

EXECUTIVE

3 NOVEMBER 2015

Present:

Councillors: Christophers (Leader), Barker, Clemens, Goodey, Gribble, Hellier Laing and Russell.

Apologies

Councillor Lake.

Non-Executive Members in Attendance:

Councillors: Brodie, Clarance, Dewhirst, Golder, Grainger, Haines, Hook, Jones, Nutley, Price and Prowse.

Officers in Attendance:

Nicola Bulbeck – Chief Executive
Phil Shears – Deputy Chief Executive
Sue Aggett – Business Lead
Lesley Tucker – Chief Finance Officer
Duncan Moors – Solicitor to the Council
Tony Watson – Business Manager
Kate Davies – Interim Personnel Manager
Andrea Furness – Licensing Manager

Executive decisions will take effect from 10.00 am on Tuesday, 10 November 2015 unless called-in or identified as urgent in the minute.

187. MINUTES

The minutes of the Executive held on 29 September 2015 were approved and signed as a correct record.

188. MATTERS OF URGENCY / MATTERS OF REPORT ESPECIALLY BROUGHT FORWARD WITH PERMISSION OF THE CHAIRMAN

None.

189. DECLARATIONS OF INTEREST

None.

190. PUBLIC QUESTIONS

None.

191. NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)

None.

192. LIVING WAGE

The Executive received a report which updated Members on the recommendations made by the Overview & Scrutiny Committee at its meeting held on 21 September 2015 when it considered whether the Council should pay the living wage.

The Chairman of Overview & Scrutiny submitted that the Committee had considered the case of implementing the Living Wage based on the information available at the time and had been of the opinion that the Executive be recommended to introduce the Living Wage. There had been a growing appetite to realise a 'lower welfare, higher way economy' and it would be good for the Council to be seen to be leading the way on this. Both Exeter City and East Devon District Council's paid the living wage.

The Portfolio Holder for Assets & Resources submitted that currently the Council was awaiting information relating to how any implementation would affect the pay differentials. He updated Members that since the production of the agenda report, the Living Wage Foundation had increased its minimum hourly rate of pa to £8.25. This would realise an additional pressure of £206K. He proposed that the recommendation be amended so as to defer the item until such time as information relating to the effect on pay differentials is received and that it be considered as part of the formal budget setting process.

During discussion, non-Executive Members made the following comments:

- Councillor Hook welcomed and applauded the recommendations of the Overview & Scrutiny Committee and hoped the Council would join a growing number of organisations in paying the living wage;
- Councillor Prowse submitted that if as part of the Car Parking Review Group it was recommended that charges be implemented at the Forde House Campus, this be borne in mind when considering they implementation of the living wage;
- Councillor Golder had been the only person to vote against the recommendation at Overview & Scrutiny Committee – he submitted the proposal made little consideration of how it would be paid for and either raising council tax or limiting services to the public would not be beneficial for the public at large; and
- Councillor Dewhirst believed the people of Teignbridge would like to think their services were not being provided by the poorest in the Council on a wage that was below the living wage – it would be good for

EXECUTIVE (03.11.2015)

the local economy and noted the number of other authorities that had already implemented the policy.

The Chief Executive stated that whilst the report had been useful it would be prudent to await the information currently being gathered by the Local Government Association on the effect introduction of the living wage would have on pay differentials. Teignbridge benefited from high performing and motivated staff but a decision would need to be made on the receipt of the facts so that any impacts could be addressed and risks mitigated. It was not relevant to contrast Teignbridge with Exeter City and East Devon District Councils both of whom had differing demographics, pay arrangements and service delivery models to that of Teignbridge.

Councillor Christophers submitted that everyone wanted to see staff being paid an appropriate level of remuneration but it was sensible to include the subject within the normal budget round. In the current climate it was not appropriate to write open cheques without realising the consequential impacts.

In concluding, the Portfolio Holder for Assets & Resources reiterated to Members that it was not a case of it couldn't be done, rather waiting for additional information was essential to reaching a balanced view. In light of the increase in the living wage to £8.25 it would add 1% to council tax bills on top of the 2% prior to the rise. Evaluating it as part of the budget process would allow the Council to identify potential pressures elsewhere across the organisation. The impact on small businesses also needed to be understood also.

