
POLICY DEVELOPMENT AND REVIEW COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 25 October 2017 from 7.00pm - 9.32pm.

PRESENT: Councillors Sarah Aldridge, Mike Baldock, Andy Booth (Vice-Chairman, in the Chair), Nicholas Hampshire, Mike Henderson (substitute for Councillor Monique Bonney), James Hunt and George Samuel.

OFFICERS PRESENT: Mohammad Bauluck, Della Fackrell, Zoe Kent, Kellie MacKenzie and Bob Pullen.

ALSO IN ATTENDANCE: Councillors Cameron Beart (Chairman of General Licensing Committee), Duncan Dewar-Whalley (Cabinet Member for Finance and Performance) and Alan Horton (Cabinet Member for Safer Families and Communities).

APOLOGIES: Councillors Monique Bonney, Lloyd Bowen and Ben Stokes.

295 FIRE EVACUATION PROCEDURE

The Chairman drew attention to the Fire Evacuation Procedure.

296 MINUTES

The Minutes of the Meeting held on 21 February 2017 (Minute Nos. 1206 – 1210) were taken as read, approved and signed by the Chairman as a correct record.

297 DECLARATIONS OF INTEREST

No interests were declared.

298 CHANGE TO THE ORDER OF BUSINESS

The Committee agreed to a change in the order of business as minuted.

299 URGENT ITEM - COUNCIL TAX SUPPORT SCHEME 2018/19

The Chairman welcomed the Cabinet Member for Finance and Performance and the Revenue and Benefits Manager (Technical and Financial) to the meeting.

The Cabinet Member for Performance and Finance introduced the report which noted the outcome of the public consultation on proposed changes to the current Council Tax Support Scheme (CTS), and the scheme would be considered by Full Council before 31 January 2018. The CTS scheme was introduced in April 2013. The percentage collected in 2016/17 was 85% and for 2017/18, 50% had been collected to-date. The Cabinet Member stated the importance of reducing overall costs of the scheme but ensuring it was done fairly, and that Officers had also looked at what other Kent districts were providing.

The Revenue and Benefits Manager reminded Members that in 2016/17, 11 options had been looked at, nine of which had been approved by the Council. She drew attention to Table 3 on page 4 of the Committee report which set out six options to change CTS for 2018/19, she also drew attention to Appendix I of the Committee report which gave an overview of the responses from the public consultation on the six options.

In response to questions from a Member, the Revenue and Benefits Manager stated that they were proposing to restrict the level of CTS to Band D and capital limit to £10,000. She explained that 13,000 residents had been consulted and a good response had been received. The Revenue and Benefits Manager referred to Option 2 and considered that implementing a limit to £10,000 would not affect collection rates.

The Cabinet Member for Finance and Performance stated that at Medway Council the amount of support for applicants was 35% but that this was the highest in Kent. He considered that if the Council were to go above 25% this would lead to problems collecting Council Tax.

In response to queries from a Member, the Revenue and Benefits Manager reported that the 52.5% collected so far this year was down 0.2% from the same period last year. She confirmed that anybody could respond to the consultation, not just claimants, and apart from the 13,000 people emailed, the consultation had also been added to Facebook, Twitter and included in The "Inside Swale" residents magazine.

A Member raised concern that reducing the level of support to 75% would make it difficult for people to manage financially. He was also concerned that most of those who had responded to the survey were not claimants and maybe of the view that people should not claim at all. The member considered that the Council should maintain at 20% maximum level of support, and that the £16,000 capital limit.

In response to a query from a Member, the Revenue and Benefits Manager reported that most Kent Authorities had set their level of support at 80% or higher, Medway was 65% and Shepway was 75%.

A Member noted that it stated that 48% of people agreed this option on page 1 of the Appendix, however on page 12 it stated that 71.7% agreed.

The Revenue and Benefits Manager agreed to amend Appendix I and circulate to the Committee a revised schedule.

Councillor Mike Henderson moved the following motion: That the maximum level of support for working age applicants be kept at 80%. This was seconded by Councillor Mike Baldock.

Members considered the proposals and raised points which included: we had been given a clear steer by those consulted to reduced to 75%; need to consider the increase to the minimum wage and personal tax allowance benefits; we had an obligation to all who use our services, not just those that claim CTS; and would support retention at 80% if officers were confident we could still collect council tax.

The Revenue and Benefits Manager reminded Members that residents experiencing financial difficulties could claim payment from the Hardship Scheme.

The Cabinet Member for Safer Families and Communities stated that the Council had a statutory duty to undertake a public consultation on the CTS and was obliged to listen to the results of that consultation. If the Council did not have regard to the outcome of the consultation then it could be falling foul of the rules.

On being put to the vote the motion was lost.

Councillor Mike Henderson moved the following motion: That the capital limit remain at £16,000. This was seconded by Councillor Mike Baldock.

Members considered the proposal and made the following points: we should encourage people to save where they can, we all need savings as a matter of principle not practicality; and concern no ethnic minorities in favour and low response rate from this group.

