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# CABINET

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**Wednesday, 11th October, 2017**

**Present:** Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

**In Attendance:** Councillors Tony Dobson, Stewart Eaves and Abdul Khan

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**181 Apologies for Absence**

There were no apologies for absence.

**182 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**183 Minutes of Cabinet**

The Minutes of the meeting of Cabinet held on 30<sup>th</sup> August 2017 were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

**184 Minutes of Boards, Panels and Working Groups**

The Minutes of the meeting of the Regeneration and Housing Panel held on 24<sup>th</sup> July 2017 were submitted.

**Resolved** - **That the Minutes be received and noted.**

**185 Reports of Cabinet Members**

There were no reports.

**186 General Data Protection Regulations**

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report relating to the General Data Protection Regulations that were due to come into force in May 2018 and outlining the steps the Council would need to take to ensure compliance. The Regulations imposed stricter requirements on the Council in respect of data protection and imposed much greater penalties in respect of data protection breaches. Many of the “day-to-day” protection rules would stay the same or similar, although the Regulations made a number of key changes and imposed much greater emphasis on governance and documented compliance arrangements. The requirements of the Regulations were summarised in Appendix 1 to the report and the proposed Action Plan for the Council was attached as Appendix 2. Approval of the report was not deemed a key decision.

### *Reasons for Decision*

1) The Regulations would take effect on 25<sup>th</sup> May 2018 and were EU regulations that would apply in the UK without the need for national legislation. The implementation of the Regulations would not be affected by Brexit.

2) The aim of the Regulations was to increase individuals' rights to data privacy. Guidance on the Regulations was emerging on a piecemeal basis and the Information Commission's website indicated that further guidance would be produced on various aspects of the Regulations, and hopefully some of that would be more sector specific. The Government had also announced that it intended to produce new, national legislation to replace the Data Protection Act 1998 and the Council would have to keep up to date with that guidance and new legislation as it emerged and respond accordingly.

### *Alternative Options Considered and Reasons for Rejection*

The Council was required by law to comply with the Regulations once they came into force and given the significant penalties for non-compliance, the Council had no option but to start to prepare for implementation of the Regulations.

#### **Resolved**

- (1) That the requirements of the General Data Protection Regulations, as summarised in Appendix 1 to the report, be noted;**
- (2) That the proposed Action Plan attached as Appendix 2 to the report be endorsed and the Executive Director (Legal and Democratic Services) be authorised to take the steps necessary to implement the same;**
- (3) That the Executive Director (Legal and Democratic Services) be appointed as Data Protection Officer for the Council; and,**
- (4) That the Head of Internal Audit be appointed to deputise for the Data Protection Officer in her absence.**

## **187 Taxi Policy Review 2017**

The Portfolio Holder for Resources submitted a report relating to changes to the Council's current Hackney Carriage and Private Hire Licensing Policy following a recent review and consultation exercise. There were increasing calls nationally for CCTV to be required in licensed vehicles and in view of issues that would need to be addressed, considerations on the requirement were ongoing and a further report on CCTV would be presented to Cabinet in due course. The draft policy proposals were set out in the report and details of the consultation responses, the Convictions Policy and the Intended Use Policy were attached as Appendices 1 to 3 respectively. Approval of the report was not deemed a key decision.

### *Reasons for Decision*

1) In March 2010 the Department for Transport issued best practice guidance for taxi and private hire licensing. Although the guidance was not statutory, it was intended to assist Licensing Authorities and Paragraph 4 of the guidance stated that "it was for individual licensing authorities to reach their own decision both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations".

2) The Council had responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of Hyndburn and in 2013 had brought all its various hackney carriage and private hire policies and procedures together in one comprehensive policy document. At that time, the policy was extensively updated and a number of key changes had been made. Those changes were summarised in Paragraph 3.1 of report.

3) In August 2016, the Council had received a petition from some of the taxi trade asking for a review of the following aspects of the Council's current policy:-

- The ban on the licensing of Category C and D vehicles; and,
- The requirement for licensed vehicles to meet Euro 5 from September 2017

The petition claimed that drivers were struggling financially due to a lack of trade and the cost of replacement vehicles. Members and officers had met with trade representatives in response to the petition and it had been agreed that those issues would be considered as part of a wider policy review.

4) The draft proposals set out in the report had been advertised in the local press and on the Council's website and letters about the consultation had been sent to the taxi trade. A public notice and information about the policy and consultation had been placed in all of Hyndburn's public libraries. The consultation had also been published via the local newspaper.

#### *Alternative Options Considered and Reasons for Rejection*

The Council did not need to update its taxi policy and could continue as it was for the time being, however, that was not recommended. It was good practice to keep the policy under review and to make improvements where possible to raise standards and reflect changing circumstances. Cabinet could also choose to agree some of the proposals but not others.