The Leader advised that as information was received it would be shared with Members by way of the Members Newsletter.

Resolved

That the report be noted and a decision deferred until such time as the research being conducted by the Local Government Association has been completed and that it then be included as part of the budget setting process.

193. REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

In December 2010 Council approved the current Statement of Licensing Policy which has been in effect since 7 January 2011. Under Section 5(1) and (2) of the Licensing Act 2003 this policy is required to be reviewed every three years. This was changed to five years on the 25 April 2012 by the Police Reform and Social Responsibility Act 2011.

The Licensing Manager advised that 10 telephone requests and 7 email requests for hard copies of the policy had been received but no representations had been made. With that in mind it would be for the Executive to recommend to Full Council for approval.

EXECUTIVE (03.11.2015)

The Portfolio Holder for Health & Wellbeing thanked officers for their work and stated that the policy highlighted the good relationship the authority had with local businesses that required operating and personal licences.

Resolved

That the Review of the Statement of Licensing Policy be recommended to Council for approval.

194. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

The Council is required every three years, to prepare and keep under review, a statement of the principles which it proposes to apply when exercising its functions and the statement must be published. The Council has prepared its statement which has been subject to consultation. The current statement of principles came into effect on 31 January 2012 and expires on 30 January 2016.

The Licensing Manager advised that there had been one email request for a hard copy of the policy and three representations had been received. These had been fairly generic in similarity to other representations received by other Devon authorities. The policy had therefore been redrafted, inclusive of the amendments that she considered fit and now requested Executive comment.

Councillor Hook submitted that there had been issues during the planning process whereby a planning application would classify the application for a bookmakers as being designated for financial services and did not allude to the true nature of the venture which meant local residents and Members sometimes missed them.

The Solicitor to the Council advised Councillor Hook that changes had come into force recently regarding this issue and was highlighted on page 111 of the agenda report in the penultimate paragraph, second sentence.

The Portfolio Holder for Health & Wellbeing highlighted that the safety of all persons was paramount with regards to gambling and this was demonstrated throughout the policy before Members. The Community Safety Partnership sat alongside these measures and urged Members to approve the policy for referral to Council for final approval.

Resolved

That the Gambling Act Statement of Principles be referred to Full Council for approval.

195. PRIVATE HIRE OPERATOR LICENCE FEES

The Executive considered a report which recommended new licence fees for private hire operators to reflect the change in the duration of a licence.

The Licensing Manager advised that the Deregulation Act 2015 amended sections of the Local Government (Miscellaneous Provisions) Act 1976 that dealt with the duration of private hire operators' licences for private hire vehicles. The current practice in Teignbridge was to grant licences for a period of one year only. The amendments that had been implemented established a standard duration for a private hire operator's licence of 5 years. She advised that were someone to retire within a year, they would not be charged for the full five years. The proposal was for a 60% decrease on the current annual fee as it was only allowed to cover administration costs.

Resolved

(a) that the proposed licence fees outlined in the report be approved with an implementation date of 1 October 2015;

(b) that if objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter must come back before the next appropriate Committee meeting so that any such objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set; and

(c) that on 1 October 2015 paragraph 10.1 of the Hackney Carriage and Private Hire Licensing Policy be amended to: If you operate a Private Hire service you must apply to the Council for a Private Hire operator's licence. Such licences will be valid for a maximum of 5 years and on application the Council requires a completed application form and payment of the licence fee'.

196. EXECUTIVE FORWARD PLAN

The Executive Forward Plan was noted and the follow item was listed for inclusion:

- 1 December 2015 – Devolution – Report of the Leader of the Council.

197. EXCLUSION OF THE PRESS AND PUBLIC

The Leader moved the following resolution:

“That under Section 100(A)(4) of the Local Government Act 1972 the Press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act”.

198. REFURBISHMENT OF COUNCIL CHAMBER AUDIO VISUAL SYSTEM AND ASSOCIATED WORKS

Members considered a report which sought approval of a budget to deliver the following work: introduction of new audio and visual installation in the Council Chamber and meeting rooms in Forde House and the renewal of the chamber furniture. The primary purpose is to respond to customer comments about sound quality and to introduce greater opportunities of the dual use of the Chamber venue.

Resolved

That the recommendations be approved.

Jeremy Christophers
Leader