

Cabinet Agenda

Monday, 1 February 2016 at 6.00 pm

Stade Hall, The Stade, Hastings, East Sussex, TN34 3FJ

For further information, please contact Michael Courts on 01424 451764 or email mcourts@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Notification of any additional items	
4.	Minutes of the meeting held on 4 January 2016	1 - 4
5.	Motion to Cabinet regarding a Planning review Councillor Atkins to move, seconded by Councillor Cooke: “That Cabinet recognised that providing an efficient, effective and trusted planning service is crucial for economic growth. A lack of which, risks damaging relations with residents, businesses and future investors. Cabinet therefore requests that the Environment and Planning and Financial Services and Revenues departments work together to establish a fundamental review of how the planning service is provided, looking at all potential options for its future management.” (Cabinet Decision)	
6.	Petition: retain current system in relation to taxi licenses and instruct an independent unmet demand survey is carried out (Cabinet Decision)	
7.	Taxi Licensing Update (Mike Hepworth, Assistant Director Environment and Place) (Council Decision)	5 - 22
8.	Pay Policy Statement (Verna Connolly, Executive Manager for People and Business Support) (Council Decision)	23 - 30
9.	Additional Urgent Items (if any)	

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4 JANUARY 2016

Present: Councillors Chowney (Chair), Forward, Cartwright, Poole, Atkins, Cooke and Davies

Apologies for absence were noted for Councillor Hodges

36. MINUTES OF THE MEETING HELD ON 7 DECEMBER 2015

RESOLVED that the minutes of the meeting held on 7 December 2015 be approved and signed by the chair as a correct record of the meeting

RESOLVED the chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 38 and 39 were agreed without being called for discussion

37. PROPOSED DESIGNATED CYCLE ROUTE IN ALEXANDRA PARK

The Environment and Natural Resources Manager presented the report of the Assistant Director for Environment and Place which outlined the results of a consultation on a cycling route through Alexandra Park.

The council had a longstanding ambition to introduce a cycling route through Alexandra Park, to help increase cycling opportunities in the town and provide a useful link between Silverhill and Queens Road. A cycling route through Alexandra Park was identified in the Hastings Planning Strategy 2011 – 2028, which was adopted on 19 February 2014.

The public consultation, which had taken place between 15 June and 21 August 2015, related to how a cycle route through the park should be implemented, based on proposals developed by East Sussex County Council. The proposals had also been considered by a reference group of key stakeholders, prior to the public consultation, which had provided early feedback to the county council and their design consultants. The proposals utilised existing pathways to create shared cycling and pedestrian routes, to help minimise the impact on the grade II* listed park.

The consultation highlighted a number of issues in relation to public safety, enhanced and effective signage on the cycle route and enforcement matters which would be submitted to ESCC for review. Following representations made during the consultation, a section of the proposed route in front of the café had been removed from the final scheme. Further work would be commissioned by ESCC to address the issues raised during the public consultation. It was intended that works to construct the route would then begin in mid to late 2016. ESCC will be fully responsible for project managing and funding the implementation of the route and associated signage.

Cabinet added an additional recommendation, set out in the resolution below; to review the cycle route through Alexandra Park six months after it had been opened and consider any comments received from visitors to park.

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Councillor Davies proposed approval to the recommendations set out in the resolution below, which was seconded by Councillor Cartwright.

RESOLVED (unanimously) that: -

- 1) **Hastings Borough Council agree to a shared cycle route through Alexandra Park in principle subject to East Sussex County Council:**
 - a) **Removing the proposed route in front of the café**
 - b) **Fully reviewing the results of the consultation and incorporating measures such as those listed below where practicable**
 - c) **Maximising the numbers of signs, bollards, finger posts and surface markings to ensure safety concerns are fully considered and addressed through appropriate measures implemented in the final design of the route**
 - d) **Where appropriate, using different coloured surfacing as a safety feature**
 - e) **Using clearer signage where the route merges or crosses with existing footpaths**
 - f) **Using cyclists dismount signs at appropriate locations**
 - g) **Providing cycle racks at appropriate locations**
- 2) **Hastings Borough Council publicly thank everyone who responded to the consultation, and in particular the participants of the reference group for informing the pre-consultation design process**
- 3) **A review of the cycle path through Alexandra Park be undertaken six months after it has been implemented**

The reason for this decision was:

Cycling is recognised as a key health benefit and provision of cycling facilities is supported by the government. Hastings Borough Council's Development Management Plan identifies a number of proposed cycle routes in the town, one of which is the route through Alexandra Park. East Sussex County Council is supportive of the route and will fully fund its implementation. Extensive consultation has been undertaken to inform the details of the final scheme.

