BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Mrs Cully) (ex-officio)
Councillor Cully (Chairman)
Councillor Wright (Vice-Chairman)

Councillor Burgess	Councillor Hook
Councillor Carter	Councillor Langdon
Councillor Chegwyn	Councillor Smith
Councillor Gill	Councillor Taylor

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AGENDA

PART A ITEMS

RECOMMENDED
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Tuesday, 27 March 2007. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

4. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Tuesday, 27 March 2007).

5. CORPORATE DEBT POLICY

The purpose of this report is to consider and approve the Corporate Debt Policy.

PART II
Contact:
Julian Bowcher
Ext 5551

6. EXPLOSION! MUSEUM

To seek the Board's approval for the proposed revised operational arrangements for the Explosion Museum, in order to remain within the budget available for the 2007/08 financial year. (report to follow)

PART II
Contact:
David Martin
Ext: 5512

7. ANY OTHER ITEMS

- which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

Continued next page...

Extraordinary Policy and Organisation Board
29 March 2007

8. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

Item No.	Item	Paragraph no. of Part I of Schedule 12A of the Act	
9.	EXPLOSION! MUSEUM	Paragraph 3 Reason: The report refers to the employment position of council staff. The Council generally does not disclose information about individuals as there is a need for individuals to be able to rely on the Council to deal sensitively and appropriately with such matters. Therefore it is considered that the public interest in not disclosing the information outweighs the public interest in disclosing this information. (report to follow)	Part II Contact: David Martin Ext: 5512

Board:	EXTRAORDINARY POLICY AND ORGANISATION BOARD
Date of meeting:	29th MARCH 2007
Title:	CORPORATE DEBT POLICY
Author:	FINANCIAL SERVICES MANAGER
Status:	FOR APPROVAL

Purpose

The purpose of this report is to consider and approve the Corporate Debt Policy. (Appendix A)

Recommendation

The Board is requested to consider and approve the Corporate Debt Policy.

1.0 BACKGROUND

- 1.1 The Council collects debts from a wide range of services including such areas as Council Tax, National Non Domestic Rates, Benefit Overpayments, Former Tenant Arrears, Service Charges, Parking Penalty Notices and various other debts involving many different Service Units of the Council.
- 1.2 It is important that the debts are collected in an efficient and effective manner, that best practice is used by all units involved in the collection of debts and wherever possible (allowing for the differing statutory framework applying to various types of debt) a consistent approach is applied. This will help ensure that all customers are treated equally and fairly.
- 1.3 It is important that the Council effectively monitors its performance in relation to the collection of debt and that appropriate local performance indicators are developed in addition to the Best Value Performance indicators already in place. Appropriate age related targets should be set and performance against the targets reported to Council Management Team and Service Boards as appropriate.

2.0 FINANCIAL IMPLICATIONS

- 2.1 It is important that the Council endeavours to collect all debts due in an efficient and effective manner as failure to do so will have an adverse effect on the Council's overall financial position. This is the case both when the debt itself is not collected directly leading to a loss of income or when the debt is not collected as quickly as possible leading to adverse 'cash flow' implications.

3.0 RISK ASSESSMENT

- 3.1 Failure to have a coordinated approach to debt collection could result in debtors being treated unequally and unfairly and debts may not be collected in an efficient and effective manner.
- 3.2 In addition not having a Corporate Debt Policy may result in best practice not being consistently applied across the authority and the performance relating to debt collection failing to be correctly monitored.

4.0 CONCLUSION

- 4.1 It is considered essential that the Council has an approved Corporate Debt Policy in place to ensure that all Debts are collected in an efficient, professional and consistent manner across the Council.

