

Minutes

OF A MEETING OF

Council



Listening Learning Leading

HELD AT 6.00PM ON 18 OCTOBER 2012

AT COUNCIL OFFICES, CROWMARSH GIFFORD

Present:

Mrs J Carr (Chairman)

Mrs A Badcock, Mr R Bell, Ms J Bland, Mr F Bloomfield, Mrs C Collett, MBE, Mr B Cooper, Mr J Cotton, Mr P Cross, Mrs M Davies, Mrs P Dawe, Mr L Docherty, Mrs E A Ducker, MBE, Mrs E Gillespie, Mr M Gray, Mr W Hall, Mr T Harbour, Mrs E Hards, Mr N Harris, Mr P Harrison, Mr S Harrod, Dr C Hood, Mr M Leonard, Ms L Lloyd, Mrs J Nimmo-Smith, Mr A Rooke, Mrs P Slatter, Mr D Turner, Mrs M Turner, Mr M Welply and Mrs J Wood.

Apologies:

Apologies for absence were submitted on behalf of Mr D Bretherton, Mrs D Brown, Mr S Connel, Ms K Crabbe, Mr D Dodds, Mr M Harris, Mr M Hiles, Mrs E Hodgkin, Mr I Lokhon, Mrs A Midwinter, Rev'd A Paterson, Ms A Purse, Mr C Quinton, Mr B Service

Officers:

Mr S Bishop, Mr D Buckle, Mr S Corrigan, Mr R Draper, Mrs L Hayden, Mr M Prosser, Mrs M Reed, Mrs A Robinson

13. Minutes

RESOLVED: to approve the minutes of the meetings held on 19 July and 30 August 2012 as correct records and agree that the Chairman sign them as such.

14. Chairman's announcements

The Chairman reminded councillors that the December Council meeting will commence at 6.00pm preceded at 5.00pm by the chief constable's annual presentation. She reminded councillors of the forthcoming charity concert taking place at Cornerstone, Didcot on 12 January 2013.

15. Treasury management outturn 2011/12

Council considered the Cabinet's recommendation, made at its meeting on 18 October 2012, on the outturn performance of the treasury management function for the financial year 2011/12 and the approval of the actual 2011/12 prudential indicators in accordance with the requirements of the CIPFA Treasury Management Code of Practice and Treasury Management Practice 6.

RESOLVED: to

1. approve the treasury management outturn report for 2011/12;
2. approve the actual 2011/12 prudential indicators within the report of the Head of Finance to Cabinet on 18 October 2012.

16. Flood and Water Management Act 2010: agency agreement with Oxfordshire County Council (OCC)

Council considered the Cabinet's recommendation, made at its meeting on 18 October 2012, on an agency agreement with Oxfordshire County Council to carry out work on their behalf related to the Flood and Water Management Act 2010.

The agency powers would involve giving formal agreement for structures to be put in water courses (consenting), using legal powers to make sure riparian landowners carry out their duties (enforcement) and considering causes of flooding to property and making recommendations to reduce flood risk (investigation of flooding events).

A number of councillors acknowledged that officers and Monson staff had extensive experience in carrying out flood work. In continuing the delivery of this service, residents would benefit from the continuity of personnel and knowledge.

RESOLVED: to accept agency and all other necessary powers from Oxfordshire County Council to carry out work under the Flood and Water Management Act 2010 and to authorise the Head of Legal and Democratic Services to complete the appropriate agreements.

17. New Homes Bonus: allocation of funding to community led schemes in areas accommodating new housing

Mr M Gray left the meeting for the duration of this item because as a Cholsey parish councillor he did not consider it appropriate to take part in a decision to award the parish council funds.

At its meeting on 18 October 2012 Cabinet agreed to provide funding of £250,000 for Cholsey Parish Council towards the costs of a new pavilion in Cholsey.

Council considered the Cabinet's recommendation, made at the meeting, to add the sum of £433,000 to the provisional capital programme for the community led element of the new homes bonus funding.

RESOLVED: to add the sum of £433,000 to the provisional capital programme for the community led element of new homes bonus funding.

18. Joint licensing policy for hackney carriage and private hire

Mr T Harbour made a statement that he held an account with Pryor Taxis related to his mobility issues but that this did not affect his ability to consider the licensing policy with an open mind.

Council considered the General Licensing Committee's recommendation, made at its meeting on 4 October 2012, to adopt a licensing policy for hackney carriage and private hire to come into force on 1 January 2013.

Mr Parvaiz, Chairman of the South Oxfordshire Taxi Association, addressed Council on this item. He supported fixed price tariffs in line with the approach taken by other local authorities such as Maidenhead, Reading and High Wycombe to prevent smaller operators being disadvantaged. As many of his members operated in the south of the district he requested the designation of MOT compliance stations to cover the whole area of the district.

Mr Hullock, a taxi driver, addressed Council in support of the requirement to install meters, which should be in place before next year's Henley Regatta, but against the setting of a council set hackney carriage tariff on the grounds that individual taxi drivers should have the freedom to set their own tariff.

