

1 February 2013

NOTICE OF MEETING

ADMINISTRATION COMMITTEE

will meet on

Monday, 11 February 2013

beginning at

6:00 pm

in

Committee Room, Civic Offices, Leigh Road, Eastleigh

TO: Councillor Anne Winstanley (Chair), Councillor Daniel Clarke (Vice-Chair)
Councillor Mrs Cathie Fraser Councillor Keith House
Councillor Wayne Irish Councillor Godfrey G Olson
Councillor Derek R Pretty Councillor Steve Sollitt
Councillor Mrs Jane Welsh

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RICHARD WARD
Head of Legal and Democratic Services

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Members of the public are invited to speak on general items at the
start of the meeting, and on individual agenda items at the time the
item is discussed. To register please contact the Democratic
Services Officer above

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AGENDA

1. Minutes (Pages 1 - 6)

To consider the Minutes of the meeting held on 26 November 2012.

2. Apologies

3. Declarations of Interest

Members are invited to declare interests in relation to items of business on the agenda. Any interests declared will be recorded in the Minutes.

4. Proposed Community Governance Review - West End Parish Wards (Pages 7 - 12)

5. Amendment to Three Year Licence Policy (Pages 13 - 16)

<p style="text-align: center;">DATE OF NEXT MEETING Monday, 1 July 2013 at 6:00 pm in the Committee Room, Civic Offices, Leigh Road, Eastleigh</p>
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Agenda Item 1

ADMINISTRATION COMMITTEE

Monday, 26 November 2012 (6:00 pm – 6:14 pm)

PRESENT:

Councillor Winstanley (Chair); Councillors Clarke, Mrs Fraser, Irish, Olson, Pretty and Mrs Welsh

Apologies for absence were received from Councillors House and Sollitt

RESOLVED ITEMS (SUBJECT TO QUESTIONS ONLY)

1. MINUTES

RESOLVED -

That the Minutes of the meeting held on 16 June 2012 be confirmed and signed by the Chair as a correct record.

2. DECLARATIONS OF INTEREST

Councillor Godfrey G Olson declared a Personal in agenda item 5, Testing of Private Hire Vehicles Every 6 Months From Six Years Old. His son owns a garage with MOT facility.

3. CONSULTATION ON THE REVISED PROPOSALS TO SUGGESTED REVISIONS OF PARLIAMENTARY CONSTITUENCY BOUNDARIES

Consideration was given to the report of the Head of Legal and Democratic Services which asked the Committee to consider and respond to the revised consultation proposals for new parliamentary constituency boundaries.

The initial proposals were considered by this Committee in November 2011, however following a wide-ranging set of consultation responses, a significantly different proposal had been put forward for Eastleigh. It was proposed that all Borough wards would come under the Eastleigh Constituency, with the exception of the four Chandler's Ford and Hiltingbury wards which would fall within a re-instated Romsey Constituency; this was not dissimilar to current and previous arrangements.

RESOLVED -

That the Council support the revised consultation proposals from the Boundary Commission for England.

(NOTE: Councillor Olson did not take part in the vote.)

4. TESTING OF PRIVATE HIRE VEHICLES EVERY SIX MONTHS FROM SIX YEARS OLD

Consideration was given the report of the Head of Legal and Democratic Services which proposed to introduce a vehicle testing policy for private hire vehicles aged six years and older, to bring them in line with the Council's policy for hackney carriages.

Evidence had shown that private hire vehicles travelled a greater number of miles per year than a town based hackney carriage, as they took bookings to and from many London airports.

As it was perfectly possible for an older vehicle to be in good condition, setting of an age limit beyond which a local authority would not licence vehicles would be arbitrary and inappropriate. Six month vehicle testing would be far more appropriate for older vehicles and would continue to ensure public safety.

RESOLVED -

(1) That private hire vehicles aged six years or older, be tested every six months to ensure public safety; and

(2) That this policy be effective from 1 January 2013.

(NOTE: Councillor Olson declared an interest in this item and remained in the room during the discussion and vote.)

5. AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK

Consideration was given to a report of the Head of Legal and Democratic Services which identified two policies that required amending in the Private Hire and Hackney Carriage Handbook.

Medicals - At the recent Licensed Transport Forum, representatives asked if medicals, undertaken for the purpose of obtaining licenses in other authorities, would be accepted by the Council. It was agreed that this was possible as long as these medicals had taken place not more than 28 days prior to the form being presented to the licensing team.