38. COUNCIL TAXBASE 2016/17

The Assistant Director for Financial Services and Revenues submitted a report which sought Cabinet agreement for the calculation of the tax base for the purpose of setting council tax for 2016/17.

The council was required to inform East Sussex County Council (ESCC), the East Sussex Fire Authority and the Police and Crime Commissioner of its tax base for the purpose of setting council tax by 31 January 2016. The council tax charge would then be determined at the Budget Council meeting on 24 February 2016.

The council tax base was calculated by multiplying the total of the relevant amount for each of the valuation bands for the year with the authorities estimate for its collection rate for the year. Any variations experienced in the in-year collection rate of council tax would be carried forward as part of the council tax setting process for future years.

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The report also recommended that delegated authority be given to the Chief Financial Officer, under section 84 of the Local Government Act 2003, to calculate the council tax base in future years. This is because ESCC intends to set its budget in November next year and as such there would be insufficient time to determine the tax base in the usual way.

RESOLVED that:-

- 1) **Cabinet agree that the council tax base for the year 2016/17 shall be £24,678, and;**
- 2) **Cabinet agree that in future years the determination of the Council Tax Base is determined each year by the Chief Financial Officer (currently the Assistant Director for Financial Services and Revenues)**

The reason for this decision was:

Setting the council tax base is the first step in determining the council tax for 2016/17. The tax base has to be determined by 31 January each year.

39. LAND AT SUMMERFIELDS, BOHEMIA ROAD

The Assistant Director for Financial Services and Revenues submitted a report which set out an objection received to the proposed disposal of land forming open space at Summerfields, Bohemia Road. The land formed part of a larger area, including the Summerfields Business Centre and Register Office building, which the council had agreed in principle to dispose of to an affordable housing provider.

Under Section 123 of the Local Government Act 1972 the council was required to advertise the intended disposal of any land defined as open space in a local paper for two consecutive weeks and then consider any objections received.

A notice had been placed in the Hastings and St Leonards Observer on 16 October and 23 October 2013 and one letter of objection had been received by the closing date.

The report responded to details of the objection and also set out the merits of disposing of the land, which included a capital receipt to the council and an increase in the supply of housing locally, including affordable housing units.

RESOLVED that having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of the objection received, Cabinet agrees to proceed with the sale of land at Summerfields

The reason for this decision was:

The council must fully and properly consider any objections in accordance with statutory provision in coming to a decision

40. MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 30 NOVEMBER 2015

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The minutes of the Museums Committee meeting held on 30 November 2015 were submitted.

RESOLVED that the minutes of the Museums Committee meeting held on 30 November 2015 be received

41. MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 14 DECEMBER 2015

The minutes of the Charity Committee meeting held on 14 December 2015 were submitted.

RESOLVED that the minutes of the Charity Committee meeting held on 14 December 2015 be received

(The Chair declared the meeting closed at. 6.24 pm)

Agenda Item 7



Report to: Cabinet

Date of Meeting: 1 February 2016

Report Title: Proposals to Delimit the Number of Hackney Carriages in Hastings

Report By: Mike Hepworth
Assistant Director for Environment and Place

Purpose of Report

To enable Cabinet to review the Council's current policy of limiting the number of licensed hackney carriages, and to consider introducing a new policy of carefully controlled delimitation, through an updated quality standard for all newly licensed hackney carriages.

Recommendation(s)

- 1. Cabinet endorses the proposal to delimit hackney carriages in conjunction with the introduction of a new quality standard for all newly licensed vehicles, and grandfather rights for existing plate holders.**
- 2. Cabinet instructs the Council's Licensing Manager to establish and chair a working group including the trade and other interested parties. The group will develop the new quality standards and report them to the Council's Environment and Safety Board for consideration and approval, and examine the potential for additional hackney carriage ranks in the borough.**
- 3. The Council's Environment and Safety Board will review the effects of the new policy and the quality standard for new licences 6 months after it has been fully implemented (and periodically thereafter), and if necessary make recommendations for change to Cabinet.**
- 4. Cabinet recommends this updated policy to Full Council.**

Reasons for Recommendations

Delimiting in conjunction with the introduction of updated quality standards for all new licensed hackney carriages, will reduce the likelihood of a large unsustainable increase in the number of hackney carriages.

The provision of grandfather rights for existing plate holders will protect their interests.

Over time the new quality standards will result in an improved service for the travelling public, through the introduction of newer more accessible vehicles. There will also be environmental benefits as the emissions standards will be higher.