On being put to the vote the motion was lost.

Councillor Mike Henderson moved the following motion: That the maximum level of support for working age applicants be reduced to 77.5%. This was seconded by Councillor Mike Baldock. On being put to the vote the motion was agreed.

The Chairman thanked the Cabinet Member for Finance and Performance and Revenue and Benefits Manager for attending the meeting.

Recommendation to Cabinet:

- (1) That the maximum level of support for working age applicants be reduced to 77.5%.***

300 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Chairman welcomed the Cabinet Member for Safer Families and Communities, the Chairman of the General Licensing Committee (GLC), the Resilience and Licensing Manager and the Licensing Officer to the meeting.

The Cabinet Member for Safer Families and Communities introduced the report which provided Members with information and guidance on a new draft 'Statement of Hackney Carriage and Private Hire Policy' for comments from Members prior to public consultation. He welcomed the opportunity for the Policy Development and Review Committee (PDRC) to consider the document and to provide sound advice for those constructing the policy. He hoped the policy would provide flexible, smooth and efficient online business working which worked for the Council and the taxi industry. The overriding objective of the policy was the need to ensure the safety of customers. He referred to the child exploitation issues that had occurred in places such as Rotherham which he stated must not be allowed to happen in Swale.

The Committee then considered the main points for the proposed changes to the draft Taxi Policy as set out in the Committee report, and made comments on those, as highlighted below:

Vehicles – page 8 of the draft policy

6 monthly Test

The Resilience and Licensing Officer reported that mileage and age of the vehicle would be included as part of the 6 monthly test.

In response to a query from a Member, the Licensing Officer advised that the team would be looking at proposing a mileage limit to be agreed but suggested of 150,000 upwards for Hackney Carriage Vehicles.

The Chairman of the GLC explained that currently vehicles were only required to undergo a 6 monthly test if they were five years old, this was being amended so vehicles were subject to a 6 monthly test, regardless of the age of the vehicle.

Members raised points which included: need to consult with operators to ensure the mileage levels were correct; to what extent would the Council be able to insist on requirements, such as ensuring vehicles carried a spare tyre?; and it was more important to ensure the vehicle was serviced regularly than how high the mileage was.

In response to queries from Members, the Licensing Officer explained that vehicles over five years old were subject to two tests per year, an MOT test and a compliance test. The compliance test was more extensive than an MOT and issues that would be considered as advisory on an MOT would be a fail under a compliance test. Moving forward, the Certificates of Compliance would be sent from the garage electronically to officers at Swale Borough Council (SBC).

The Chairman of the GLC advised that only a limited number of garages carried out Compliance Tests which gave the Council more control.

In response to a query from a Member, the Resilience and Licensing Manager stated that they would be looking to carry-out spot checks on compliance testing in the future.

Electric / Hybrid Type

The Licensing Officer explained that initially they would only be looking at licensing electric vehicles for Private Hire to start with. This was because there was a risk with Hackney Carriage drivers, who could ply for trade, not ensuring their vehicles were charged-up properly which could leave passengers stranded. They also needed to consider the impact these type of vehicles would have on passengers being able to use the boot of the car as often equipment to operate them was stored there.

In response to a query from a Member, the Licensing Officer advised that hybrid vehicles would also be allowed as such vehicles did not require to be charged before use.

Members raised points which included: there were problems in parts of the Borough with air quality and we must ensure we do all we can to promote use of electric vehicles; should provide charge-up points at taxi ranks; need to be clear what standard of diesel engine was allowed; need to add the date that euro standard 6 diesel came into force and ensure taxi companies were aware of the measures they needed to take in this respect; and did not believe electric vehicles should be for Private Hire Vehicles only, as it was the responsibility of the owner of the vehicle to ensure it was charged properly.

In response to a queries from Members, the Cabinet Member for Safer Families and Communities agreed that if the Council wanted to push its 'green credentials' it could urgently push for electronic vehicles and lower than Euro standard 6 diesel vehicles. The Council would not be able to offer financial incentives to have electric/hybrid vehicles as legislation would not allow this and the Council was only responsible for licensing vehicles.

3.3 Drivers – page 17 of the draft policy

Probationary Badges

The Licensing Officer introduced the item.

Members raised points which included: did not think the Street Knowledge Tests were very strenuous; and sensible to have two pass marks.

In response to questions from Members, the Licensing Officer outlined each stage of the tests which included four sections: Section 1 (A to B journey with the selected town to work); Section 2 (journeys across the borough); Section 3 (landmarks); and Section 4 (multiple choice). The applicant must achieve 80% mark to pass. The Resilience and Licensing Manager explained that the test was being reviewed and in the new proposed online test that some sections of the test would require a 100% pass rate, e.g. safeguarding.

The Cabinet Member for Safer Families and Communities stated that it was not appropriate for vehicles to have satellite navigation devices. He stated that it was a difficult test and there were not many that passed. However, passengers expected drivers to know where they were going and this was also important for safety reasons.

