

## 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

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### 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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