

# COUNCIL



**15 DECEMBER 2011 - 4.00PM**

**PRESENT:** Councillor M J Humphrey, Chairman; Councillors M I Archer, M G Bucknor, Mrs V M Bucknor, T R Butcher, J R Chambers, J F Clark, D W Connor, M Cornwell, M F J Cotterell, Mrs J French, S Garratt, P Hatton, D Hodgson, B M Keane, K G Mayor, Mrs K F Mayor, A K Melton, A Miscandlon, P Murphy, Mrs F S Newell, D C Oliver, C C Owen, D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw, C J Seaton, R Skoulding, D Stebbing, W Sutton, P A Tunley and F H Yeulett.

**APOLOGIES:** Councillors G G R Booth, Mrs C R Cox, M J Curtis, P Jolley and H B Wegg.

## **40/11            TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 3 NOVEMBER 2011**

The minutes of the meeting of 3 November 2011 were confirmed and signed, subject to amendment to minute 34/11 as follows:

- the sentence after the first decision on Page 36 of the minutes to read *(Councillor Mrs Bucknor, Booth and Patrick requested that it be recorded they voted against)*
- the sentence before the second decision on Page 36 of the minutes to read "A vote was taken on the report with five voting against, Councillors Booth, Mrs Bucknor and Patrick requested it be noted that they voted against.

## **41/11            TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

### **1. Carol Concert**

The Chairman thanked all those members who attended his annual Carol Concert at St Leonards Church, Leverington on Sunday 11 December 2011. He also thanked Sharon Smith who helped organise the event and assisted on the day.

The Leader of the Council thanked the Chairman and his wife, on behalf of members, for the hospitality that was provided.

### **2. Christmas Visits**

The Chairman informed members that he has been undertaking Christmas visits to all Fenland District Council offices over the past week and he has enjoyed meeting and speaking to all the staff that he has met.

### **3. High Sheriff of Cambridgeshire Visit**

The Chairman informed members that on 7 December 2011 he had the pleasure of hosting a visit from the High Sheriff of Cambridgeshire. The High Sheriff received a presentation by the Chief Executive and the Leader, together with a tour of the district. He gave thanks to Council officers

for organising the visit.

#### 4. Chairman's Afternoon Tea Event

The Chairman informed members that he is hosting, jointly with the Chairman of the Fenland Twinning Association, a Chairman's Afternoon Tea event at 6pm on 25 January 2012, with the aims of:

- raising the profile of the Council's twinning links with Germany and Australia
- seeking to increase involvement in the district's twinning activities
- increasing the membership of the Fenland Twinning Association
- helping it raise funding for the work that it undertakes on behalf of the Council.

He informed members that invitations to this event would be dispatched early in the New Year.

#### **42/11 TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.**

Councillor Mrs French requested clarification on this item as to whether it is questions only or statements and questions? The Chairman responded by reading the wording from the appropriate paragraphs in the Constitution.

Under Procedure Rule 8.4, the Leaders' of the Opposition put questions to the Leader of the Council as follows:

- Councillor Archer referred to recent conflicts between taxi operators and the Licensing Team and asked whether a forum should be established between the taxi operators and Council members? Councillor Melton advised that he is aware of conflict with the taxi industry and the Council, stating that the Agents Forum works well which meets on a regular basis with members, and he would investigate this suggestion and report back to Councillor Archer;
- Councillor Archer expressed the view that many members have expressed their dissatisfaction with the move from a committee system to a Cabinet system, making the point that the new Localism Act allows Councils to revisit this and asked if this Council would revert to a committee system? Councillor Melton made the point that members opted as a Council for a Cabinet system, adopting the strong Leader model, and he feels the Cabinet system works well. He recognised that whilst the Cabinet system speeds up decision making, it does leave some members feeling disenfranchised by not having access to committees. He referred to the fact that Planning Committee finished at 7.30pm yesterday, with long meetings happening regularly under the old committee system, which he would not want to revert back to, however, he made the point that this is a decision only Full Council can make. Councillor Melton advised that the issue can be debated properly if proposed and seconded at a Council meeting, however, making the point that an Overview and Scrutiny function is still required, which lengthens the process, and that a number of authorities that he has worked in recently have now opted for the Cabinet system from a committee system;
- Councillor Archer referred to the presentation from the Boundary Commission regarding the number of councillors for Fenland, feeling that if the Council reverted back to a committee system the councillor numbers may not be sufficient and he feels that member engagement has been lost since Policy Development Groups ceased. Councillor Melton made the point that members did not attend the Policy Development Groups and due to rationalisation and the current climate, he feels that officers have better use for their time than supporting

meetings which had no effect;