Driving Experience

Members raised points which included: did not consider the removal of this condition a good thing, and would make it harder for officers to keep a track of new drivers; had some sympathy for keeping the twelve month rule but it did trap you and undermine small businesses so can see pros and cons on both sides; would encourage 'cherry picking' jobs and more understanding of what happened if the

conditions were removed was required; and considered it would be good for businesses.

The Licensing Officer stated that the condition was only imposed in Swale, and that officers were always watching drivers and operators. There was no market-led demand for younger drivers.

Disclosure and Barring Service (DBS) Criminal Records Checks

The Cabinet Member for Safer Families and Communities reported that legal advised that the Council should be handing out licenses before, receiving the DBS certificates or risk being sued by applicants. He advised that he would rather the Council ensured the safety of children and vulnerable adults whilst using taxis even if that meant being sued for not issuing DBS certificates, before they had been authorised.

In response to queries from Members, the Cabinet Member for Safer Families and Communities reported that when we have intelligence to say there was a risk, it would be considered on its merits and we will not allow that person to drive a licensed vehicle until we were certain it was safe to do so. The decision for removing a driver's license due to a failed DBS check would be for the Head of Service to make.

Members raised the following points: DBS checks were the best tool officers had; endorsed inclusion of including the proposed paragraph so we did not decrease the standard, and we must have no cracks in the system.

In response to queries from Members, the Licensing Officer reported that drivers must inform the Council immediately of any convictions post receipt of their badge. Failure to do so would result in appropriate enforcement action taken against the driver and could eventually lead to drivers appearing in front of the Licensing Panel.

Code of Conduct – page 23 of the draft policy

A Member considered the dress code to be very limiting and strict.

The Cabinet Member for Safer Families and Communities stated that it was important to set the standard and that drivers adhered to the pragmatic and flexible dress code.

In response to a query from a Member, the Chairman of GLC stated that approximately 80% of reviews of drivers licenses by the Licensing Panel for violation of the dress code. With regard to enforcement there had been an increase in the number of drivers' licenses being reviewed since 2012, when only two had been reviewed. Under the new regime he advised that six cases had been heard during 2016 and six so far this year, two of which had resulted in formal warnings and two suspensions.

A Member considered that the best taxi operators would enforce the dress code themselves.

A Member raised concern that drivers would be penalised for using e-cigarettes in vehicles and felt that we should not be seen to try and discourage people from wanting to give-up smoking. He understood they should not use them if they had customers in the vehicle but felt it was unreasonable if they were just waiting for passengers.

Disciplinary and Enforcement measures – page 28 of the draft policy

The Cabinet Member for Safer Families and Communities reported that officers had tried to look at a pragmatic way of dealing with this issue, which allowed them to work with the taxi industry.

Members raised points which included: the new penalty points system was reasonable; endorsed this and important to ensure consistency; had to set the standard; and needed to ensure enforcement at all times of the day.

The Cabinet Member for Safer Families and Communities explained that the proposal was to scrap the current points list and allow the authorised officer to issue between 2 and 12 points at his discretion.

The Chairman of GLC welcomed this approach as officers knew who the repeat offenders were. He considered this system would work well for officers.

Future Amendments to the Policy

The Cabinet Member for Safer Families and Communities stated that this should read 'Future Amendments to the Appendices', not Policy.

A Member stated that the Council needed to ensure a level playing field and fairness in the market place.

Street Knowledge Test – Page 63 of the draft report (Appendix G)

In response to a question from a Member, the Cabinet Member for Safer Families and Communities stated that a stringent approach to this was required to professionalise and to ensure good and proper time to book the test. This would show the start of a good professional relationship with the applicant. The fee was £25 and if they did not attend they would have to reapply and pay a further £25.

The Chairman thanked the Cabinet Member for Safer Families and Communities, the Chairman of GLC, the Resilience and Licensing Manager and the Licensing Officer for attending the meeting.

The Cabinet Member for Safer Families and Communities thanked the officers, and the Committee for their suggestions which he considered would help to make the policy better and stronger before going out to public consultation.

301 ANNUAL REPORT 2016/17 TO COUNCIL

The Policy and Performance Officer drew attention to the Annual Report 2016/17 to Council. He drew attention to an error in paragraph 3 of Appendix I, that the

attendance should refer to the Policy Development and Review Committee, not Scrutiny Committee as stated.

The Policy and Performance Officer noted that there had not been much business in 2016/17 but hoped that this would improve for the current year. In response to a query from a Member, he explained that meetings had been cancelled due to the calling of the snap General Election and no policies coming forward for review, but extra meetings could be held later on in the year if necessary.

Resolved:

(1) That the draft Annual Report to Council (Appendix I) be agreed and submitted to Full Council for consideration.

302 WORK PROGRAMME 2017/18

The Policy and Performance Officer introduced the report which set-out the Policies, Plans and Strategies due to be reviewed by the Committee during the coming year.

Resolved:

(1) That the schedule of Policies, Plans and Strategies due for review be noted.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel