

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 7th September, 2016
at 2.00 p.m. (Committee Room No. 4)

NOTE: Group Meetings at 1.15 p.m.

AGENDA

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. To confirm the Minutes of the meeting held on 27th July and the special meeting held on 3rd August, 2016 (Pages 1-33).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D/R) 7. Recommendations of the Housing Management Forum, 25th August, 2016 (Pages 34-43).

- (D) 8. Council Finances Quarter 1 (Pages 44-53).
- (R) 9. Land Charge and OS Map Fees (Pages 54-55).
- (R) 10. Ship Water Sampling (Pages 56-57).
- (D) 11. Executive Director Performance Appraisal 2016/17 (Pages 58-59).
- (R) 12. Licensing Regulatory Committee - Policy relating to the Fitness of Applicants For Hackney Carriage and Private Hire Driver's Licences (Pages 60-63).

**NOTE (D) - Delegated
(R) - For Referral to Council**

Membership of Committee
Councillors

Councillors Pidduck (Chairman)
Sweeney (Vice-Chairman)
Barlow
Biggins
Brook
Cassells
Hamilton
R. McClure
Maddox
Pemberton
Roberts
Williams

For queries regarding this agenda, please contact:

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Published: 30th August, 2016.

EXECUTIVE COMMITTEE

Meeting: Wednesday 27th July, 2016
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Sweeney (Vice-Chairman), Barlow, Biggins, Brook, R. McClure, Maddox, Pemberton, Roberts, Wall and Williams.

Also Present:- Phil Huck (Executive Director), Sue Roberts (Director of Resources) and Jon Huck (Democratic Services Manager and Monitoring Officer).

30 – The Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 (Minute No. 37) and Paragraph 2 (Minute No. 38) of Part One of Schedule 12A of the said Act.

31 – Minutes

The Minutes of the meeting held on 29th June, 2016 were agreed as a correct record.

32 – Apologies for Absence

Apologies for absence were received from Councillors Cassells and Hamilton. Councillor Wall substituted for Councillor Hamilton for this meeting only.

33 – Declaration of Interest

Councillor Wall declared an Other Registrable Interest in Agenda Item 7 – 2016-2020 Budget Strategy (Minute No. 33). She was the President of Walney Junior Amateur Operatic Society which used the Forum for its Annual Show.

34 – Barrow Island Landscaping Project – Tender Exercise

The Executive Director reminded the Committee that the Barrow Island Landscaping project to be delivered as part of the Clusters of Empty Homes programme had been revised and re-priced. The re-pricing exercise had been done competitively.

The tender exercise carried out in 2014 returned priced significantly higher than the project budget. It was intended to refine the contract design in consultation with ESH, aiming for a contract sum in the region of £1.35m. An additional £200,000 was made available in the capital programme (Minute 63 10/09/14 refers), and it was proposed that any additional funding required to support the contract be sourced from the recycling of repayments of a loan of £1.9m provided to Barros Trading Ltd. That loan had not been concluded at the time of the previous report to the Committee, and it had been agreed that the contract with ESH should not be formally entered into until the loan agreement with Barros Trading was signed.

Since this time, the loan with Barros Trading had been agreed. However, it had not been possible to arrive at an acceptable scheme through direct negotiation with ESH that could deliver within the target budget. That was despite a substantial redesign that had been carried out by FHA. That redesign required a material amendment to the planning consent to be submitted and that had been agreed.

It was therefore decided to revert formally to ESH and to the nearest two unsuccessful contractors from the tender exercise, and request them to price the revised bill. These contractors were Thomas Armstrong and Ground Control.

At the time of writing, the revised prices had not been received.

RESOLVED:- To delegate to the Executive Director the appointment of lowest tender from the repricing exercise as contractors for the Barrow Island Landscaping Project.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

35 – 2016-2020 Budget Strategy

The Committee considered a detailed report of the Executive Director regarding the 2016-2020 Budget Strategy including the detailed proposals for services. The impacts of the strategy had been forecast into the Medium Term Financial Plan which would be submitted to Government as the Council's Efficiency Plan. The projected budget deficit by 2019-2020 was £2.37m and £2.4m of cost savings and additional income had been identified, balancing the medium term finances of the Council.

RECOMMENDED:- To recommend the Council:-

- (i) To endorse and adopt the 2016-2020 Budget Strategy;

- (ii) To agree that items of non-recurring expenditure necessary to deliver the 2016-2020 Budget Strategy were funded from the Medium Term Financial Plan reserve;
- (iii) To agree that the outturn result during the strategy period be met from or added to the Medium Term Financial Plan reserve;
- (iv) To agree that £1m of the Medium Term Financial Plan reserve be set aside into the business rate volatility reserve; part of the Budget Contingency reserve;
- (v) To agree the service resilience recommendations;
- (vi) To agree the leisure recommendation;
- (vii) To agree the burial and cremation recommendations;
- (viii) To agree the ring-fenced properties recommendation;
- (ix) To agree the Dock Museum recommendation;
- (x) To agree the commercial estate recommendation;
- (xi) To agree the kennels recommendations;
- (xii) To agree the playgrounds recommendations;
- (xiii) To agree the allotments recommendations;
- (xiv) To agree the Barrow Park recommendations;
- (xv) To agree the conveniences recommendations;
- (xvi) To approve the Medium Term Financial Plan for 2016-2020; and
- (xvii) To agree that the Budget Strategy and Medium Term Financial Plan be submitted to the Department for Communities and Local Government as the Council's Efficiency Plan.

36 – Financial Outturn 2015-2016

The Director of Resources submitted a detailed report that contained the financial outturn for the year ended 31st March, 2016. The report included all aspects of the Council's finances; General Fund, Housing Revenue Account, Collection Fund, Capital Programme and Treasury Management.

RECOMMENDED:- To recommend the Council:-

1. To note the financial outturn for 2015-2016;
2. To approve the reserves transactions as set out in Section G of the report;
3. To note the annual treasury management review; and
4. To note the amounts written off under delegation in 2015-2016.