Introduction

1. Hastings Borough Council is the licensing authority for the Borough in respect of hackney carriages, and for many years it has restricted the numbers of hackney licences issued in the borough.
2. The limit currently stands at 48 and can continue at this figure provided the Council can provide evidence of no unmet demand for hackney services in the Borough, the power being contained in section 16 of the Transport Act 1985.
3. In order that this position can be justified an independent review of demand for the service is needed, and such a survey must reflect the current position and needs to be updated every 3 to 5 years. The last survey carried out in Hastings was in 2006, and therefore if a limit is to be retained there is clearly an urgent need for a new independent unmet demand survey.
4. The 2006 survey was undertaken as a direct result of a letter from the Department for Transport, which wrote to all Councils that restricted hackney numbers, requesting a review of that policy. The survey found that there was no significant unmet demand for hackney services, and the limit of 48 licences was retained.
5. It was always understood that to maintain the limit at 48, further unmet demand survey work would need to be undertaken on a regular basis. However, in the meantime Government instigated a complete review of hackney carriage and private hire licensing to be carried out by the Law Commission. In the circumstances, the Council decided to wait for the results of that review to be published. One of the issues under consideration was whether or not to remove the Local Authority discretion in matters such as hackney carriage limits.
6. The Law Commission review has now been completed and published, and the discretion to restrict numbers of hackney carriages has been retained. This was surprising as the imposition of such a quota system has been seen by Government and many local authorities as an unacceptable form of restrictive practice. As a result many authorities have already delimited the number of hackney carriages.

Implications for Hastings

7. Hastings is now thought to be one of less than a quarter of all local authorities who still restrict the numbers of hackney carriages. One effect of this policy is to place a value on such licences, which the licence holder may benefit from if they decide to cease trading and transfer the licence to another operator.
8. This value varies from area to area but will certainly amount to several thousand pounds. For example in Eastbourne in 2009 there was evidence that one licensee had paid £22,500 for a licence. The fact that a licence still commands a high commercial value indicates that there is a demand for them. However, the fact that a hackney carriage licence commands a commercial value is not a matter for the Council, and something it has no control over.

9. The Hastings and St Leonards Taxi Association, which represents local hackney carriage operators and drivers, has consistently defended this position and has willingly paid for the last two unmet demand surveys carried out in the Borough. However, the surveys were procured and directed by the Council not the Association. Government advice on best practice is for the local authority to commission their own survey and to then recoup the costs through increased licensing fees. The current cost of a survey is thought to be about £20,000.

Legal Considerations

10. Over the years there has been considerable litigation in this area, but it is clear that if a local authority has given proper consideration to all of the relevant matters, it can at any time decide to delimit the number of hackney carriages.
11. The relevant matters are a matter of fact in each case, but the following are amongst those thought to be relevant here:-
- The financial impact on existing licence holders who may have invested in their licence.
 - The potential custom for existing licence holders.
 - Congestion on hackney stands.
 - Congestion on the roads generally.
 - Benefits to the travelling public, such as improved service through increased competition, and better fleet accessibility.
 - The opportunity for others to become involved in the trade as a means of securing a livelihood.
 - The costs of commissioning a survey.
 - The costs and practicalities associated with allocating a small number of additional licences.
 - The costs of defending appeals against refusals to grant licences, either with or without an unmet demand survey.

Learning from decisions to delimit hackney licence plates by other Local Authorities

12. Many local authorities have opted for delimitation subject to a policy which supports quality control mechanisms. For example, whereby new licences will only be released for vehicles meeting a required specification. Where it is intended to delimit the number of licences available, but to implement a mechanism of quality control, no unmet demand survey is required.
13. The quality control policy could stipulate that a vehicle must be a specified type or make, for example European Whole Vehicle Type Approval, which ensures that vehicles meet relevant environmental, safety and security standards. Similarly it could specify that they must be wheelchair accessible, and that any vehicle is no older than 12 months old at the time of being licensed. In addition it would be possible to grant grandfather rights to our existing 48 plate holders.

14. This approach has been successfully implemented by several Sussex authorities, and the current position with all Sussex authorities is listed below. Of 13 only 3 currently operate a limit (including Hastings). One has a policy of sustained growth releasing 5 extra licences a year, but still carrying out 3 yearly unmet demand surveys. The latter approach would require a fair and transparent method of allocating the limited number of additional licences each year.
15. Only Crawley has relimited, and they now have a limit of 123 hackneys. We understand that this occurred as a result of the trade conducting their own independent survey, which showed no unmet demand, and they felt there was too much pressure on the existing hackney ranks. They were limited to 89 hackneys in 2002, they then delimited with quality controls and by 2012 the numbers rose to 111, an average rise of 2 per year. The application to relimit was debated and agreed, but before it was implemented another 12 applications were received and approved making the final total 123.