Financial implications:	As contained in section 2 the report.
Legal implications:	None for the purposes of this report.
Service Improvement Plan implications:	The proposed Policy supports a number of actions within the Financial Services Service Improvement Plan.
Corporate Plan	The production of this policy supports the Core Value 'to provide sustainable, efficient, effective, quality services whilst making best use of limited resources and maximising income streams'.
Risk Assessment	As contained in section 3 of the report
Background papers:	None
Appendices/Enclosures:	Appendix A Draft Corporate Debt Policy

Gosport Borough Council

**CORPORATE
DEBT POLICY**

Objectives

To minimise the debts owed to Gosport Borough Council by ensuring that :-

- wherever possible payment is received before the service is provided
- money due to the Council is received with minimum delay
- enforcement action is appropriate and timely

Whilst this policy applies to arrears of rent from current Council House tenants it is recognised that the recovery process is by way of possession proceedings and not debt recovery.

Implementation

This Corporate Debt Policy will be implemented through adherence to the General Principles and Code of Practice contained within this document.

General Principles

A debt is money that has not been paid to the Council in accordance with the terms of any agreement or statutory provision.

In the interests of all Council Tax Payers:-

- before providing a service or taking action for which the Customer has to pay Officers should ensure that they have correctly identified the person who is liable to pay, have an enforceable agreement from that person to pay and that the terms of the agreement are clear.
- invoices and bills will be issued promptly.
- Customers have a responsibility to pay any monies due and should pay promptly and regularly.
- Customer's financial circumstances will be taken into account and information on what assistance and benefits may be available will be provided.

CODE OF PRACTICE FOR COLLECTING DEBTS OWED TO GOSPORT BOROUGH COUNCIL

1. CONTACT WITH THE DEBTOR

- Ensure from the first contact with the Customer that they are clear as to the amount which will be due and when it has to be paid.
- Ensure that the invoice/bill is raised promptly.
- Ensure that recovery action is started as soon as the sum becomes a debt.
- When contacting the debtor be clear, accurate and easily understood
- Advise the debtor at the earliest opportunity that a debt is owing to the Council and encourage them to contact the Council before the level of debt becomes unmanageable
- Send out all notices promptly and in accordance with legal requirements.
- Treat customers as individuals taking into account the personal circumstances of the individual.

- Keep the debtor informed of the action being taken at each stage of recovery.
- Provide support for customers with special needs by the provision of alternative information formats, translation services for people with language/communication problems, home visits for vulnerable customers and people with mobility problems, where applicable.
- Regularly review and where appropriate, redesign forms, letters and leaflets to ensure customers understand the implications of actions we can take and the help and advice that is available to them.
- Promote through posters, leaflets and letters, sources of independent advice for debt management and maximisation of benefits such as The Citizen's Advice Bureau and Housing Advice Centre.
- Deal with all enquiries in accordance with the Council's service standards.
- Deal with complaints in accordance with the Corporate Complaints Procedure.

2. COLLECTION AND RECOVERY

- Ensure that wherever possible, full payment is obtained before the service is provided
- Ensure that officers are aware of their Unit's procedures for dealing with the collection and recovery of monies
- Ensure that a wide range of payment methods are available so that payment in full is received as soon as possible
- The Council promotes payment methods which are cost effective such as direct debit
- Ensure all payments are officially receipted and applied to relevant accounts within one working day of receipt
- Ensure prompt and appropriate action to recover money is taken before debts become unmanageable.
- Provide and make widely available clear accurate and understandable information about any particular statutory recovery procedures including sanctions
- Adhere to time limits set in the recovery procedures.
- If there are any concerns over the success of any recovery action contact Legal Services at an early stage in the recovery process.
- Comply in a timely manner with all requests for information and assistance from other Units involved in the recovery process

3. ENFORCEMENT/COLLECTION AGENCIES

- Ensure that enforcement action is performed either by Court bailiffs for debts recovered in the County Court or Certificated private bailiffs in accordance with other recovery procedures.
- Any third party engaged by the Council will operate within the appropriate code of conduct for enforcement agencies.
- If any third party is to be engaged this will be subject to the prior written approval of The Borough Treasurer and Borough Solicitor.