37 – 2016-2020 Budget Strategy

The report of the Director of Resources sets out the establishment impacts of the 2016-2020 Budget Strategy.

RECOMMENDED:- To recommend the Council:-

- (i) To agree that voluntary redundancy/early retirement be offered to the permanent kennels employees at 31st March, 2017;
- (ii) To agree that the permanent kennels post holders were placed on the at risk register from 7th September, 2016, until 31st March, 2017;
- (iii) To agree that voluntary redundancy/early retirement be offered to the sheltered placement team members until 31st March, 2017; and
- (v) To agree that the voluntary redundancy payment weeks were doubled, to a maximum of 52 weeks, for these applicants only.

38 – Enforced Sale of 2 Abbotsfield Gardens, Barrow-in-Furness

The Executive Director informed the Council had been dealing with a property for an extended period of time without resolution.

Direct action had been taken and monies were owed to the Council to the value of £5,265.00.

The Council had been unable to identify the current owner and the property and land continued to decay.

S.103 of the Law of Property Act 1925 enabled a Local Authority to force a sale of a property which had a local land charge, or charging order on it for money owed, for example for works carried out by the Council in default following the service of a statutory notice or for unpaid Council Tax.

RECOMMENDED:- To recommend the Council:-

1. To prepare a statutory declaration (which included the details in the report);
2. To apply to the Land Registry to have a charge noted on the property title;
and
3. To force the sale of 2 Abbotsfield Gardens, Barrow-in-Furness in the event that the monies owed to the Council remained unpaid.

The meeting closed at 3.45 p.m.



EXECUTIVE COMMITTEE

Special Meeting: Wednesday 3rd August, 2016
at 2.00 p.m.

PRESENT:- Councillors Sweeney (Vice-Chairman), Barlow, Biggins, Brook, Hamilton, R. McClure, Maddox, Pemberton and Roberts.

Also Present:- Phil Huck (Executive Director), Sue Roberts (Director of Resources) and Jon Huck (Democratic Services Manager and Monitoring Officer) and Helen Houston (Development Services).

39 – Apologies for Absence

Apologies for absence were received from Councillor Cassells, Pidduck and Williams.

40 – Publication Draft Local Plan

The Executive Director informed the Committee that the Borough's existing Local Plan had been adopted in 2001 and some of the policies were out of date and needed updating or replacing. The Planning Policy Team was responsible for preparing the new Local Plan which sets the broad framework for acceptable development in the Borough for the next 15 years up to 2031.

The production of the new Local Plan had been set out in the Council Priorities 2013-16, where objective 1.3 was 'to ensure the timely progression of the Local Plan'. That objective had been linked to the Housing priority but also supported the Regeneration and Public Realm and Local Economy Priorities.

The Council had 'saved' the under-mentioned documents to be replaced in due course by a new Local Plan.

1. Barrow-in-Furness Borough Council Local Plan Review 1996-2006 (Adopted August 2001)
2. Housing Chapter Alteration 2006 (Adopted June 2006)

The policies within the Barrow Port Area Action Plan (Adopted July 2010) had also been saved.

In November 2012, consultation had taken place under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 regarding what should be contained in the new Local Plan. The comments that were received and development sites put forward had informed the production of the Issues and Options Draft Local Plan in September 2014.

In October/November 2014, informal consultation had taken place on the Issues and Options Draft Local Plan, and the comments that were received and

development sites put forward had informed the production of the Preferred Options Draft Local Plan.

The Preferred Options Draft Local Plan had been consulted upon in July/August 2015. The Draft also contained the Council's preferred options for a suite of policies and had included the Council's preferred development sites. Comments received during that consultation informed the Publication Draft.

Officers had worked with members of the Planning Policy Working Group (comprising three Members of Executive and three Members of Planning Committee) throughout the process of preparing the Local Plan. That would be an ongoing dialogue allowing members to engage with the process and strengthen the Plan as it progresses.

The Council was also required to identify the objectively assessed housing need (OAN) in the Borough and to set a housing requirement in its new Local Plan. OAN was a "policy neutral" figure of basic housing need, whereas the housing requirement takes into account other factors such as constraints to delivery, policy restrictions and infrastructure requirements.

National guidance stated that the most recent household projections produced by the Department for Communities and Local Government should be used as a "starting point" when calculating the OAN. Adjustments could then be made to take into account housing market and economic signals and previous unmet need.

The Council had calculated the OAN and housing requirement for the Borough over the Plan period based on the most up-to-date evidence available (CLG 2012 household projections).

CLG 2012 household figures projected a continued decline in the Borough's population over the period 2012 to 2031. The size of households in the Borough would also continue to fall. That resulted in a projected growth of only 362 households between 2012 and 2031, which equated to an annual average of 19 additional households.

That figure should be adjusted upwards to take into account future employment growth, future housing vacancies and second homes. A number of options for OAN had been identified, however the most realistic was considered to be an OAN of 1990 net additional dwellings over the 19 year plan period which was an average of 105 dwellings per year. That was the minimum number of net additional dwellings which should be built over the Plan period. It was not a ceiling and additional housing would be accepted where it accorded with the Development Plan.

The Council intended to meet the target through the development of: Allocated sites; Sites with extant planning permission; Development on windfall sites; and Bringing vacant properties back into beneficial use.

The Publication Draft which had been considered by the Committee contained proposed allocations for a number of Housing, Employment and Opportunity sites throughout the borough. These were shown on the Local Plan Proposals Maps

which were shown at the meeting and an A4 map of each site was contained within the Draft Plan

The Council were also proposing to allocate 38 sites for housing, 20 of these sites were in Barrow, ten in Dalton, six in Askam and Ireleth, one in Lindal and one in Newton.

The Council also proposing to allocate 10 sites for employment; of these two were in Dalton, seven in Barrow and one at Walney.

The Council had identified through its allocation process and associated studies and assessments four brownfield sites in Barrow which were currently vacant which it would like to see developed within the lifetime of the Plan, and had classified them as regeneration Opportunity Areas.

The Council were proposing to allocate areas of the Borough as Green Infrastructure which were shown at the meeting.

Upon agreement, the Publication Draft Local Plan would be available for consultation for a minimum six week period during August/September 2016. During that time comments would be invited from statutory bodies, organisations, individuals, groups, developers/landowners and other interested parties. A number of exhibitions would also be held throughout the Borough. The options within the Draft had undergone Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA) and Viability Assessment, and these documents along with a range of supporting documents would be made available in the consultation period.

In early 2017, a Submission Draft Local Plan would be finalised and brought back to Committee for agreement to submit the Plan to government for examination.

In line with the regulations a number of assessments and consultation stages were required throughout the process of drafting the new Local Plan, however the timetable suggested the Plan would be examined and adopted in 2017.

An amendment to Table 6 Proposed Housing Allocations in Barrow Borough was considered by the Committee. The amendment referred to land at Tantabank and that the Indicative Yield (No. of dwellings) was 15.

RESOLVED:- (i) To agree the Publication Draft Local Plan as amended; and
(ii) To agree to proceed with the consultation for a minimum period of six weeks.

The meeting closed at 2.52 p.m.



BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

7th September, 2016

(D)/(R) AGENDA ITEM NO. 7

RECOMMENDATIONS

OF THE

HOUSING MANAGEMENT FORUM

25th August, 2016

***Subject to the protocol agreed by Council**

The recommendations of the meeting of the Housing Management Forum held on 25th August, 2016 are attached.

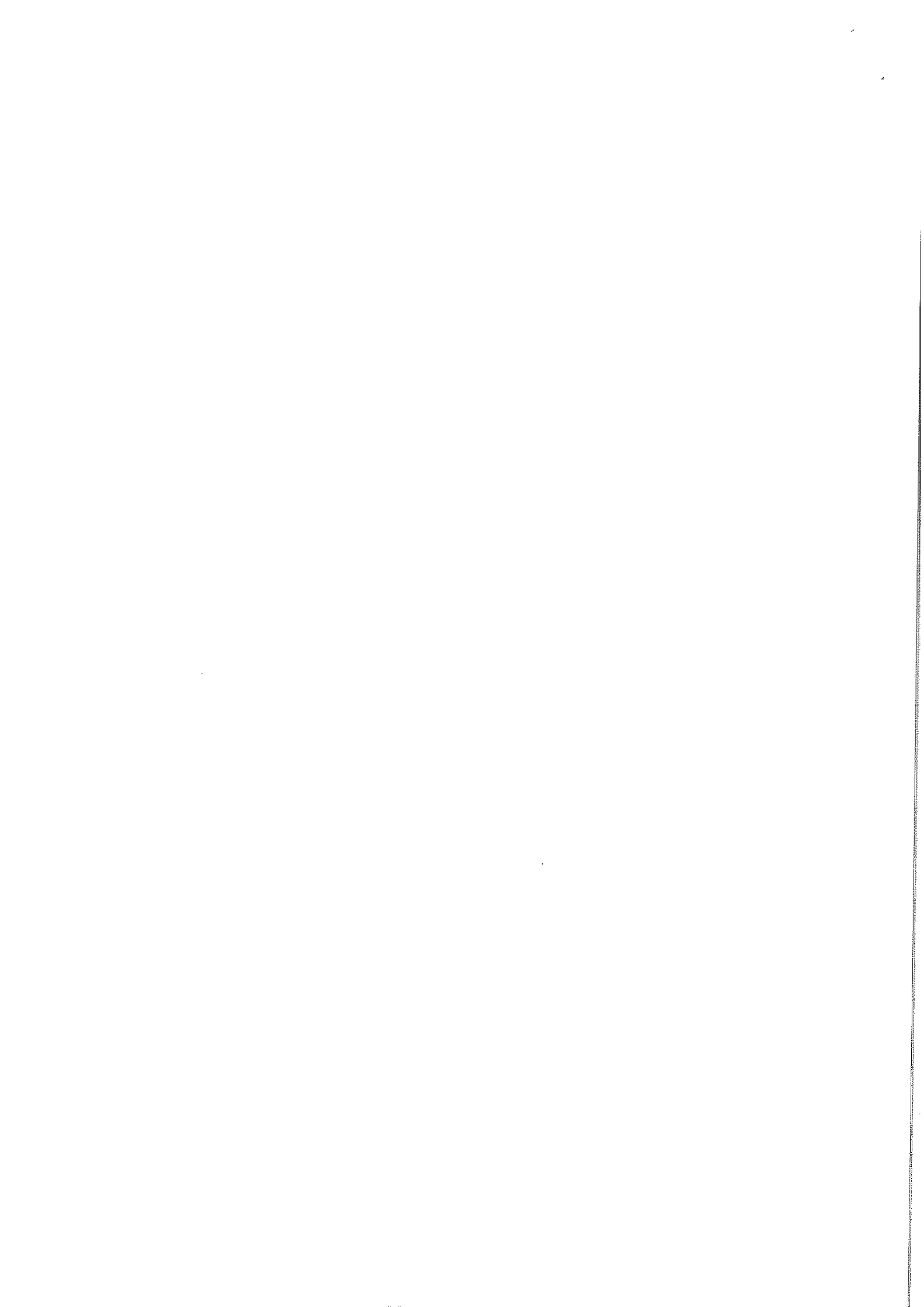
COPIES OF THE DETAILED REPORTS ON THESE ITEMS HAVE BEEN CIRCULATED PREVIOUSLY TO ALL MEMBERS OF THE COUNCIL.

The Council has agreed that the following protocol should operate:-

- The Executive Committee shall automatically agree any such recommendation or refer it back for further consideration.

- If on re-submission the Executive Committee is still unwilling to approve the recommendation, it is automatically referred to full Council for decision.