Authority	Current Approach
Arun	Delimited/ No quality controls (320 plates)
Brighton & Hove	Limited with managed growth of 5 new per year with quality control (560 plates)
Worthing/Adur	Delimited with Quality Control (wheelchair accessible vehicle)
Rother	No limits ever imposed
Mid Sussex	Limit on numbers (154)
Hastings	Limit on numbers (48)
Eastbourne	Delimited with quality control (wheelchair accessible vehicle and age limits)
Crawley	Limited then delimited with quality controls (wheelchair accessible vehicle) then relimited (123 licences)
Chichester	Delimited with quality control (wheelchair accessible vehicle and emissions)
Horsham	Delimited, no quality controls (52 plates), no interest in new applications
Lewes	No limits imposed
Wealden	No limits imposed

Consultation

16. Last autumn the Council carried out a consultation seeking feedback on the proposal to delimit. The consultation was undertaken with the local hackney association, all independent hackney carriage owners, all private hire operators, Ward Councillors, Resident Associations and the local disability forum.
17. As a result extensive responses were received from the hackney association, several independent hackney owners, a large private hire operator within the Borough, and 2 local Councillors. The results are summarised below.
18. The large private hire operator submitted a very thorough response which fully supported delimitation, but with extensive quality controls on new applications and

the granting of grandfather rights to the existing 48 plates in perpetuity. It also suggested that the hackney carriage ranks were inadequate and should be reviewed.

19. The local Hackney Association response was from 40 of the existing plate holders, and was also comprehensive. They don't agree with the proposals and request a new unmet demand survey, the cost of which would be recouped through their licence fees over a two year period. Their main arguments against delimiting are based on assumptions that hackney carriage numbers will increase and private hire numbers will decrease, giving an overall reduction in service for the public.
20. They also comment on the potential for loss of earnings because they state that most of the 48 hackneys are currently double shifted (operating day and night shifts with different drivers). They say that if numbers were delimited many of the existing drivers would want a licensed hackney carriage of their own, and that most would only want to work the "good shifts" (daytime and Friday and Saturday nights), thereby reducing availability to the public at other times.
21. Our Licensing Manager has undertaken research into delimitation of hackneys elsewhere, and this showed that such concerns are often raised by the hackney trade when proposals to delimit are considered. However, these fears are not generally borne out, and in the opinion of the Licensing Manager could be mitigated by the introduction of additional new quality controls on new applicants. This has worked well elsewhere, with only small numbers of new applicants for hackney licences, and little change to the private hire numbers.
22. In their response, the hackney association also stated that several authorities have delimited and then relimited due to service issues that arose as a result of delimitation. The Licensing Manager has contacted all the authorities cited, and spoken to them about this. Of the four quoted only two actually now limit numbers, one of which is about to delimit again. The remaining don't limit numbers but have been affected by the decision of neighbouring authorities to delimit.
23. For example Chesterfield is a small mainly rural authority. It borders the City of Sheffield, and when Sheffield delimited without quality controls their hackney numbers increased dramatically and operator/driver income dropped. A considerable number of their vehicles then transferred to Chesterfield, increasing their numbers in a short period.
24. Seven individual responses were received from drivers, all but one of which were included in the hackney association response. The remaining driver also disagreed with the removal of the limit and disagreed with making future vehicles disability accessible.
25. Two Councillors responded. One stated that the current arrangements could be seen as restrictive practice, and questioned the validity of the current hackney limit. They made the point that the private hire trade also play an invaluable role in public transport in the borough. The other Councillor commented on the current position being a restrictive trade practise, and that these practices are rapidly diminishing. They also stated that it was reasonable to give the hackney trade an opportunity to point out the benefits of the existing position for the town, and as mentioned above,

the trade association have submitted a detailed response to the consultation, which is attached in full at appendix A.

26. Mr Graham Wallace the honorary secretary of the local hackney association has also submitted a petition to the Council on behalf of the association. Whilst it doesn't introduce any additional arguments against delimiting, it does call for the retention of the current policy on hackney carriages, and for the Council to commission an independent unmet demand survey as a matter of urgency. The petition has received 11 signatures from within the association, and Mr Wallace has requested the opportunity to address Cabinet when this report is considered.