4. BENEFITS

- Encourage residents of the borough to take all welfare benefits available to them by use of promotional campaigns. This will reduce some of the debts payable and ensure residents have the opportunity to access available help.
- Provide guidance and assistance in completing application forms for benefits administered by the Council and refer them to appropriate agencies in all other cases.

5. CUSTOMER CARE

- Deal with debtors in a professional manner at all times displaying courtesy and respect.
- Provide facilities to enable customers to discuss their debts in a confidential environment offering assistance wherever possible.
- Ensure every measure is taken to treat debtors in a consistent manner.
- Provide information for customers about rights of appeal and complaints procedures.

6. MONITORING AND ADMINISTRATION OF DEBTS

- Age Debt Analysis is to be undertaken on a regular basis, to ensure debts are being collected efficiently and effectively against set targets.
- A regular review of the costs of not recovering debt promptly and the resources available should be undertaken. The review should include analysis of the effectiveness of the various recovery actions employed and their associated costs.
- Provision for bad debts is to be reviewed on a regular basis and where such debts occur they are to be dealt with in accordance with Financial Regulations and the Scheme of Delegation to Officers.
- The Debt collection performance in key areas such as Council tax, NNDR, Housing Rents and Benefit Overpayments are currently covered by Best Value Performance Indicators which are monitored by Performance Sub Group and Overview and Scrutiny Committee. In addition these should be supported by Local Performance Indicators where appropriate.

7. MONITORING AND EVALUATION OF THIS POLICY

- The policy will be reviewed on an annual basis and any significant changes will be considered by Council Management Team and submitted to Policy and Organisation Board for consideration and approval.

AGENDA ITEM NO. 6

<u>Board/Committee:</u>	EXTRAORDINARY POLICY & ORGANISATION BOARD
<u>Date of meeting:</u>	THURSDAY 29 MARCH 2007
<u>Title:</u>	EXPLOSION MUSEUM - REVISED OPERATIONS
<u>Author:</u>	LEISURE & CULTURAL SERVICES MANAGER
<u>Status:</u>	FOR DECISION

Purpose

To seek the Board's approval for the proposed revised operational arrangements for the Explosion Museum, in order to remain within the budget available for the 2007/08 financial year.

Recommendation

The Board is requested to approve:

- (i) the proposed operational arrangements as described in this report;
- (ii) that the Council writes to the Big Lottery to advise them of the proposed operational arrangements;

1 BACKGROUND

1.1 The original Gosport Millennium Project, largely funded by the Millennium Commission, comprised the creation of an attractive link between Priddy's Hard and the Submarine Museum by the provision of the Millennium Walkway which would comprise a number of landmark features along its length. The Explosion Museum was constructed from some of the buildings of the former Priddy's Hard Naval Armaments Depot.

1.2 At the meeting on Wednesday 7 February 2007, the Council approved the budget for the 2007/08 year. Accordingly, there is a lower net expenditure available for the Explosion Museum which necessitates a review of operational arrangements.

1.3 Officers have examined the operational budgets in this context and have identified a number of changes to the way in which the Museum can operate for 2007/08. The objective has been to minimise the overall impact of the available budget and to maintain an acceptable degree of public access to the Museum and its collections.

1.4 There are a number of issues that need to be addressed as follows:

Operations - public access; weddings; schools; bookings.

Staff - minimum requirements; short/long term needs.

Buildings - condition; maintenance; environmental stability; security.

Artefacts - condition, display and storage.

Millennium Commission and funding implications

These are discussed in more detail in Section 2 below.