HOUSING MANAGEMENT FORUM	(D)
Date of Meeting: 25th August, 2016	(i)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Review of Council House Service</p> <p>Summary and Conclusions:</p> <p>The Assistant Director – Housing's report sought approval for a review of the Council's Housing Service to have regard to the various challenges being imposed on it by legislative changes. A copy of the report is attached at Appendix 1.</p> <p>Recommendations:</p> <p>That:-</p> <ol style="list-style-type: none"> 1. The information contained in the report be noted; 2. Officers continue to identify the financial impacts on the Council as guidance becomes available; 3. A Working Group consisting of the Council's Housing Spokesperson and three other Councillors plus a Tenant Representative be formed with the remit of developing a medium term Financial Strategy for the HRA as follows:- <p style="margin-left: 40px;"><u>Housing Service Review Working Group</u></p> <p style="margin-left: 40px;">Councillors Brook, Hamilton, Heath and McEwan (3:1) and Tenant Representative, Allan McIntosh; and</p> 4. A sum of £10k be made available to the Working Group to explore the options and benefits of alternative models of ownership and delivery should it be required. 	



Part One	
HOUSING MANAGEMENT FORUM	(D) Agenda Item 6
Date of Meeting: 25th August, 2016	
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Review of Council Housing Service</p> <p>Summary and Conclusions:</p> <p>The purpose of this Report is to agree a review of the Council's Housing Service to have regard to the various challenges being imposed on it by legislative changes.</p> <p>Recommendations:</p> <p>Members are recommended to:</p> <ol style="list-style-type: none"> 1. Note the information contained in the report. 2. For the Officers to continue to identify the financial impacts on the Council as guidance comes available. 3. A Working Group consisting of your Housing Spokesperson and two other councillors and a tenant representative be formed with the remit of developing a medium term Financial Strategy for the HRA. 4. A sum of £10k be made available to the Working Group to explore the options and benefits of alternative models of ownership and delivery should it be required. 	

Background

In agreeing the Housing Revenue Account for 2016/17, I highlighted a number of factors that would impact financially on the Service. The Budget was presented and agreed on the basis of no growth "in anticipation that we will have to consider and plan for the changes".

The HRA budget was set at £10,304,988, £197k less than we had expected before the 1% rent reduction was imposed. This reduction in income was dealt with by various cost savings measures including savings in establishment costs through voluntary redundancy and adjusting the Maintenance Budget for the year.

The 1% rent reduction will have to be applied each year for the next three years and there are a number of other changes which are likely to have a financial impact.

Unfortunately, I cannot yet establish the impact of other changes, some of which will have direct financial consequences and others that I suspect will have indirect financial impacts.

However, I would suggest the changes taken together necessitates the Council to consider the future delivery of Housing Services going forward and consider whether the Council's HRA will remain viable whilst providing the quality of services required by the Council.

Report

For the purpose of clarity I have listed below the significant changes which will impact on the HRA and our provision of services.

The key changes I would draw to your attention are as follows.

1. 1% rent reduction for next three years. (Welfare Reform and Work act 2015)
Referred to above the reduction this year was c£197k in cash terms. However, if in following years inflation pushes CPI up to 1.5% the loss will be between £1.9m and £2.6m over the four years. Should inflation remain low, even if the loss of income remains around c£200k, operational changes will be required to deal with this reduction in income.
2. Tenants changing to Universal Credit, being responsible for paying rent themselves will have an impact. It is likely Officers will have to spend more of their time trying to recover rent with a probable increase in arrears reflected by reduction in income, increased cost of bad debt provision.
3. Other changes in benefits including:
 - Freezing working age benefits, tax credits and Local Housing Allowance for four years from 2016/17.
 - Ending automatic entitlement to Housing Benefit for under 21s.
 - Reducing benefit cap to £23k.
 - Housing Benefit to be capped at Local Housing Allowance Levels from April 2017 on all tenancies commencing after 2016.
 - Housing costs to be limited to Shared Room Rate for all single tenants under 35, this is less than our lowest rent.
4. The Levy on High Value Homes. The Government will estimate the value expected from each authority from the sale of high value homes and will require payment of this sum. Details of the mechanism are still awaited.

5. Pay to Stay: Councils must set higher rents for households on higher incomes, earning more than £31k per year. Additional income will be returned to the Treasury. Council will be able to deduct reasonable costs for administration and, in first year only, have to pay "what is collected", although details still awaited.
6. Fixed term Tenancies: Authorities will be required to grant new tenancies on a fixed term, set between two and 10 years with some variation for families with children under nine. At the end of the term the authority will be required to review and decide whether to offer a new tenancy in the same or a different property.
7. Reduced Succession Rights, for example the successor will get a fixed term tenancy.

These are complex changes and their full effect is difficult to predict. However it is clear that they will have a negative effect on HRA income. There is evidence that some of these changes are already having an impact, for example RTB applications – whilst still at relatively low numbers have increased significantly with virtually all applications being for 2+ bed properties.

Taken together these changes and their likely impact on HRA revenue streams represent a significant challenge for the Housing Service and may put its viability into question in the longer term unless action is taken to reduce HRA costs over the next two/three years.

Responding to the Challenges

In presenting this Report, I do not want to appear "alarmist", however, the Council does need to plan for these changes. Without doubt there will be an impact on income, managing tenancies will become focused on collecting rent and letting empty property. "Pay to Stay" may lead some tenants to exercise Right to Buy thus reducing the rent base further and most likely consolidating the % of our stock in one-bed flats which generate least income and most expenditure.

You will be aware colleagues are currently progressing the implementation of a new IT system. This will provide an opportunity for Officers to consider our method of delivery with the objective of maintaining and improving services with a regard to doing so more efficiently than now.

There maybe some scope in looking to re-profile our mortgages, c.£21m to reduce the payment profile, but this would also involve consideration of the impact on service delivery and could not be looked at in isolation.

The Housing Service will continue to generate efficiencies and implement savings where opportunities arise. It is clear however that current measures will be insufficient to meet the HRA financial challenges and the Council needs to develop a Business Plan and Financial Strategy for the next three to five years, to provide a sustainable operating cost/structure for the HRA in the longer term.

This will require consideration of options open to the Council for the management and ownership of its stock. It is some years since this Council completed a stock options appraisal but some form of alternative arrangements are still available. Further work would be required to explore whether the Council's stock portfolio would be attractive to other registered landlords but consideration could be given to.

1. Stock Transfer

Agreement of tenants would be required but there are various options available to the Council to consider whether a stock transfer should be considered.

2. External management

To consider whether to tender the services to the market place to provide the same or better service at reduced cost.

Should consideration of the above be progressed, any changes will take sometime to implement and action is required to ensure a workable HRA for the next few years.

To move the matter forward I would ask Members to agree your Housing Spokesperson and two other Councillors to reflect proportionality, together with a Tenant Forum representative meet with Officers to develop a medium term financial strategy for the HRA.

(i) Legal Implications

These will become clearer when detailed guidance is issued, for example, changes to the Tenancy Agreement.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The report highlights factors which will, or are likely to impact on the income to the HRA. It recommends a course of action to prepare for the reduction of income.

(iv) Health and Safety Implications

The recommendation has no detrimental impact the built environment or public realm.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

HOUSING MANAGEMENT FORUM	(D)
Date of Meeting: 25th August, 2016	(ii)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Tenant Involvement Strategy</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing's report was to share with Members the revised Community Involvement Strategy 2016 – 2018.</p> <p>Recommendations:</p> <p>That the revised Community Involvement Strategy be noted.</p>	

HOUSING MANAGEMENT FORUM	(D)
Date of Meeting: 25th August, 2016	(iii)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Sponsorship of the Housing Annual Garden Competition 2016</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to inform Members that the Housing Service had been approached by Crooklands’ Garden Centre at Dalton expressing an interest in being the overall sponsor for this year’s Annual Garden Competition.</p> <p>Members were aware that the Housing Annual Garden Competition was a successful event which had been running for many years. The competition covered all Council estate within the Borough and in recent years it had been rolled out to include all the primary schools in the area.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the information within the report be noted; and 2. To agree the Housing Service work with Crooklands’ Garden Centre to sponsor the event and assist with judging of this year’s entries. 	

HOUSING MANAGEMENT FORUM	(D)
Date of Meeting: 25th August, 2016	(iv)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Disabled Adaptations: Cumbria Housing Partners - Contractor Selection Procedure</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to note the appointment of suitably qualified and experienced contractor from the 2014 Cumbria Housing Partner’s (CHP) framework to undertake adaptations to the Council’s social housing stock.</p> <p>Recommendations:</p> <p>That the selection criteria adopted by Procure Plus and the subsequent appointment of Top Notch Contractors as the Council’s preferred contractor to undertake disabled adaptations via the 2014 CHP framework be noted.</p>	

HOUSING MANAGEMENT FORUM	(R)
Date of Meeting: 25th August, 2016	(v)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Fencing on Council Estates</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to confirm the Council’s approach to providing fencing on Council estates.</p> <p>Recommendations:</p> <p>That the draft Fencing Policy and Procedures attached as an appendix to the report be agreed.</p>	

HOUSING MANAGEMENT FORUM	(D)
Date of Meeting: 25th August, 2016	(vi)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Adaptations to Council Property</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to note the costs of completing the above works.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the increase in cost to complete the work at this property be noted; and 2. It be noted and agreed that Officers do not delay unnecessarily the progress of adaptations should the budget of £100k be exceeded and note the action they would take to deal with any potential overspends. 	

HOUSING MANAGEMENT FORUM	(R)
Date of Meeting: 25th August, 2016	(vii)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Roosegate Estate External Works</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to suggest additional funding be provided to continue the Roosegate Refurbishment Scheme to the end of the financial year, on the basis that the final phase would commence in April, 2017.</p> <p>Recommendations:</p> <p>That:-</p> <ol style="list-style-type: none"> 1. The final phase to refurbish 35 properties on Roosegate be agreed for the year 2017/18; and 2. Reserves be made available to ensure continuation of the scheme between December 2016 and April 2017 if needs arose. 	

HOUSING MANAGEMENT FORUM	(R)
Date of Meeting: 25th August, 2016	(viii)
Reporting Officer: Colin Garnett, Assistant Director - Housing	
<p>Title: Cumbria Choice: Choice-Based Lettings Scheme - Update</p> <p>Summary and Conclusions:</p> <p>The purpose of the Assistant Director – Housing’s report was to provide Members with an update on the Review of the Cumbria-wide Choice Based Lettings Scheme – Cumbria Choice.</p> <p>Recommendations:</p> <p>That:-</p> <ol style="list-style-type: none"> 1. The content of the report be noted; and 2. The final draft of the Review of the Allocation Policy which formed the operating basis for Cumbria Choice be agreed. 	



EXECUTIVE COMMITTEE		Part One
Date of Meeting:	7th September, 2016	(D) Agenda Item 8
Reporting Officer:	Director of Resources	
<p>Title: Council Finances Quarter 1 2016-2017</p> <p>Summary and Conclusions:</p> <p>This report sets out the Council finances for period ended 30th June, 2016. The report includes the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account. The report also contains the service performance information for quarter 1.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. To approve the changes to the Capital Programme set out in the report; these do not increase the Council's direct contribution to the Programme resources; 2. To approve the movements in earmarked reserves set out in the report; these are in accordance with the Reserves and Balances Policy; 3. To note the financial information presented; and 4. To note the service performance information presented. 		

Report

A. General Fund Revenue Budget

The General Fund budget for 2016-2017 was set as £9,985,560 on 1st March, 2016.

The budget has been increased by £711,490 for the following items and is currently £10,697,050:

- Public Health England grant for The Well £483,000
- Coastal Communities grant for Furness Economic Development Forum £174,150
- Retained business rates from renewable energy £27,500
- DWP new burdens funding for housing benefit changes £26,840

The budget movements to date are shown in the following table:

	Original budget £	Movement £	Current budget £
Direct service costs	9,941,300	362,860	10,304,160
All other costs	1,943,310	982,360	2,925,670
Use of reserves	(1,899,050)	(633,730)	(2,532,780)
Total	9,985,560	711,490	10,697,050

The budget remains balanced with an increase in the use of reserves.

The increase in all other costs is the revenue contributions to capital from revenue resources required to fund the capital programme.

Movement in direct service costs budget

The direct service costs budget movements to date are shown in the following table:

	Original budget £	Movement £	Current budget £
Employee costs	4,947,710	(27,700)	4,920,010
Transport costs	95,620	1,330	96,950
Property costs	2,078,850	154,660	2,233,510
Supplies and services	2,878,950	696,000	3,574,950
Contracted services	6,767,920	(48,840)	6,719,080
External income	(6,827,750)	(412,590)	(7,240,340)
Total	9,941,300	362,860	10,304,160

The property costs have been increased for the following items:

- Planned buildings maintenance £115,770
- NNDR £21,380
- Property rents (elections) £7,950
- Removal of refuse charge £7,150
- Other items £2,410

The supplies and services have been increased for the following items:

- Professional fees £272,960
 - Development Control (including Local Plan) £62,600
 - Environmental Health (including Licensing) £57,660
 - Housing Benefits (including new burdens) £39,240
 - Empty homes review £30,560
 - HR system implementation £29,350
 - IT upgrades support £15,430
 - Land Charges personal search claim support £14,690
 - Other items £23,430
- Elections (funded) £192,510
- Solicitors fees £61,500

- Ormsgill Vulnerable Localities Index project (funded) £40,000
- Equipment £39,450
- Homelessness supporting people project (funded) £34,950
- IT hardware and software £30,610
- Other items £24,020

The external income has been increase for the following items:

- Elections funding £192,880
- Settlement £150,000
- Ormsgill Vulnerable Localities Index project £40,000
- Homelessness supporting people project £34,950
- Local Council Tax Support administration grant £18,080
- DWP Housing Benefit data sharing grant £12,400
- Recoverable charges £10,180
- Other items £16,580
- Less reduced Housing Benefit administration grant £62,480

Movement in use of reserves budget

	Original budget £	Movement £	Current budget £
Expected additions	151,600	450,270	601,870
Expected use	(2,050,650)	(1,084,000)	(3,134,650)
Total	1,899,050	633,730	2,532,780

The reserves added have been increased for the following items:

- Coastal Communities grant £174,150
- Settlement £150,000
- Contracted services (actual inflation lower) £51,390
- Retained business rates for renewable energy £27,500
- Savings from voluntary/flexible retirements £47,230

The reserves used have been increased for the following items:

- Renewals reserve financing for the capital programme £454,110
- Budget contingency reserve £293,230
 - Professional/solicitor fees £117,710
 - Reduced Housing Benefit administration grant £62,480
 - IT upgrades/replacements £23,080
 - Non-domestic refuse containers £21,000
 - Empty Homes Review £15,560
 - Staff training £14,800
 - Other items £38,600
- Transformation reserve £194,280
 - Continuing Efficiency Support Grant projects £87,210
 - HR and Payroll system project £84,190
 - Energy efficiency projects £18,900
 - Other items £3,980

- Renewals reserve public buildings maintenance £44,290
- Budget contingency reserve Local Plan £40,220
- Ring-fenced properties £43,070
- Earmarked revenue grants £14,800

General Fund subjective analysis

The General Fund direct service costs have been reviewed against subjective headings and objective headings. The subjective analysis is set out in the following table and exception reporting of 5% and/or £50,000 has been applied when adding narrative. The comparison is made against the current budget.

Item	Budget £	Actual £	Proportion %
Employee costs	4,920,010	1,201,556	24%
Transport costs	96,950	23,588	24%
Property costs	2,233,510	528,125	24%
Supplies and services	3,574,950	867,611	24%
Contracted services	6,719,080	1,657,733	25%
External income	(7,240,340)	(1,833,121)	25%
Total	10,304,160	2,445,492	

General Fund objective analysis

The objective analysis is a broad representation of the General Fund services presented against the areas of responsibility of the within Management Board.

Service Area	Budget £	Actual £	Proportion %
Community Services	3,813,970	956,203	25%
Corporate, Democratic and Support Services	3,506,350	836,213	24%
Revenues and Benefits administration	2,283,390	585,729	26%
Regeneration and the Built Environment	700,450	67,347	10%
Total	10,304,160	2,445,492	

In order to identify the variance from profile of Regeneration and the Built Environment, the line is shown below as a subjective analysis:

Item	Budget £	Actual £	Proportion %
Employee costs	1,509,070	361,633	24%
Transport costs	49,290	10,193	21%
Property costs	719,110	160,499	22%
Supplies and services	1,208,430	291,952	24%
Contracted services	18,860	3,282	17%
External income	(2,804,310)	(760,210)	27%
Total	700,450	67,349	

Applying the exception rule of 5% and/or £50,000, external income is £59,133 ahead of the expected profile for this quarter. There are a number of ups and downs within the services included, with the main ones being:

- Building Control ahead by £46,305
- Development Control ahead by £7,948
- KOFAC income received £5,000

B. Commercial Properties

The non-ring-fenced commercial property rent income for 2016-2017 is budgeted to be £1.2m. During the period to 30th June, 2016, there have been minimal changes in tenancy and a net gain of £1,250 is projected for the year; this is built into the current budget.

C. Capital Programme

The Capital Programme for 2016-2020 was last reported to the Executive Committee on 20th January, 2016, and the outturn for 2015-2016 was reported to Executive Committee on 27th July, 2016.

The revised Capital Programme for 2016-2020 is attached as **Appendix 2**.

The summarised Capital Programme is set out in the following table, with the financing in the subsequent table.