#### **Resolved**

- (1) That the current Hackney Carriage and Private Hire Licensing Policy be amended to remove the requirement for hackney carriages and private hire vehicles licensed in the Borough to achieve Euro 5 technology standard from 1<sup>st</sup> September 2017;**
- (2) That the Convictions Policy attached at Appendix 2 to the report be adopted;**
- (3) That the Intended Use Policy attached at Appendix 3 to the report be adopted;**
- (4) That the Council's supplementary testing manual for hackney carriages and private hire vehicles be amended to include the following as reasons for test failure:**
  - a) tyres are not date stamped or are over 10 years old;**
  - b) a mix of summer and winter tyres are fitted to the same axle; and,**
  - c) the dashboard warning lights don't illuminate when the ignition is turned on or they remain visible after start up.**

- (5) That the rules, regulations and procedures for hackney carriage and private hire licensing attached at Appendix 4 to the report be approved and the Executive Director (Legal and Democratic Services) be delegated authority to amend the same to correct any errors or to give effect to changes in the law;**
- (6) That the current Hackney Carriage and Private Hire Licensing Policy be amended to prohibit the licensing of Category C and D vehicles which had been written off for insurance purposes (and it be noted that such vehicles would be officially classified as Category S and N vehicles from 1<sup>st</sup> October 2017 when changes to the categorisation of insurance “write off’s” took effect);**
- (7) That the current Hackney Carriage and Private Hire Licensing Policy be amended to vary private hire operator licence conditions as proposed in Paragraph 3.3(i) of the report;**
- (8) That the current Hackney Carriage and Private Hire Licensing Policy be amended to permit the licensing of Liquefied Petroleum Gas (LPG) vehicles;**
- (9) That the current Hackney Carriage and Private Hire Licensing Policy be amended to:**
  - require the vehicle licence number to be displayed on the insurance sticker,, such sticker to be permanent and attached to the front door of the vehicle;**
  - ban tinted windows in licensed vehicles only where these are not a standard factory it;**
  - require the driver’s badge to be displayed on the vehicle dashboard so it can be seen by passengers; and,**
  - permit magnetic signage in respect of operator name signs, but prohibits any other magnetic signage. When a licensed vehicle is being used as such it must display the operator signage for the operator that took the booking or the operator the booking has legitimately been sub-contracted to (including a hackney carriage carrying out journeys pre-booked through an operator).**

**These changes to take effect from 18<sup>th</sup> December 2017 to allow time for compliance.**

- (10) That the current Hackney Carriage and Private Hire Licensing Policy be amended to:**
  - remove the condition in relation to vehicle age when first licensed;**

- introduce an upper age limit for private hire vehicles and hackney carriages of 15 years; and,
- require vehicles to be visually inspected and approved by the licensing manager as being in exceptional condition in order to be, or remain, licensed over 7 years of age.

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

### **188 Medium Term Financial Strategy 2018-19 to 2020-21 - October 2017 Update**

The Portfolio Holder for Resources submitted a report on the three year projections of income and spending for the Council ahead of commencing its Budget preparation for 2018/19. The Medium Term Financial Strategy was attached to the report and set out the way in which the Council went about its financial planning processes, especially in relation to the corporate budget planning cycle, which was subject to the Budget and Policy Framework Procedure Rules. The Strategy also set out an updated action plan for the process and arrangements for reporting on progress to date in formulating and updating future year's budgets. Specifically the report updated the Medium Term Financial Strategy presented to Cabinet in February 2017. Appendix 1 to the report set out the background to the current budget predictions in figures to give an idea of commitments, funding and potential Council Tax levels. It indicated that for 2018/19 the Council would see a reduction in its Government Grant of £450,000 (18%) and that it faced other budgetary pressures around its delivery of services of over £1.3m. Those combined to produce a savings target of £1.7m for 2018/19 which was almost 16% of the Council's current spend levels. In the following year, the Council faced less serious budget challenges with a target saving of £946,000 or 9% of its current budget. The pressure however increased substantially once again in 2020/21 with the predicted ending of Revenue Support Grant which would see £1.5m of revenue lost to the Council and an overall savings target for the year of £1.9m or 18% of its current budget. Appendices 2 and 3 to the report outlined two further scenarios of the potential range of values over the coming period. The figures in Appendix 1 however remained the Council's current best estimate of the likely financial position over the next three years. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

Cabinet required an update on its medium term financial outlook ahead of setting the Budget for 2018/19 and determining the level of Council Tax. The report also ensured those decisions were taken with a view to the overall position of the Council going forward and were not limited to a narrow one year perspective.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - That the report and accompanying Medium Term Financial Strategy be approved.