Mr Pryor, of Pryor's Taxis, addressed Council objecting to the setting of a council set hackney carriage tariff. Allowing taxi firms/drivers to set their own tariffs would increase competition and result in improved services for passengers. He supported the requirement to install taximeters which would increase fare transparency.

In response to questions Mr Leonard, Chairman of the General Licensing Committee, and Mr R Draper, Shared Licensing Team Leader, provided the following responses:

- The council aimed to ensure a good coverage of MOT stations across the district
- Bringing forward the date by which taximeters should be fitted by one month was achievable
- Only new drivers would be required to take the English test
- A basic command rather than good command of English was considered adequate for conveying information between the driver and passenger
- The test requirements for vehicles were proportionate to the greater risks associated with older vehicles
- The council only had anecdotal evidence of the demand for wheelchair accessible hackney carriage/private hire vehicles

Mr Leonard moved and Mrs E Gillespie seconded the recommendation of the General Licensing Committee.

Mrs A Ducker moved and Mrs A Badcock seconded an amendment to add the following words after paragraph 18 in order to establish whether the public supported the introduction of a council set tariff:

“Subject to the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 South Oxfordshire District Council will undertake a public consultation on whether to introduce a council set tariff”;

and to amend page 52, paragraph 21a to bring forward the date by which taximeters should be fitted by one month to ensure that the taximeters are fitted in South vehicles by Henley Regatta which runs from 3 to 7 July 2013 (additional words shown in bold and deleted words shown with strikethrough below):

“21 (a).All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) from ~~4 August 2013~~ **30 June 2013**. The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set at the tariff displayed in the vehicle. Hackney carriage proprietors and drivers shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation. “

Mrs M Reed, Shared Head of Legal and Democratic Services, advised that whilst the policy included reference to no sexual activity between drivers and passengers to protect both drivers and passengers it was not the responsibility of the licensing authority or taxi drivers to regulate sexual activity between passengers and as such the inclusion of such a restriction in the policy was not appropriate.

Whilst no councillor voted against the amendment to bring forward the date by which taximeters should be fitted a number of councillors opposed the amendment to undertake a public consultation on whether to introduce a council set tariff because the council had consulted on the draft policy and taxi drivers should have the ability to set their own tariffs.

Both amendments were declared carried on being put to the vote.

RESOLVED: to

1. adopt the licensing policy for hackney carriage and private hire to come into force on 1 January 2013 subject to the inclusion of the following words after paragraph 18:

“ Subject to the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 South Oxfordshire District Council will undertake a public consultation on whether to introduce a council set tariff”;

and amended wording to paragraph 21a on page 52 as follows:

“21 (a).All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) from 30 June 2013. The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set at the tariff displayed in the vehicle. Hackney carriage proprietors and drivers shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation. “

2. authorise the Head of Legal and Democratic Services in consultation with the chairmen of the South and Vale General Licensing Committees to make minor administrative amendments to the policy where necessary.

19. Review of the council's constitution

Council considered the report of the Head of Legal and Democratic Services on proposed amendments to the council's constitution.

In light of Council's decision to accept agency powers from Oxfordshire County Council to carry out work under the Flood and Water Management Act 2010 (Minute 15 refers), Mr S Corrigan, Shared Democratic Services Manager, advised Council of the need to amend delegation 7.5 "to exercise powers delegated to the council under agency agreements with Oxfordshire County Council" to enable implementation of these agency agreements.

A number of councillors expressed concern that the decision of the Leader of Council to authorise Cabinet members to take any decision within their portfolio would further distance backbenchers from the decision making process, reduce Cabinet meetings and reduce transparency.

RESOLVED: to

1. note the Leader's proposed delegation to the Head of Planning to specify neighbourhood planning areas;
2. note the Leader's revised scheme of delegation attached at appendix one to the report of the Head of Legal and Democratic Services to Council on 18 October 2012 for inclusion in the council's constitution
3. agree the additional delegations to the Head of Health and Housing set out in paragraph six of the report of the Head of Legal and Democratic Services to Council on 18 October 2012;
4. agree the amendments set out in paragraph seven and appendix two of the report of the Head of Legal and Democratic Services to Council on 18 October 2012;
5. agree to amend the wording of delegation 7.5 on page 79 of the council's Constitution to read "to exercise powers delegated to the council under agency agreements with Oxfordshire County Council";
6. authorise the Head of Legal and Democratic Services to make the necessary changes to the council's constitution to reflect the changes set out in this report;
7. authorise the Head of Legal and Democratic Services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

20. Appointments to planning committee

Council considered a proposal from the Conservative Group to make changes to its membership of the planning committee.

RESOLVED: to

1. appoint Mr F Bloomfield as a member of the planning committee;
2. appoint Ms R Wallis as a substitute member of the planning committee.

The meeting closed at 8.00pm.

Chairman

Date