Conclusions

27. Members are advised that delimiting in conjunction with a quality control policy has been challenged but upheld in the cases of Regina v The City and County of Swansea ex parte Jones and Regina v The City of Newcastle ex parte Blake. Therefore such an approach is considered to be lawful.
28. This Council is now one of a dwindling number of local authorities retaining a limit on hackney carriage plates, and this approach continues to be contrary to Government policy and advice.
29. There is no need to carry out an unmet demand survey to evidence the case for delimiting.
30. Any proposals to delimit should be considered primarily on the basis of the interests of the travelling public, and wider consumer benefits. Not for example simply from the perspective of the potential loss of value of the plates to the existing licensees. In other words, do the customers benefit from the existing limit, and will there be a negative impact on customers if we delimit?
31. As seen in Crawley, a decision to delimit is not irreversible, and in Hastings we're recommending that the situation would be monitored by the Environment and Safety Board. If there was higher than anticipated growth in the number of newly licensed hackney carriages, the Board could commission an unmet demand survey, and then if appropriate consider the need to relimit.
32. For these reasons it is suggested that the Council should now give consideration to delimiting, rather than commissioning another unmet demand survey, which would potentially lead to us either retaining the existing limit or releasing a limited number of new plates to satisfy any unmet demand that may be identified by the survey, and fly in the face of Government guidance on best practice.
33. As a result of his recent research on these matters, the Licensing Manager has also considered the scope for introducing new taxi ranks for use by the hackneys. He has identified several locations that may be viable, and will be pursuing this with the trade and appropriate authorities.

Policy Implications

34. From an equalities perspective delimiting in conjunction with a quality control system for new hackney carriage plates would provide the scope for gradually improving the accessibility of the Hastings hackney carriage fleet.
35. From an environmental perspective, delimiting in conjunction with a quality control system for new hackney carriage plates would provide the scope for gradually improving the environmental emissions performance of the Hastings hackney carriage fleet.

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A – Hastings and St Leonards Taxi Association response to the consultation.

Background Papers

Responses to consultation

Department for Transport best practise guidance issued in 2010, chapters 45 to 51.

Chapter 11 of the Law Commission report published in May 2015.

Officer to Contact

Bob Brown - Licensing Manager or Mike Hepworth Assistant Director Environment & Place

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1. Introduction and Review the Legal Position.

The Hastings & St Leonards Taxi Association have been asked to respond to the Council Officers proposals to changes to the Hackney Carriage Taxi trade in Hastings,

The current legal position in England.

The current laws that governs taxis in England became law in 1985 under the then new transport act, this law is not being changed now or in the near future, Hastings Borough Council adopted this act in 1985, and it is this act under section 16, that has been invoked until today, 'a council may retain control of taxi numbers, as long as there is no significant unmet demand in that area'.

To prove if an area has any unmet demand, a survey has to be undertaken, otherwise a Council may find it is legally challenged in the law courts, this is the procedure that Hastings Council have adopted over the years.

In 2013 the Government commissioned the Law Commission to review the whole Taxi & Private Hire (P.H) trade in England, our association took part in this review, The Law Commission issued there report in May 2015.

I will set out below some of the main recommendations that are relevant to Taxis and P.H cars that could affect the current Council review.

The Law Commission Recommend the Following:-

1. That Local Councils are best placed to make decisions based on local circumstances on any future limits to Taxi numbers, and the (LC) recommend that local authorities should continue to have the power to limit taxi vehicles in their area.
2. The Law Commission recommend that Councils that limit Taxi numbers conduct a review at least every 3 years, otherwise that council could be open to a legal challenge from hopeful applicants.

2. Recent Taxi Reviews within the Borough of Hastings.

In 2004 the local Taxi trade underwent a massive review into the whole taxi trade within Hastings, the Public of Hastings and all the then sitting Councillors, and Council officers were involved in this review, the main agreed actions that came out of this review were:-

- That all the Taxis in Hastings be the colour Blue.
- That all Taxis will carry the Hastings coat of arms on the bonnet.
- That an age limit was applied to putting a vehicle on as a Taxi and an upper limit of 7 years old before that vehicle has to be removed.
- That an unmet demand survey takes place in 2005.
- That all Taximeters be of a calendar type.
- 2 Underused Taxi Ranks were closed.

The above came to pass in 2005, the unmet demand survey took place, and after the findings were published, it was agreed by all parties that there would be no further increase in Taxi numbers, due to no unmet demand having been found.

3. De-Limiting.

The Taxi Association cannot agree with the proposals for removing the total limit on Hackney Carriages numbers in the Borough, this proposal totally ignores the needs for a stable trade within Hastings, the needs of the public and the needs of the disabled people living within the borough.

The Taxi Association will set out below the main reasons for not being able to agree with the Officers on the de-limiting issue, and we will be putting forward our own proposals, based on many years experience within the trade, we will also be drawing on the OFT report and the House of Commons Transport Select Committee report on the OFT report.

The Main Reasons Against De-Limiting.