2 REPORT

- 2.1 At the present time, the Museum is open on its 3 day Winter season arrangements [Thursday / Sat & Sun]. The main season would usually start on April 1 and run through until end of October. A number of bookings have already been received for 2007 (2 into 2008). These include a number of Weddings and other ad hoc bookings. Some visits to the Museum are made by schools on a payment basis; however, all local schools are able to visit free of charge. Visitors are able to make use of the Café & Shop and organisations are also able to book the Conference facilities in the adjacent building.
- 2.2 Unfortunately, as it is necessary to reduce the scale of the operation, it is therefore necessary to reduce the number of staffing resources required. The Establishment List indicates there are 7 permanent members of staff (2 full-time and 5 part-time). Investigations have been made into opportunities for redeployment within the Council and some success has been achieved. There are two other officers who have been dealing with the conservation aspects of the collections; these are employed by Hampshire County Council.
- 2.3 It is essential to maintain appropriate environmental conditions within the buildings. Many of the buildings within the Museum core are subject to Grade 1 or 2 Listing. In addition to this, there is a need to ensure adequate security, especially as Crest Nicholson have vacated the site.
- 2.4 The Artefacts are either on display in the Museum or held in storage on site. It will be important to maintain these in a suitable condition. Some on-going conservation or curatorial expertise will still be required and items such as the firearms collection will need to be kept under strict security.
- 2.5 The Council received funding from the Millennium Commission (now the Big Lottery), towards the costs of the Gosport Millennium Project, part of which was to assist in the creation of the Explosion Museum. A requirement of the Millennium Commission funding was to ensure public access to the range of artefacts.
- 2.6 There is concern that, if it had been necessary to close the Museum, the Big Lottery may have sought to recover their funding. It is therefore proposed to notify the Big Lottery of the proposed operational arrangements to ensure that they are aware of the changes to the current situation.
- 2.7 The remainder of the Priddy's Hard site has recently been marketed to seek interest from developers to complete the concept for the mixed use of the whole site. Companies expressing an interest have been requested to indicate whether the Museum might feature in their vision for how they wish to develop the remaining footprint.

3 PROPOSALS

Basic Operational Arrangements

- 3.1 It is proposed that, from April 2007, the Museum is open to the public at weekends only from 10.00 – 16.00; it may be possible to consider school / bank holidays in due course, although the latter would attract premium costs. There will therefore be a reduced requirement for ‘front of house’ staff, cleaning duties, administration and café/shop resources.
- 3.2 It is also proposed that the entry fees are reduced to attract more users and maintain interest in the facility while the remainder of the Priddy’s Hard site is developed.
Proposed fees are Adult £4; Senior Citizen £3; Child / Student £2; Family £10.
[Existing fees are Adult £5.50; Senior Citizen £4.50; Child / Student £3.50; Family £15].
- 3.3 The Council has received an approach from Gosport Voluntary Action (GVA) to assist in running some aspects of the Museum with volunteer resources. This could be beneficial in reducing running costs whilst still allowing public access. However, whilst the Council is still responsible for the Museum, it will be necessary to maintain a supervisory responsibility. GVA would be able to operate the café and provide a number of volunteers to fulfil stewarding duties; they may be interested in running the shop, albeit on a reduced scale. GVA have indicated that they would be able to utilise opportunities for a range of volunteer resources to be employed in a variety of tasks, many of which offer rehabilitation opportunities for members of the community. Suitable roles exist in undertaking ‘front of house’, catering and retail tasks.
- 3.4 The proposal from GVA would require a subsidy to be paid by the Council to GVA as a contribution towards operational costs and any income would be retained by GVA to offset the remaining costs. Further negotiations are taking place to clarify respective responsibilities and confirmation is currently awaited from GVA as to the basis of how such a relationship with the Councils might be operated. In the event that it was not possible to accept GVA’s proposal, then the Council would still have an operational basis on which to move forward.
- 3.5 Given that there is insufficient time to make a firm recommendation to Members on this matter, the Council will continue to operate the Museum and, only if agreement can be reached will a formal proposal for an agreement be brought to Members for approval.
- 3.6 It has not proved possible to continue with ‘supported’ school bookings as these require a dedicated resource to service the activities and as such, would require additional funding which cannot be accommodated within the budget available. However, it will be possible to allow school visits but for these to be unguided tours only, with supervision by school staff.

- 3.7 All Wedding Bookings that have paid deposits have been notified of confirmation that their bookings will be honoured. As the proposal is to open the Museum at weekends only, this will accommodate the majority of those bookings, although additional resources will be required.

Staff

- 3.8 The minimum requirement to operate to the proposals will be for 2F/T staff. This provision will achieve a minimum level of cover to deliver weekend public access, provide support to a limited number of events and also a resource to assist with rationalisation of the stored items. The details relating to the redundancy issues are dealt with in the confidential report to be considered as a Part B item.
- 3.9 Staff have been assisted in finding alternative posts / duties either within or outside of the Council. Personnel Officers have helped in drafting current CV details, identifying training opportunities and providing general support in preparation for their employment post-March 2007.

Buildings

- 3.10 The staff would operate to a rota that covered the opening hours and also provide a presence during the week. Other duties would include assisting with the supervision of the remainder of the Council owned areas on the site and undertaking a range of tasks preparing the site for greater public use.

Rationalisation of Artefacts / Storage

- 3.11 Resources will be required to undertake identification of items for storage / rationalisation and subsequent transfer of items to other locations. This work will allow the release of stores buildings for use by third parties and is part of the process of disposing of Phase II of Priddy's.
- 3.12 The rationalisation process will be in line with the Acquisitions and Collections Policy and seek to ensure items are appropriately maintained for the future. However, this may not require retention of all the items currently stored at Priddy's Hard, especially where any do not have a relevance to the history of the site or its role. Further discussions are taking place regarding this provision and also advice on conservation matters.

4 RISK IMPLICATIONS

- 4.1 There are a number of risks arising from the operation of the Explosion Museum. These include the following:
- i) The costs to the Council to maintain operation into the future;
 - ii) The ability to maintain public access to the Museum;
 - iii) The maintenance of the collection and historical records;
 - iv) The need for maintenance and security of the buildings;
 - v) Big Lottery seeking return of Lottery funding.

- 4.2 The reduced budget available for 2007/08 has addressed 4.1 (i) in the short term. Further work will be required to project costs into the future.
- 4.3 The proposals address 4.1 (ii) albeit on a reduced scale than the previously operated programme.
- 4.4 The proposed action to rationalise the items in storage, to maintain the plant and equipment and the provision of a resource for conservation will address 4.1 (iii).
- 4.5 Although the proposed operations offer less public access, the proposed operation will ensure a staff presence on site during weekdays in the short term and at weekends during public opening. Together with installation of additional security measures, the proposals seek to address 4.1(iv).
- 4.6 The continued availability of the Museum to the public, albeit on a reduced scale, may help to satisfy the requirement of the external funding as in 4.1 (v), although the views of the Big Lottery will need to be sought.

5 FINANCIAL IMPLICATIONS

- 5.1 The approved budget for 2007/08 has reduced the level of subsidy required from the Council's revenue budget. The net budget available is £109,900.
- 5.2 The proposals seek to design a level of operation that can be delivered within the budget, yet maintain public access to the Museum.
- 5.3 The proposal from GVA to enter into an arrangement may offer potential for further partnership working in the future once an initial assessment has been made of the relative responsibilities of each party. Further economies may be possible depending upon the nature of a longer term relationship.

6 CRIME AND DISORDER

- 6.1 Given the Council's statutory duties and the particular problems of vandalism in the area, the proposal to keep an on-site presence together with other security measures is important to ensure that there is less opportunity for an escalation of these problems

7 LEGAL IMPLICATIONS

- 7.1 Once GVA's response is known there will need to be further consideration as to whether or not this will satisfy the Big Lottery in the longer term.

8 CONCLUSIONS

- 8.1 The reduced budget available for subsidising the operation of Explosion Museum has necessitated a review of the management of the Museum and its collection.

- 8.2 A number of issues are identified arising from the reduced budget and have been addressed in the proposals for the immediate future operation.
- 8.3 A number of risks are also identified in relation to the Museum and these have been addressed in the proposed operation and referred to in Section 4.
- 8.4 Initially, the revised operational proposals will offer a short term solution to the immediate situation. The proposal from GVA for entering into a partnership may offer potential for a longer term benefit to the Museum.
- 7.5 In the event that the GVA proposal is not developed further, the Council will continue to run the Museum on the reduced scale and maintain operations within the budget available.

Financial implications	The budgeted subsidy level of £109,900 is insufficient to continue the operation of the museum on the current basis. Substantial economies will need to be identified.
Legal implications	As shown in Para. 7.1
Service Improvement Plan Implications	The proposed reduction in operating level will require a revision of the Performance Indicators for the Museum.
Corporate Plan	The proposal seeks to maintain public access to the Museum but with more effective performance management.
Risk Assessment	As outlined in Section 4.
Background papers	n/a
Appendices / Enclosures	n/a
Report Author / Lead Officer:	David Martin

AGENDA ITEM NO.

Board/Committee:	Policy and Organisation Board
Date of Meeting:	29 March 2007
Title:	Consideration of an objection to the increase in Hackney Carriage and Private Hire fees
Author:	Environmental Services Manager
Status:	FOR RECOMMENDATION TO COUNCIL

Purpose

The report brings to the attention of the Board an objection to the proposed increase in fees for Hackney Carriage and Private Hire licences. The report seeks either confirmation of these increases or amendment of the proposed fees as a result of further consideration by the Council. The proposed fee increase amended or not cannot be implemented until such time as this matter is considered and a revised implementation date agreed by the Council.

Recommendation

That Full Council be requested to consider the objections of Mr S Pritchard and Mr M Poulter to the proposed increase in Hackney Carriage and Private Hire fees and to uphold the revised fees or amend them as necessary.

1 Background

- 1.1 This authority is the licensing authority for Hackney Carriages and Private Hire operations within the Borough. In order to carry out this function the authority is permitted by statute to levy fees for driver's licences, vehicle licences and operator's licences that cover the reasonable cost of administering the licensing system.
- 1.2 The ability to levy and, where necessary, increase fees is subject to statutory provisions contained within the Local Government (Miscellaneous Provisions) Act 1976. The Act requires that licensing authorities advertise in advance any proposed increase in fees in order that objections to the increased fees can be considered by the licensing authority prior to implementation.

2 Report

- 2.1 At their meeting on 7 February 2007, Council agreed to increases in the council's fee structure. These fees included those levied on Hackney Carriage and Private Hire licences. The proposed increases for the period 2007/8 are as follows:

	2006/7	2007/8	Increase	% increase
Hackney Carriage vehicle	£206.00	£212.00	£6.00	2.9%

Hackney Carriage drivers licence	£73.00	£75.00	£2.00	2.7%
Private Hire Operator	£206.00	£212.00	£6.00	2.9%
Private Hire Vehicle	£206.00	£212.00	£6.00	2.9%
Private Hire Drivers Licence	£73.00	£75.00	£2.00	2.7%
Dual Licence	£100.00	£103.00	£3.00	3.0%
PH/HC duplicate licence	£27.00	£28.00	£1.00	3.7%