- Councillor Mrs Bucknor asked if Councillor Melton would agree that Wisbech Chapel is an important and valuable asset to the community? Councillor Melton responded in the affirmative. Councillor Mrs Bucknor asked if Councillor Melton would agree to the formation of a working party to review the potential of its use, asking if any members would like to join on a committee to look at ways of funding and making the best use of the chapel they would be welcomed? Councillor Melton responded in the affirmative.

**43/11**      **TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.**

In accordance with Procedure Rules 8.1 and 8.2, members asked Cabinet members questions in relation to their respective portfolios, as follows:

- Councillor Peachey asked the Portfolio Holder for Finance if the Council has received any variance request to maintain the level of the old allowances rather than moving to the new level of allowances? Councillor Clark advised that he was unable to answer this question and the information may be available from Member Services. Councillor Patrick stated that he had asked for his allowances to be maintained at the previous level;
- Councillor Archer asked for the results of the FSP Transport and Access Group consultation? Councillor Owen advised that the consultation has been completed, and he will forward its conclusions to Councillor Archer.

**44/11**      **TO RECEIVE PETITIONS SUBMITTED IN ACCORDANCE WITH PROCEDURE RULE 9.**

Under Procedure Rule 9, members considered a petition regarding the introduction of taxi meters in Hackney Carriage vehicles. The petition states "Do you want meters in Hackney Carriage vehicles?", receiving over 500 signatures of 'No' response from the general public. Lisa Corbett presented the petition and informed members:

- that 500 members of the public voted no to the introduction of meters, with only 5 voting yes, which shows that the vast majority of the public do not want them
- that the Cambs Times has also been running a poll asking "Do you agree with FDC's insistence on having meters", with 67% of respondents voting no
- that, in her view, adequate consultation has not been undertaken to make the public aware of meters. She acknowledged that an advert was placed in the Fenland Citizen on 17 August stating that it was a 12 weeks consultation period, but in this timescale it was only 11 weeks, so she feels that the full consultation period has not been provided as the public only really received, in her view, 9 weeks, 2 days
- do they feel enough was done to make constituents aware of what is proposed?
- of examples of journey distances and prices under the new system
- that Kim Winterton stated that meters were cheaper, but she believes this to be untrue as she has worked as a controller for Darts, who have been trialling the meters
- that in this current economic climate, when times are tough and money is short, do the public want to pay extra?
- that she realises that drivers do not have to charge what the meter states, but she feels that this amount would be charged due to the costs of calibration
- that she formally requests the decision in relation to taxi meters is deferred until, in her view, it is given the weight it deserves.

**Resolved that the petition be noted and the issues be considered under the item on Reviewed Hackney Carriage and Private Hire Policy Conditions.**

(Councillor Patrick declared a personal and prejudicial interest in this item, by virtue of being a Hackney Carriage driver, and retired from the meeting for the duration of the discussion and voting thereon)

**\* FOR ADOPTION BY THE COUNCIL \***

**45/11      REVIEWED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY CONDITIONS**

Members considered adoption of the reviewed Hackney Carriage and Private Hire Policy Condition for this Council, which includes the condition that all Hackney Carriage vehicles be fitted with a taxi meter. Members were informed that:

- existing conditions have been in place for many years and no longer reflect the trade as it currently stands or keep the Council in line with other licensing authorities in Cambridgeshire or the Council's family of similar local authorities as determined by the Audit Commission;
- adoption of these procedures and conditions will assist the Council in complying with Government best practice guidance and provide protection for the public using the service;
- the Council has a duty to ensure that drivers and operators are "fit and proper" persons to work within the trade and those vehicles are suitable;
- consultation was undertaken for 12 weeks from 8 August 2011 to 24 October 2011, and members received a copy of the consultation responses;
- the Licensing Committee considered the document at its meeting on 3 November 2011 considering that the conditions will enable this Council to deliver effectively its obligations under the legislation.

Councillor Owen in response to the petition and comments made by Lisa Corbett stated that:

- he does not hold much faith in the Cambs Times Poll as people can vote time and again under this poll
- he is not aware how Mrs Corbett carried out her petition, feeling that it is how the question is asked as to whether people say no
- the Council has undertaken as little as 2 weeks consultation on some issues and 12 weeks on others, but apologised for the lateness of the press notice being placed in the paper, but making the point that the consultation has accorded with legislation
- he feels that the public have had the opportunity to respond to the consultation, with the Council receiving comments from Hackney Carriage Operators, the National Private Hire Association and some Parish/Town Councils
- he feels that there have been instances of overcharging and with the introduction of meters, the public will be charged for Hackney Carriage journeys what the meters states or less
- the conditions and procedures have been reviewed as they were outdated and no longer fit for purpose
- he feels the approach has been open and transparent
- the tariff remains the same, with the meter merely showing what the charge is. He made the point that meters have been in vehicles in the March area for some time, with 25 Hackney Carriages having had meters fitted to date
- a marketing exercise will be undertaken with the public about the changes

- supportive correspondence has been received from taxi operators who have had meters fitted.

Members made comments, asked questions and received responses as follows:

- Councillor Peachey asked how the rates and routes are currently calculated? Councillor Owen advised that a set tariff exists;
- Councillor Archer stated that he has not got strong views either way on this issue, but asked if the decision cannot be delayed until the first forum meeting has been held with the taxi trade? Councillor Owen advised that this request has to be rejected due to the time passed and consultation that has been undertaken;
- Councillor Mrs Bucknor advised that she voted against the installation of taxi meters at Licensing Committee, with her experience being that she has never been overcharged being sometimes shocked at how little she is charged. She feels that with the roadworks and new works on the roundabouts, Wisbech is getting clogged up, and customers will not know how much they are going to be charged knowing that many people use taxis to go shopping from the villages currently knowing what the prices is going to be. She feels that when meters are introduced, fares for customers will rise due to the costs for the meters and calibration. She supports deferment and a discussion on this issue, with further consultation with the taxi operators, as it is increasing costs for residents at a time when they cannot afford it;
- Councillor Hatton stated that he was overcharged for a taxi journey from his home to Elm, where he was charged £15, with the return journey being £12, working out that if a meter had been used the journey would have been £8 and he feels overcharging is rife;
- Councillor Owen made the point that the conditions and procedures have been through the consultation process and have been approved by Licensing Committee.

**Resolved that the Hackney Carriage and Private Hire Policy Conditions be adopted.**

*(Councillor Patrick declared a personal and prejudicial interest in this item, by virtue of being a Hackney Carriage driver, and retired from the meeting for the duration of the discussion and voting thereon)*

**46/11            THE LICENSING OF SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES (SEVS)**

Members considered adoption of the provisions as amended by Section 27 of the Policing and Crime Act 2009 and a policy statement with standard conditions for the licensing of Sex Establishments and Sexual Entertainment Venues. Members were informed that:

- Section 27 of the Policing and Crime Act 2009 extended the provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called 'Sexual Entertainment Venues' (SEVs);
- Licensing Committee met on 16 November 2010 and recommended that the matter was referred to Full Council for resolution to adopt the provision;
- this item did not progress to Full Council within the one year timescale of it coming into force and, therefore, Council had to consult local people about whether they should make such a resolution;

- consultation took place for a period of 12 weeks from 8 August to 24 October 2011 and no responses were received during this consultation period;
- Licensing Committee at its meeting on 3 November 2011 recommended that Full Council be requested to adopt the provisions and the policy statement with standard conditions.

**Resolved that the new provisions and policy statement in relation to the licensing of Sex Establishments and Sexual Entertainment Venues be adopted.**

4.45pm

Chairman