- It is a fact that Taxi numbers increase when an area is de-limited, and the numbers of Private Hire (P.H) cars decrease, this imbalance causes a smaller number of vehicles for hire per head of population, in a de-limited area, so the public will suffer. (Select Committee).
- In Hastings most of the 48 Hackney Carriages are doubled shifted, eg: days and night shifts, if the taxis were to be de-limited most of the taxis within Hastings will then become single man taxis, because it would be assumed that a lot of drivers would want to have a plate.
- The knock on effect of the above would mean that drivers would then only work the good shifts, days and Friday and Saturday nights, this very scenario is be found in areas that are de-limited, so the public would suffer from a poor taxi service.
- The earnings potential would drop for owners, drivers, and the P.H. drivers would also suffer, this effect will mean people who have taken out finance to support their entry into the trade will find it hard to service those loans, this is also a common occurrence in a de-limited area.

- The Officers and Councillors should ask themselves why does Hastings have such a high standard of service, in the Taxi and P.H trade? Answer, because there is enough of the financial cake to go round, so allowing both trades to invest in new vehicles and other taxi equipment, eg: new radio systems, update office premises.
- To increase the taxi fleet will mean more taxi officers would be needed to police the higher numbers, and not allow the standards of the vehicles to fall. (OFT report), the Officers already have a heavy workload, and more Officers would mean higher costs to the trade.
- Some areas in England have re-limited after de-limiting, due to the poor service that was being offered in these areas, the most notable area's to do this were Chesterfield, the Wirral, Hatfield and Watford.

4. The Taxi Associations Way Forward For 2016.

The Taxi Association recommends that the Council carries out a new unmet demand survey, the last survey was in late 2005, the reason that no survey has taken place since 2005, is that all local authorities were waiting for the Law Commission to undertake their review into the UK taxi industry, and where awaiting their findings.

We the trade accept that we need a new survey, as a lot has changed in Hastings over the last 10 years, and a new survey would determine where the trade stands in 2016, the Association will abide with the results of the survey.

The cost of the survey would be met by the Association in the form of increased Licence fees over a two year period, as in previous years.

We recommend the following reference points for any future unmet demand survey:-

- Is there a significant unmet demand for Taxis in Hastings?
- Ask the public for their views on the towns Taxi & P.H service.
- Ask local disability groups for their views on Taxi & P.H service.
- Are the current Taxi ranks in the correct location? Do we need more taxi ranks? We are owed a new taxi rank in the Old Town area, as our rank was removed from Rock a Nore Road when the Jerwood was built.

The association agrees with the proposal of longer licences of 3 and 5 years in length.

A point of interest is the DFT Best Practice Guide of 2010, is just that, a Guide, Taxis and P.H cars in England are governed by the 1985 Taxi Act not a departments take on that act or someone's wishes, if any Government want to change the law, they will have to pass a new act, at the moment no new Taxi acts are proposed by the sitting Conservative Party.

The Association would enter into meaningful discussions with the Council to find out what would be the best way forward in relation to what additional quality controls would be needed if any survey suggested an increase in Taxi plates are required, these discussions would include at what rate any new plates would be issued, as not to have a detrimental effect on the local trade.

At a recent Taxi Association meeting, I presented this report to my members, the members then voted to adopt this report as the official response to Mr Brown's consultation letter, in total there were 40 Plate owners present, I have attached their names and plate numbers as conformation of their attendance.

The Taxi Association would be happy to talk to any interested parties if anyone needed us to expand on any of the contents or comments of our report.

Graham Wallace.

Hon Secretary of the Hastings and St Leonards Taxicab Association.

November 2015.

G. WOODHEAD P.36.
E. NORTON P26 + P01 *E. Norton*

D. SIMPSON P22

Y. KOHISTANI P004 *Yik*

N. KOHISTANI P040

ALI REZAI P019 *Ali Reza*

MOHAMMAD AYUB JAFFARI P017 *M*

M. P. HARRIS P05

P. DEGRANGE P21

P. EAMES P15

J. HINTON P10

R. FREEDY P006

R. WALTON P45

N. P. THOMAS P46

V. OKUR P30

D. GRASS A38

N. STEELE P33

O. OKUR P11

F. AYUBZADEH P48

S. KEATES P14

G. STEADMAN P007

A. BERWICK P035

R. A. PIPER P04T

~~Brown with light~~ PLATE 18

M. A. BROWN P28

W. FRANKLIN PLATE 12

*R. Freedy -
in hall*

N. P. Thomas

V. Okur

D. Grass

N. Steele

O. Okur

F. Ayubzadeh

S. Keates

G. Steadman

A. Berwick

R. A. Piper

MOHAMME AHMADI DR151 HC029

Rafe Hannay DR16 Taxi 023

M. GRASS ~~[Signature]~~ DR561 - HC44

D. GOODARD ~~[Signature]~~ DR700 - HC041

AJ ABDALLA ~~[Signature]~~ HC09

S. HIRSTED ~~[Signature]~~ HC024

J. JAMISON ~~[Signature]~~ HC002

T S BEATON T S Beaton HC025

M. NANNI ~~[Signature]~~ HC032

A. NEVIS ~~[Signature]~~ HC042

S. PATWELL S. Patwell DR004 HC043

D ROOPE ~~[Signature]~~ HC008

Agenda Item 8



Report to: Cabinet

Date of Meeting: 1 February 2016

Report Title: Pay Policy Statement 2016/17

Report By: Jane Hartnell
Director of Corporate Services and Governance

Purpose of Report

The purpose of the report is for Cabinet to approve the Pay Policy Statement for 2016/17, as required by the Localism Act 2011.

Recommendation(s)

1. That Cabinet recommends the Pay Policy to Full Council for approval

Reasons for Recommendations

The Localism Act 2011 requires Hastings Borough Council to prepare and publish an annual pay policy statement. The purpose of such a statement is to provide information about Council policies on a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees. A Pay Policy must be prepared for each financial year and must be approved by Full Council, and published.

Introduction

1. The Localism Act 2011 requires Hastings Borough Council to prepare and publish a pay policy statement for each financial year.

2. The attached statement (Appendix 1) sets out the key policy principles that underpin the Council's requirements to provide accountability under the Localism Act. It takes into account and has due regard to guidance issued by the Department of Communities and Local Government.

3. The majority of the statement reflects current policy, practice and procedures adopted by the Council and it is cross referenced to other documents including the Council's severance scheme and transparency requirements.

Wards Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix 1 - Pay Policy Statement 2016/17

Officer to Contact

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Appendix 1

HASTINGS BOROUGH COUNCIL

Pay Policy Statement for the year 1 April 2016 to 31 March 2017

Introduction

1. This pay policy statement under section 38 of the Localism Act 2011 shall apply for the financial year 2016-17 until amended.
2. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:
 - the methods by which remuneration of all employees are determined, including the remuneration of its most senior staff;
 - the arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.

The Council's policies for setting remuneration

3. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
4. With the exception of Directors and Assistant Directors, the Council uses the nationally negotiated pay spine as the basis for its local grading structure. The grade of a post is determined by application of an agreed Job Evaluation process. The value of scale points changes in line with national agreements, including any "cost of living" increases, the most recent of these at the time of preparation of this policy, was a 2.2% increase effective from 1st January 2015.

Grade and Salary Band (value at time of preparation of this statement)

Grade	Salary Band
11*	£15,207 to £16,572
10	£16,230 to £18,375
9	£17,373 to £20,253
8	£19,047 to £22,212
7	£20,850 to £24,471
6	£22,938 to £27,924
5	£26,292 to £30,978
4	£29,559 to £33,858
3	£31,845 to £37,482
2	£36,570 to £42,054
1	£41,139 to £47,460

* Hourly rate is £7.88. National living wage at time of preparation of this statement £8.25

5. All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy.
6. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where possible, the Council will ensure the requirement for such approaches is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.
7. There are a number of pay points within each grade. For staff not on the highest point within the band, there is a system of annual progression to the next point on the band. Faster progression is possible for posts identified and evaluated as career grades.
8. With regard to the equal pay requirements of the Equality Act 2010, the Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

Chief Officer Grade Range pay rate (value at time of preparation of this statement)

9. Chief Officer pay range is £72,500 to £87,500.

Chief Officers

10. The Council's policy and procedures with regard to recruitment of Chief Officers are set out in the Officer Employment Procedure Rules in Section 13 of the Council's Constitution. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with this pay policy statement and other relevant policies in place at the time of recruitment. In the case of recruitment of Directors and Assistant Directors, the decision on remuneration will be taken by the Employment Committee. Any appointments at this level offering a salary in excess of £100,000 would require approval by Full Council. Where the Council is unable to recruit to a post at the designated grade, it will consider the use of temporary market forces supplements in accordance with its relevant policies.
11. Where the Council remains unable to recruit Directors or Assistant Directors under a contract of service, or there is a need for interim support to provide cover for a vacant substantive Director or Chief Officer post, the Council will, where necessary, consider engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate value for money from competition in securing the relevant service.

