

COUNCIL – 15 OCTOBER 2020

SUPPLEMENTARY REPORT

RECOMMENDATIONS OF THE EXECUTIVE, COMMITTEES AND THE HOUSING INFRASTRUCTURE FUND OVERSIGHT PANEL

Executive Summary

This report sets out the extracts of the draft minutes of the meetings of the Licensing Committee on 6 October and the Executive on 8 October, outlining the recommendations before the Council.

LICENSING COMMITTEE – 6 OCTOBER 2020

D VEHICLE SPECIFICATION POLICY LIC20-008

Members received a report on the Vehicle Specification Policy. Joanne McIntosh, Legal Services Manager, reported that at the Full Council meeting on 17 October 2019 the Council had deferred the implementation of the Taxi Licensing Policy from the end of March 2020 to the end of December 2020 so that a review of the existing policy could be undertaken. A review and consultation exercise had now been undertaken and the Committee was asked to consider the report and recommend to Council accordingly.

The Committee was presented with two options. Option 1 would ensure that Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles continued to have effect as drafted, and that the Council confirm that its commitment to take steps to ensure that all wheelchair accessible vehicles would be Ultra Low Emissions Vehicles (ULEV) by 2031. Option 2 would see Woking Borough Council adopting a ULEV policy. The choice would be left to the drivers as to which type of vehicle, saloon or wheelchair accessible, to purchase.

Joanne McIntosh advised the Committee that the Equalities Act made provision for wheelchair users and although it had not yet been enacted, it could be introduced at any time. In the event that Option 2 was supported, drivers with wheelchair accessible vehicles would be given until 31 March 2026 to replace the vehicle and the Council would explore, if necessary, incentives for drivers to encourage drivers to purchase wheelchair accessible vehicles.

Members discussed the two options and noted that the Council had previously declared a Climate Emergency; there was a need to ensure an adequate supply of wheelchair accessible taxis, which were also useful for families with many items of luggage; and the stated uncertainty over whether the relevant provision within the Equalities Act would be enacted. The possibility of requiring all new applications to use wheelchair accessible vehicles was discounted as it would not create a level playing field for all drivers.

The Committee supported Option 2 and agreed that within a year of implementation, a report on the impact on the number of accessible vehicles be brought to the Committee. It was accordingly,

RECOMMENDED TO COUNCIL That

That (i) Woking Borough Council's Ultra Low Emissions Vehicle Specification policy be adopted (Option 2); and

Supplementary Report – Recommendations of the Executive, Committees and the Housing Infrastructure Fund Oversight Panel

- (ii) that within a year of implementation of Option 2, a report on the impact on the number of accessible vehicles be brought to the Licensing Committee.**

E DELEGATED AUTHORITY IN RESPECT OF TAXI AND PRIVATE HIRE LICENSING LIC20-007

Joanne McIntosh introduced the report which stated that the Licensing Committee had requested a review of the current scheme of delegated authority in respect of Taxi and Private Hire licensing. A report was received by the Committee setting out a thorough review which had been undertaken, recommending that the scheme should continue as drafted, as the current scheme was operating in line with best practice, subject to any changes adopted with the proposed introduction of a penalty points system.

Councillor Morales moved and Councillor Bridgeman seconded an amendment which had the effect of allowing any Member of the Council to refer to the Licensing Committee a decision of a Licensing Officer to refuse an application for a new taxi or private hire licence or the renewal of an existing licence. Councillor Morales stated that it would be beneficial for a Member to be able to call in a decision taken under delegated authority regarding a new licence or a renewal. If agreed, the amendment would need to be approved by Full Council. The amendment would not apply to situations where a taxi driver had broken the law and Surrey Police had advised that the licence should be revoked immediately.

Members discussed the proposed amendment. Cllr Harlow stated that the amendment was not necessary due to the points system which had been agreed, and expressed concern over the length of time a driver would need to wait for a decision, adding that extra meetings of the Committee should not be held. There was also the Right of Appeal to the Magistrate's Court. Cllr Morales added that it would be for the driver to approach the Ward Councillor and ask for the matter to be called in, which would need to be for a good reason.

Following a question, Matthew Cobb stated the reasons for refusal tended to be that a driver was not medically fit or held a criminal record, with any recommendations for refusal referred to the Chairman of the Licensing Committee. It was noted that the vast majority of the decisions taken were clear, with just one appeal being overturned by the Magistrate's Court over the past six years.

Upon being put to a vote, the amendment was approved by five votes in favour and four votes against. The motion was therefore supported and accordingly it was,

RECOMMENDED to Council

That the existing scheme of delegation for the Legal Services Manager in respect of Taxi and Private Hire Licensing be amended to include the following additional provision:

- (3) In the event that an Officer is minded to reject an application for a new licence or the renewal of an existing licence, any Council Member would be able to call-in that case for a hearing by the Licensing Committee where the final decision would be made by the Committee.**

EXECUTIVE – 8 OCTOBER 2020

F. HOUSING MANAGEMENT AND MAINTENANCE SERVICE EXE20-050

Councillor Harlow, Portfolio Holder for Housing, introduced the report which recommended to Council a preferred approach for the future delivery of the Housing Management and Maintenance Service following the expiry of the New Vision Homes (NVH) contract on 31 March 2022. Councillor Harlow explained that the report sought authority to undertake the required statutory consultation with tenants and leaseholders on the preferred approach.

The Executive was supportive of the recommendation set out in the report, namely that the Council pursued a hybrid model whereby Housing Management and Asset Management Services were brought back in-house, and repairs and maintenance works and services were procured through third party contractors. It was commented that bringing Housing Management Services back in-house would give the Council direct control and reduce confusion amongst residents.

Discussion ensued on repairs and maintenance services. The Executive was informed that the Council no longer had in-house expertise in delivering housing repairs and it was considered to be a step too far at the current time to bring the service back in-house. The preferred approach was for the service to be delivered by external providers with the repairs and maintenance contract directly managed by the Council to ensure the Council had clear oversight. The consultant costs in relation to the outsourcing of the repairs and maintenance service were raised. Officers advised that the Council could consider bringing the service back in-house in the future.

RECOMMENDED to Council

- That (i) approval be given to the preferred approach of Housing Management and Asset Management Services being brought back in-house and housing repairs and maintenance works and services being procured through third party contractors (Option 2) from 1 April 2022, subject to tenant and leaseholder consultation;**
- (ii) the Director of Housing, in consultation with the Portfolio Holder for Housing, be authorised to take such decisions as may be necessary to facilitate the process of transition to a new model of Housing Management and Maintenance Service, including any decisions around procurement timing and approach;**
- (iii) the Director of Housing, in consultation with the Head of Legal and Democratic Services and the Portfolio Holder for Housing, be authorised to undertake the statutory tenant and leaseholder consultation, as determined by s.105 of the Housing Act 1985 and s.20 of the Landlord and Tenant Act 1985 (as amended by s.151 of the Commonhold and Leasehold Reform Act 2002) as necessary, regarding the future of the Housing Management and Maintenance service post 31st March 2022; and**
- (iv) following the statutory consultation and engagement process, a report on the outcome is brought back to the Executive and Full Council in February 2021 to inform the**

Supplementary Report – Recommendations of the Executive, Committees and the Housing Infrastructure Fund Oversight Panel

final decision on the future of the Housing Management and Maintenance Service.

Reason: To determine the future delivery model for the Council's Housing Management and Maintenance Service after the end of the current contract with New Vision Homes on 31 March 2022.

G. WOKING BOROUGH COUNCIL SOCIAL MEDIA POLICY EXE20-057

The Executive received a report which recommended to Council the adoption of the Woking Borough Council Social Media Policy. Discussion ensued on Section 6 of the Social Media Policy which related to Elected Member use of social media. Following a question regarding how the Policy related to the Members' Code of Conduct, the Executive was informed that the Policy cross referenced the Code of Conduct in Section 6 of the Policy. The Director of Legal and Democratic Services, Peter Bryant, explained that a breach of the Social Media Policy would not automatically constitute a breach of the Members' Code of Conduct as it would depend upon the nature of the breach and whether it constituted a breach of one of the core elements of the Code. In order to provide greater clarity to Members, consideration would be given to taking to the Standards and Audit Committee a Standards Protocol in relation to the Social Media Policy which would expand on what constituted a breach of the Code of Conduct. It was noted that the usual sanctions would be available if a breach of the Code was deemed to have occurred.

The practical difficulties of Members separating their personal and public life on social media was discussed. The Executive was advised that the Policy related to the subject matter of social media posts and not the social media profile used when posting. It was agreed that further discussion between the Portfolio Holder and Officers would be held on the issue before Council on 15 October 2020.

RECOMMENDED to Council

- That (i) **the Council adopts the Social Media Policy, as set out in Appendix 1 of the report, with effect from 16 October 2020; and**
- (ii) **the Marketing Communications Manager, in consultation with the Portfolio Holder, be delegated authority to make minor amendments to the Policy.**

Reason: This policy will help employees and Members to use social media effectively without inadvertently placing themselves in a situation where the appropriateness of their conduct is called into question.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Supplementary Report – Recommendations of the Executive, Committees and the Housing Infrastructure Fund Oversight Panel

- Reporting Person:** Councillor David Bittleston, Leader of the Council (Item G)
Email: cllr david.bittleston@woking.gov.uk
- Councillor Debbie Harlow (Item F)
Email: cllrdebbie.harlow@woking.gov.uk
- Councillor Mohammed Ali (Items D and E)
Email: cllrdebbie.harlow@woking.gov.uk
- Contact Person:** Peter Bryant, Director of Legal and Democratic Services (Item G)
Email: peter.bryant@woking.gov.uk, Extn, 3030
- Joanne McIntosh, Legal Services Manager (Item D and E)
Tel: 01483 743038, Email: Joanne.McIntosh@woking.gov.uk
- Louise Strongitharm, Director of Housing (Item F)
Email: louise.strongitharm@woking.gov.uk, Extn: 3599
- Portfolio Holder:** Councillor David Bittleston, Leader of the Council (Item G)
Email: cllr david.bittleston@woking.gov.uk
- Councillor Debbie Harlow (Items D, E and F)
Email: cllrdebbie.harlow@woking.gov.uk
- Shadow Portfolio Holder:** Councillor Ann-Marie Barker (Items G)
Email: cllrann-marie.barker@woking.gov.uk
- Councillor Ken Howard (Items D and E)
Email: cllrken.howard@woking.gov.uk
- Councillor Liam Lyons (Item F)
Email: cllrliam.lyons@woking.gov.uk
- Date Published:** 13 October 2020

REPORT ENDS