Private Hire and Hackney Carriage Plates – Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 stated that where the proprietor of a licensed vehicle transfers their interest in the hackney carriage he must, within 14 days after the transfer, notify the Council in writing, supplying the name and address of the person to whom the vehicle had been transferred. Members agreed that this would tighten up procedures and failure to do so could result in prosecution.

RESOLVED -

That the two amendments to the Private Hire and Hackney Carriage Handbook be approved, as set out in the report.

6. DISCLOSABLE PECUNIARY INTEREST - GENERAL DISPENSATION

Consideration was given to an urgent late report of the Head of Legal and Democratic Services regarding Section 31 (4) of the Localism Act 2011 which stated that where a member attends a meeting and has a Disclosable Pecuniary Interest (DPI) in a matter to be considered at that meeting the member may not:

- (a) Participate, or participate further, in any discussion of the matter at the meeting, or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting,

unless a dispensation had been granted.

In previous legislation a specific exemption had been given to members meaning that they would not have a prejudicial interest (which would have prevented them from taking part in the decision making process) in any business that related to the functions of the authority in respect of:

- (a) housing, where the member was a tenant of the authority provided that those functions did not relate particularly to the member's tenancy or lease;
- (b) school meals or school transport and travelling expenses, where the member was a parent or guardian of a child in full time education, or was a parent governor of a school, unless it related particularly to the school which the child attended;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member was in receipt of, or was entitled to the receipt of such pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

These specific exemptions, or similar, had not been carried over to the new legislation. As a result of these changes made by the Localism Act 2011 it was necessary for the Monitoring Officer to grant dispensations to all members allowing them to take part in discussions and voting on certain matters where the majority of the members would have a DPI.

The legislation allows the authority, on written request made to the proper officer by a member of the authority, to grant a dispensation. The Head of Legal and Democratic Services reported that he was making enquires as to what would be deemed as 'written request' but this could be achieved by way of a letter to all members advising them to complete an enclosed form which covered the main issues and return it to the Monitoring Officer. He would then decide whether to grant the dispensation and if granted the dispensation would last for four years.

Should dispensation not be applied for members may have to declare a disclosable pecuniary interest in items related to the matters detailed above and take no part in any discussion or vote.

In future, it was intended that this process would be carried out following election or re-election.

Members raised no objection and welcomed the suggestion of a letter. They agreed that this would resolve any issues surrounding DPI's and allow them to take part in discussions and voting on certain matters where the majority of members had a DPI.

RESOLVED -

- 1) That the Committee raise no objection to the proposed action by the Monitoring Officer to grant a dispensation to all members for a period of four years allowing members to take part in any discussion, debate and vote at any meeting related to the following matters:**
 - a) An allowance, payment or indemnity given to members or any ceremonial honour given to members;**
 - b) Setting council tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation;**
 - c) Setting a local council tax reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation;**
 - d) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation;**
 - e) Relating to Hampshire County Council or a parish or town council in the local area where they are a Member and/or hold a position of responsibility and are in receipt of a special**

responsibility allowance or equivalent from the relevant authority.

- 2) That the Democratic Services Officer advises members by letter that an enclosed form be completed and returned to the Monitoring Officer in order for dispensation on the above matter to be applied.**

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ADMINISTRATION COMMITTEE

Monday 11 February 2013

PROPOSED COMMUNITY GOVERNANCE REVIEW

– WEST END PARISH WARDS

Report of the Head of Legal and Democratic Services

RECOMMENDATION

It is recommended that a community governance review be undertaken in respect of the warding arrangements at West End Parish Council.

Summary

A request has been received from West End Parish Council to conduct a community governance review, with the aim of reducing the size / increasing the number of wards within West End Parish Council.

Statutory Powers

Local Government & Public Involvement in Health Act 2007

Introduction

1. A request has been received from West End Parish Council to conduct a community governance review in respect of its warding arrangements. The Parish Council suggest that it would be more accountable if it had more and smaller wards. The Parish Council is not seeking to change its membership number (14).
2. Chapter 3 of Part 4 of the Local Government & Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to principal councils such as Eastleigh Borough Council.

The proposal in detail

3. Currently, the parish warding arrangement for West End Parish Council is as follows:
 - Kanes Hill - a one member ward with 564 electors which consists of one polling district (BD) from the Bursledon and Old Netley EBC ward

- West End North - a six member ward with 4,070 electors which consists of three polling districts (HH, HI and HJ) and which shares the same boundaries as the West End North EBC ward
 - West End South - a seven member ward with 4,651 electors which consists of three polling districts (HK, HL and HM) and which shares the same boundaries as the West End South EBC ward
4. West End Parish Council is content that its composition should remain at 14 Members, but that the potential for those members representing geographically smaller parish wards should be investigated.

The reasons for suggesting the review that have been put forward by the Parish Council are that:

- It would be better to have smaller wards which are attended to by a smaller number of councillors
 - Smaller wards enable parish councillors to become far more familiar with the issues in their area and to “take ownership” of those issues
 - With the transfer of assets it would be positive for councillors to become more involved and aware of issues relating to open spaces in their ward which are managed by the Parish Council
 - Open spaces such as Hatch Grange and West End Copse would have a smaller number of councillors representing the specific area they are in (making it easier for residents to know which parish councillors to contact)
 - It would be easier for residents to develop relationships with their parish councillors
 - Rather than residents having six or seven parish councillors spread across a whole Borough Council ward, they will have two or three representing their polling district
 - It will be easier for residents to get to know their parish councillors and to hold them to account
5. This could be achieved by moving from three Parish Council wards (with two based on the West End Borough wards) to seven Parish Council wards based on each of the polling districts in the parish.
6. If approved, the result would be the following (electorate figures are those of December 2012):
- Kanes Hill – a one member ward with 549 electors which consists of one polling district (BD) from the Bursledon and Old Netley EBC ward (no change)

- HH - a two member ward with 873 electors which consists of one polling district from the West End North EBC ward
 - HI - a two member ward with 1532 electors which consists of one polling district from the West End North EBC ward
 - HJ - a two member ward with 1,628 electors which consists of one polling district from the West End North EBC ward
 - HK - a three member ward with 2251 electors which consists of one polling district from the West End South EBC ward
 - HL - a two member ward with 1,444 electors which consists of one polling district from the West End South EBC ward
 - HM - a two member ward with 997 electors which consists of one polling district from the West End South ward
7. The Parish Council has also considered the issue of naming the new wards, should the proposal be successful. It feels that the different areas have certain characteristics which ought to be celebrated. Residents in HK for example were very pleased when the open space between Duddon Close and Harbourne Gardens was renamed Chartwell Green, because the area has been informally known as Chartwell Green for some time but there was not an area of open space actually called "Chartwell Green" until 2010.
 8. The Parish Council feels that the public should be involved in any naming of new wards but each polling district has open spaces and features which could be put forward. BD has the name Kanes Hill already, HH covers Allington Lane and IVCP, HI covers Hatch Grange, HJ covers the Moorgreen area, HK covers Chartwell Green and West End Copse, HL covers St James's Church and HM covers Telegraph Woods and the Ageas Bowl.
 9. Keeping Borough Ward and Parish Ward names different will help to prevent confusion both for the Councils and for the public, and this should be borne in mind with any naming / re-naming that takes place.

The process in detail

10. Under the 2007 Act principal councils are required to consult both those local government electors in the area when a community governance review takes place, along with any others (including a local authority such as a county council) who appear to the principal council to have an interest in the review. Other bodies might include local businesses, and public and voluntary organisations. The principal council must take into account any representations it receives as part of a community governance review.
11. The review, if agreed, needs to be completed within twelve months of starting it, and would be effective from the parish council's next elections, scheduled for May 2015.

12. In reaching conclusions on the boundaries between parish wards, the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a review. This is unlikely to be an issue here as the parish council are proposing boundaries based upon long-standing, easily identifiable polling district boundaries.
13. Consideration to the levels of representation between each ward must also be given; that is, the number of councillors to be elected from each ward and the number of electors they represent.
14. In considering the names of parish wards, the principal council should give some thought to existing local or historic places so that, where appropriate, these are reflected and there should be a presumption in favour of ward names proposed by local interested parties.
15. The principal council must also consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. The most recent electoral register should be used to gain an accurate figure for the existing electorate.
16. If the Boundary Commission consents to the changes it will inform the principal council which can then implement the proposed changes by local order. Conversely, if the Boundary Commission declines to give consent, no local order can be made by the local authority until the five-year period has expired.
17. Where changes to the number or boundaries of parish wards are proposed, the principal council will also need to provide the Boundary Commission with an existing and five-year forecast of electors in the parish(es) affected. Five-year forecasts must be accurate from the day that the review began. Both existing and forecast figures should be provided for the existing parish / parish wards and the proposed parish / parish wards.
18. A reorganisation order will then need to be prepared confirming the revised arrangements, together with a document setting out the reasons for the decisions it has taken (including where it has decided to make no change following a community governance review) and to publicise these reasons.
19. Each recommendation and order should be depicted on a map or maps. The mapping should clearly show the existing parish ward make up and all proposed parish ward and parish boundaries in the area(s) affected, or given effect to in a reorganisation order.
20. The principal council must publicise how it has given effect to the review, and that the order and map are available for public inspection. Other means of publicity it may wish to consider are through publication on the council's website, in local newspapers, on notice boards in public places, and in local libraries, and community buildings in the area concerned. In addition, after a

principal council has made a reorganisation order, as soon as practicable, it must inform the following organisations that the order has been made:

- a) The Secretary of State for Communities and Local Government
- b) The Boundary Commission
- c) The Office of National Statistics
- d) The Director General of the Ordnance Survey
- e) The relevant County Council
- f) The Audit Commission

Financial Implications

- 21. Costs for conducting the review, should it be approved, can be contained within existing resources.

Risk Assessment

- 22. The Borough Council has a responsibility to ensure that both it, and the parish councils within its area are, in electoral terms, structured and organised appropriately in order that they can serve the public need as effectively as possible.

Equality and Diversity Implications

- 23. The Parish Council, in requesting this review, recognises the diversity that exists within its area and has asked the Borough Council to conduct a review in order to better reflect this. The Borough Council needs to ensure that, when conducting any such review, that all affected residents are given the opportunity to comment on the review through a variety of ways.

Conclusion

- 24. What is being requested by West End Parish Council is a modest review with minimal cost and resource implications for the Borough Council. It is felt that the reasons for requesting the review are valid, and is therefore positively supported by officers for recommendation to the Committee.

RICHARD WARD
Head of Legal and Democratic Services

Date: 2 January 2013
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Appendices Attached: None

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information: None

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ADMINISTRATION COMMITTEE

11 February 2013

AMENDMENT TO THREE YEAR LICENCE POLICY

Report of the Head of Legal and Democratic Services

RECOMMENDATION

It is recommended that the Administration Committee allows new private hire and hackney carriage applicants to be invited to apply for a one year or three year licence on initial application.

Summary

This report advises members to amend the policy agreed on 9 February 2010 relating to three year drivers licences so that new private hire and hackney carriage applicants are invited to apply for a one year or a three year licence on initial application.

Statutory Powers

Local Government (Miscellaneous Provisions) Act 1976

Introduction

1. On the 9 February 2012 the Council agreed the policy in respect of three year licences. It was agreed that on the initial application a driver will only be entitled to a licence valid for one year as it would in effect provide a probationary period. This reports sets out to amend this section of the report to allow new applicants the opportunity to apply for a three year licence on the initial application.

Background

2. The introduction of three year licences was agreed by the Administration Committee on 9 February 2010. Since this time the uptake of the three year licence has been minimal, mainly due to drivers having to complete a new Disclosure and Barring Service (formally the Criminal Records Bureau) check and a new DVLA driving licence check at the time of applying for a three year licence.
3. Proposals to amend the section of the policy relating to new applicants were raised at the Licensed Transport Forum on 22 January 2013. The proposal from the trade was to allow new applicants the opportunity to apply for a three year licence on initial application.

4. Since this new policy was introduced in 2010 we have not had any instances of drivers not being allowed to renew for three years after the initial one year 'probationary' period.
5. This proposal will mean that the Disclosure and Barring Service check and the DVLA licence check will run in sync with each other. Previously new applicants who had been issued a one year licence initially would have to apply for a new Disclosure and Barring check and DVLA check on their next application if they wished to apply for a three year licence which involved an extra fee of £49 to be paid.
6. Any driver who is issued with a three year licence will still be required to produce his/her driving licence for inspection on the yearly anniversary of the issue of the 3 year licence, to check for any changes that may have occurred to their address and if any endorsement have been received and not reported.
7. If a driver does not wish to continue with his/her private hire or hackney carriage drivers licence within the three years then there will be no rebate of the three year licence fee that has been paid.

Risk Assessment

8. There will be no risks arising from these changes.

Equality and Diversity Implications

9. An equal opportunities assessment has not been carried out as the report contains no proposed significant changes to new or existing services, policies or strategies.

Financial Implications

8. Amendments to this policy will save applicants £49 if they wish to take up the three year licence on the first application. This £49 is paid directly to the Disclosure and Barring and DVLA authorities so there would be no revenue lost to the Council.

Conclusion

10. In conclusion I propose that the Administration Committee agree the proposal to amend the policy agreed on 9 February 2010 relating to 3 year drivers licences so that new private hire and hackney carriage applicants are invited to apply for a one year or a three year licence on initial application.

RICHARD WARD
Head of Legal and Democratic Services

Date: 22 January 2013
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Appendices Nil

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following documents disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report:

List Background Papers - None

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