Additional payments

12. In addition to the basic salary for the post, staff are or may be eligible for other payments under the Council's existing policies. Some of these payments are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

lease car provision, the Council no longer offers subsidised lease cars to new employees. A small number of staff remain eligible under historical contracts of employment;

benefits allowance, employees who are not entitled to a lease car but are required to travel in order to carry out their duties may receive a benefits allowance to cover motor costs of travel including mileage except for journeys over 50 miles.

reimbursement of mileage, Employees can claim mileage travelled in the course of council business. Hastings Borough Council mileage rates are paid dependant on which scheme the employee is in.

This could be:-

NJC rates which are based on the engine size, fuel type for protected employees in post prior to 27th November 2001

HMRC Company Advisory Fuel Rates for lease cars.

HMRC Approved Mileage Rates for all other employees. Passenger rate is also paid if appropriate;

professional fees. The Council will meet the cost of a legal practicing certificate for all those employees where it is a requirement of their employment;

long service awards. The Council allows staff to purchase a gift to a maximum amount if they have completed 25 years of service;

honoraria, in accordance with the Council's policy on salary and grading. Generally, these may be paid only where a member of staff has performed a role at a higher grade. Deputy returning officers are paid an honorarium.

fees for returning officer and other electoral duties, such as acting as a presiding officer of a polling station, excluding deputy returning officers. These are fees which are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda;

pay protection, where a member of staff is placed in a new post and the grade is one grade below that of their previous post, for example as a result of a restructuring, pay protection at the level of their previous post is paid for the first 18 months;

childcare vouchers are available to all eligible employees via the HMRC-approved salary sacrifice scheme. There is no direct subsidy towards childcare costs by the Council;

standby and/or call-out payments, employees who are required to be on standby at times which are outside their normal working week and/or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy;

provision of mobile telephones, mobile telephones are provided to employees on the basis of business need where they are necessary to enable them to undertake their duties effectively. The Council funds the provision of the phone and business calls.

provision of landline telephone allowances, Provision of landline allowance will only be considered for employees who live in areas of restricted mobile service.

discounted loans, permanent employees who have satisfactorily completed their probationary period have access to discounted loans for:

- The purchase of cars/bicycles; and/or
- The purchase of season tickets for travel;

Interest is charged on Car and Bicycle loans at current PWLB (Public Works Loan Board) rates plus 1.25%. For a small number of employees employed before 27th November 2001 no interest is chargeable under historical contract of employment terms. Travel season ticket loans are interest free;

employee assistance programme, is a 24/7 confidential support service for information and guidance on a range of work-life topics funded by the Council and made available to all staff.

lifestyle scheme, is an online benefits scheme that works with 'great' retailers, both online and on the high street, to provide market-leading offers and discounts to all staff.

Performance-related pay and bonuses

13. The Council does not operate a scheme of performance-related pay or bonuses for its staff.

Lowest-paid employees

14. The Council's definition of lowest-paid employees is people employed in Grade 11 of the Council's grading structure. This is because it is the lowest pay band operated by the Council for permanent staff. Hastings Borough Council ensures its lowest paid employees are paid the current published UK Living Wage or higher.

Relationship between remuneration of chief officers and remuneration of employees who are not chief officers

15. The Council's ratio of pay at the top to pay at the median is currently 1:3.6. The Council will look to ensure the ratio does not exceed the national average for the public sector.
This ratio is based on basic salary only, excluding variable pay and benefit in kind.

Payments on termination etc.

16. The Council's approach to statutory and discretionary payments on termination of employment is set out within its Redundancy Policy which includes the written statement in accordance with regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. At the time of preparation of this policy statement, the policy is:
 - to pay statutory redundancy payments in accordance with the Employment Relations Act 1998, which provides for a maximum calculation of up to 30 weeks' pay, multiplied by two. The payment will be based on an employee's actual weekly salary rather than the figure set by the Government.
17. The Council's policy is normally not to make any awards under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011: this constitutes its written policy statement under the regulations.
18. Any large severance payments will be considered by the Employment Committee and referred to full Council for approval. Large payments would be those in excess of £100,000 including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.

Publication of information

20. This statement will be published on the Council's Website www.hastings.gov.uk
21. In accordance with regulation 7 of the Accounts and Audit (England) Regulations 2011, for posts where the remuneration in a year is £50,000 or more, the Council's Annual Statement of Accounts will include a note setting out the total amount of - salary, fees or allowances paid to or receivable by the person in the current and previous year;
- any sums payable by way of expenses allowance that are chargeable to UK income tax;
 - any compensation for loss of employment and any other payments connected with termination;
 - any benefits received that do not fall within the above

The statement of accounts is available on the Council's website.

22. The Council also publishes information about remuneration of JNC Chief Officers and staff in the transparency section of its website.

http://www.hastings.gov.uk/decisions_democracy/transparency

This information is updated from time to time and includes a list of Directors and Heads of Service as defined in the Localism Act 2011.

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