- 2.2 The increase in fees was advertised in “The News” on 28 February, Appendix 1 and notification was provided at the Council’s offices in advance of the implementation date (1 April) as required by statute.
- 2.3 As a result of the advertisement, objections have been received from Mr S Pritchard and Mr M Poulter who are licensed Hackney Carriage drivers and vehicle operators. Mr Pritchard’s objection is “...that as a Hackney Proprietor I have not had a fare increase for nearly two years, to offset the last increase..”. Mr Poulter’s objection is that “...the Regulatory Board made a decision not to raise Hackney Carriage fares this in effect reduces my income as all other overheads have increased by at least the rate of inflation. Therefore I feel the proposed increases to the licence fees to be unreasonable and unjust”. The objections are attached as Appendix 2.
- 2.4 Mr Pritchard was advised in writing of the reason for the increase and the effect that the increase would have on his licences, Appendix 3. However Mr Pritchard has not withdrawn his objection to the increase in fees. Mr Pritchard has expanded upon his original objection in a subsequent letter stating that “...I still object to this increase in the light of the Licensing Board refusing our request for a fare increase last May”. This letter is provided as Appendix 4.
- 2.5 Mr Poulter has been contacted with reference to his objection; however it is not possible to include any further information on his objection at the time of preparing this report. Any further relevant information on this matter will be brought to the attention of the Council at their meeting.
- 2.6 Section 70 of the Local Government (Miscellaneous) Provisions Act 1976 requires that where an objection to an increase in the Hackney Carriage or Private Hire Vehicle Licence fees is received and not

withdrawn the Council must consider the objection and set a date upon which the revised fees, with or without modification shall come into force. Any proposed increase in fees cannot be implemented until after such time as the Council has considered the objection.

- 2.7 The increase in fees relating to drivers licences is not subject to this statutory provision, however it would seem reasonable to consider the objection in full.

3 Risk Assessment

- 3.1 The failure to consider the objection to the increase in fees provides grounds for a Judicial Review if the objector is still aggrieved.
- 3.2 The Council has set fees that it considers to be reasonable; an implementation date for the revised fees structure can only be set once the objection received to the increase has been considered.

4 Conclusion

- 4.1 The increase in Hackney Carriage and Private Hire fees was in line with a general increase in fees set by the Council.
- 4.2 Mr Pritchard's objection was received within the statutory time scale and has not subsequently been withdrawn. The objection must therefore be considered prior to implementation of the revised fees with or without amendment.
- 4.3 Until such time as the Council determines this matter the revised fee structure for Hackney Carriages and Private Hire vehicles cannot be implemented.
- 4.4 Following their consideration of this matter the Council must confirm an implementation date for the revised fee structure within 2 months.

- Financial Services comments:**
- Until such time as this matter is determined the old fee structure must be used resulting in some loss of income.
 - If the increase in fees is not implemented then a reduction in projected Council income will occur.
 - If the objector is still not satisfied with the Council's response in this matter following the Council meeting he may seek a judicial review which may incur further expenditure if defended.

- Legal Services comments:**
- The Local Government (Miscellaneous Provisions) Act 1976 provided licensing authorities with the power to levy fees for the provision of a licensing scheme

for Hackney Carriage and Private Hire drivers, vehicles and operators.

- Section 70 of the Act requires that any increase in the fee structure for vehicles or operators licences is subject to publication prior to implementation to provide for objections to the proposed increases to be received.
- The publication of the revised fee structure must be at least 28 days in advance of any proposed increase.
- Any objections received to the increased fees, if not withdrawn must be considered by the licensing authority. Following consideration the licensing authority must confirm the revised fees, modified or not and establish an implementation date. This date must be no later than 2 months after the original date proposed for the implementation of the revised fees.

**Service Improvement Plan implications:
Corporate Plan:**

The matter does not form part of the SIP.

This matter is not identified in the Corporate Plan however the Council would wish to operate the licensing function at a proper cost.

Risk Assessment:

See above.

Background papers:

Report to the Licensing Board 5th June 2006 "Review of Hackney Carriage Fare tariff".

Appendices/Enclosures:

Appendix '1'

Advertisement of increased fees in the News (28.02.07)

Appendix '2'

Letters of objection received from Mr Pritchard (01.03.07) & Mr Poulter (20.03.07)

Appendix '3'

Letter to Mr Pritchard

Appendix '4'

Letter from Mr Pritchard 15 March 2007

Report author/ Lead Officer:

T Dagens Ext 5516
Principal Environmental Health Officer