Investment	2016-17 £	2017-18 £	2018-19 £	2019-20 £
Public Housing	1,872,000	1,872,000	1,872,000	1,872,000
Private Housing	974,000	974,000	974,000	974,000
Housing Market Renewal	1,557,432	912,650	250,000	250,000
Public Buildings	259,402	1,036,500	150,000	150,000
Industrial and Commercial Properties	133,993	-	-	-
Other Public Assets	499,974	104,000	60,000	60,000
Community Initiatives	503,504	-	-	-
Retentions	10,000	10,000	10,000	10,000
Asset Investment Fund	204,403	150,000	150,000	150,000
Total Capital Programme	6,014,708	5,059,150	3,466,000	3,466,000

Financing	2016-17 £	2017-18 £	2018-19 £	2019-20 £
Borrowing	-	500,000	170,000	170,000
Government Grants	2,473,151	974,000	974,000	974,000
HRA MRR	1,872,000	1,872,000	1,872,000	1,872,000
HRA Contributions	92,208	44,000	-	-
Earmarked Reserves	498,055	86,500	-	-
Revenue	-	-	-	-
Capital Receipts	1,079,294	1,582,650	450,000	450,000
Total Capital Programme	6,014,708	5,059,150	3,466,000	3,466,000

The capital project and funding type definitions are at **Appendix 3**.

Capital Programme Variations

The major (over £10,000) variations to the capital programme since the last report are as follows:

Re-profiling

- £395,769 re-profiled from 2015-2016 to 2016-2017.
- £362,650 re-profiled from 2016-2017 to 2017-2018.

Revised Funding

- Disabled facilities grant revised allocation 2016 to 2020 from £560,000 to £974,000 per annum.
- The Well £483,000 Public Health England funding 2016-2017.

New Capital Bids

- Crematorium replacement cremators and ash processor and install abatement equipment 2016-2017 and 2017-2018; £936,500.
- IT Equipment and Development purchase of integrated HR and payroll system 2016-2017; £44,950.

Repayment of capital grant

Miscellaneous properties - the following capital receipts have been repaid to Homes and Communities Agency 2016-2017 for clawback on grant funded projects:

- Greengate Mill £45,000
- 166 Rawlinson Street £525
- Ashburner Way £100,832

Capital Receipts

Projected capital receipts have been increased by £850,000 2016-2020.

Borrowing

Borrowing has been reduced by £220,000 and replaced by capital receipts.

D. Treasury Management

The Council's existing borrowing of £39.5m is all fixed rate PWLB loans maturing over the mid to long term. The debt belongs to the General Fund £13.4m and the HRA £26.1m. No loans are maturing in 2016-2017.

The total interest on the loans is £1.45m for the year with each loan having interest payments at six month intervals.

The limit for external debt for 2016-2017 is £54m and this has not been exceeded.

The interest receivable on matured temporary surplus cash deposits for the period ended 30th June, 2016, is £26,862. As at 30th June, 2016, the Council's funds were placed with:

Financial institution	Deposited	
Building Societies:		
National Counties Building Society	£1m	
Newcastle Building Society	£3m	
Nottingham Building Society	£3m	
Principality Building Society	£3m	
Progressive Building Society	£2m	
West Bromwich Building Society	£2m	
Total of fixed term deposits		£14.00m
HSBC overnight deposit account		£4.43m
Total funds invested		£18.43m

E. General Fund Reserves

The General Fund earmarked reserves are currently estimated to be:

	Actual at 1/4/2016 £	Expected additions £	Expected use £	Current 31/3/2017 £
Medium Term Financial Plan support	2,870,000	-	(334,570)	2,535,430
Transformation reserve	680,913	-	(261,780)	419,133
Renewals reserve	1,227,464	-	(586,800)	640,664
Insurance reserve	100,000	-	(20,000)	80,000
Losses reserve	592,651	-	-	592,651
Budget contingency reserve	2,782,744	276,120	(1,643,210)	1,415,654
Other earmarked reserves	278,864	-	(111,210)	167,654
Ring-fenced properties	652,158	151,600	(47,400)	756,358
Earmarked revenue grants	843,742	174,150	(129,680)	888,212
Total	10,028,536	601,870	3,134,650	7,495,756

F. General Fund Balance

The General Fund balance has been risk assessed as £2.3m and is projected to be untouched during 2016-2017; therefore it is currently estimated to be £2.3m as at 31st March, 2017.

G. Medium Term Financial Plan

The Medium Term Financial Plan is linked to the Budget Strategy. This Section will include Medium Term Financial Plan updates from Quarter 2 onwards.

H. Budget Strategy

This Section will include Budget Strategy updates from Quarter 2 onwards.

I. Housing Revenue Account

The Housing Revenue Account budget was set as balanced on 1st March, 2016, with £133,430 coming from the accumulated fund balance. The main items of income and expenditure are reported to the Housing Management Forum and are not duplicated here.

There has been an increase in the projected use of the accumulated fund balance of £3,960 for the following items:

- Software licences £7,780
- Other items £1,180
- Less rechargeable repair income £5,000

The balance at 31st March, 2017, is currently estimated to be £1,407,459. The current minimum Housing Revenue Account fund balance is £1.2m.

J. Service Performance

The service performance indicators for 2016-2017 are continued from 2015-2016 with the removal of the Local Plan item which is monitored through specific reports to the Executive Committee and the monitoring of the objectives; and the food hygiene indicator which was removed during 2015-2016 as not fitting the purpose of monitoring service delivery.

The indicators have been split between those with monitored against targets set by management and those which are reported as outputs, these are monitored by management but targets are not appropriate.

2015-16 Quarter 1	Indicator	Annual target	2016-17 Quarter 1
16.9 days	Average time to process new housing benefit claims	18 days	15.2 days
17.2 days	Average time to process new council tax support claims	18 days	15.5 days
4.5 Days	Average time to process changes of circumstances for housing benefit claims	7 days	5.2 days
5 days	Average time to process changes of circumstances for council tax support claims	6 days	3.7 days

29.18%	Council tax collected	96.6%	28.87%
31.09%	NNDR (business rates) collected	98.4%	32.32%
97%	Local land charges searches completed in 5 working days	100%	90.5%
95%	Major planning applications processed in 13 weeks	60%	86.6%
22.9%	Minor planning applications processed in 8 weeks	65%	57.2%
74%	Other planning applications processed in 8 weeks	80%	80%

For those indicators outside the expected performance range, the service managers have provided the following comments:

- Land charge searches are down 6.5% - the drop in May/June was due to the introduction of a new back office system. There will also be a drop in the July figures due to the introduction of the new CON29 forms which involves a complete set of over a hundred questions.
- Minor planning applications are up 34.3% - since December 2015 agreed extensions are taken into account, this is the main cause of improvement in the percentage of minor applications being within target. They still run over 8 weeks but are counted as being in time as the applicant has agreed to the extension.

2015-16 Quarter 1	Indicator	2016-17 Quarter 1
76,278	Park Leisure Centre activity numbers	66,927
13,721	Dock Museum visitor numbers	15,910
12,882	The Forum ticket sales	14,433
£49,899	Income from pay and display ticket sales	£46,347
1.54 days	Average days of sickness per employee	1.78 days
7	Right to buy sales	11
34.8%	Average household recycling	32.96%
20	Disabled facilities grants awarded	11

For those indicators outside the expected performance range, the service managers have provided the following comments:

- Park Leisure Centre down by 9,351 – there has been several issues relating to how usage is recorded in our new leisure management system (eXerp installed in October 2016). A check will be undertaken to make sure everything is being included.
- Disabled facilities grants down by 9 – there are known delays in receiving referrals from the occupational therapy service. There are no delays within the Council and referrals are dealt with as soon as they are received. The delays have been raised with the service provider.

(i) Legal Implications

The recommendation has no significant implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial implications are set out in the body of the report.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Wellbeing Implications

This recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

Capital Programme 2016-2020

	2016/2017	2017/2018	2018/2019	2019/2020
Capitalised planned maintenance	1,872,000	1,872,000	1,872,000	1,872,000
Total Investment in public housing	1,872,000	1,872,000	1,872,000	1,872,000
Disabled facilities grants	974,000	974,000	974,000	974,000
Total Investment in private housing	974,000	974,000	974,000	974,000
Group Repair - Central Area A & E	780	-	-	-
Rawlinson Street Corridor	103,151	-	-	-
Group Repair - Greengate Street	-	200,000	-	-
Group Repair - Rawlinson Street	350,000	-	-	-
Rawlinson Street South	50,000	350,000	-	-
Barrow Island Environmental Improvements	1,053,501	362,650	-	-
Barrow Island Private Sector Housing	-	-	250,000	250,000
Investment in Housing Market Renewal	1,557,432	912,650	250,000	250,000
Total Investment in housing	4,403,432	3,758,650	3,096,000	3,096,000
Crematorium	100,809	886,500	-	-
Market Hall	8,593	-	-	-
Town Hall	14,360	-	-	-
Public Buildings Investment Fund	135,640	150,000	150,000	150,000
Total Investment in Public Buildings	259,402	1,036,500	150,000	150,000
Craven House	19,183	-	-	-
Marina Village	14,810	-	-	-
Industrial & Commercial Property Investment Fund	100,000	-	-	-
Total Industrial & Commercial Properties	133,993	-	-	-
Town Centre Shop Front Grants	69,247	-	-	-
Miscellaneous Properties	146,359	-	-	-
IT Equipment & Development	192,160	60,000	60,000	60,000
Housing Management System	92,208	44,000	-	-
Total Investment in other public assets	499,974	104,000	60,000	60,000
Rural Regeneration - Coastal Protection	20,504	-	-	-
The Well	483,000	-	-	-
Total Investment in Community Initiatives	503,504	-	-	-
Retentions	10,000	10,000	10,000	10,000
Asset Investment Fund	204,403	150,000	150,000	150,000

Capital Programme 2016-2020

	2016/2017	2017/2018	2018/2019	2019/2020
Total	6,014,708	5,059,150	3,466,000	3,466,000

Funding of Capital Programme

Borrowing Requirement Non Housing	-	500,000	170,000	170,000
DCLG Grant	974,000	974,000	974,000	974,000
Cluster Empty Homes	1,016,151	-	-	-
Public Health Grant	483,000	-	-	-
HRA MRR	1,872,000	1,872,000	1,872,000	1,872,000
Contributions from HRA	92,208	44,000	-	-
Cluster of Empty Homes Loan Repayments	-	362,650	250,000	250,000
Contributions from Earmarked Reserves	498,055	86,500	-	-
Usable Capital Receipts	1,079,294	1,220,000	200,000	200,000
Total	6,014,708	5,059,150	3,466,000	3,466,000

Capital projects

Capitalised Planned Maintenance: The planned maintenance programme aims to continue improvements to ensure the Council satisfies the Government's requirements for Decent Homes. Where there are planned major works to Council dwellings such as rewiring, heating, bathrooms and kitchens, this expenditure is capitalised and financed by the major repairs allowance. This is funded from the Major Repairs Reserve.

Disabled Facilities Grants: These are awarded for essential adaptations to give a disabled person better freedom of movement around the house. This work includes widening doors or installing ramps, providing a specially adapted room in which it is safe to leave a disabled person unattended and improving accessibility and facilities around the home. This project is supported by an annual grant from the DCLG.

Group Repair –Central Area E & Central Area A, Greengate Street, Rawlinson Street and Rawlinson Street Corridor: These are part of the North Central Renewal Area where the Council is committed to a 10 year programme of works. Group repair schemes are major external renovation and refurbishment of whole streets or blocks.

Central Area A includes 107 properties on Thwaite Street, Brewery Street and Whitehead Street. Area E includes 135 properties within the Renewal Area boundary on Arnside Street, Lindal Street, Harrison Street, Lord Street and Silverdale Street. The proposed works would be similar in nature to those already carried out on Sutherland Street (evens) and Marsh Street (odds). The exact specification will be determined to maximise impact following property surveys and will depend on the condition of the property and the budget available.

The Rawlinson Street Corridor between Abbey Road and Greengate Street is on the boundary of the Renewal Area, and is currently a retail area secondary to the Town Centre core. It is also an important secondary thoroughfare. As such the appearance of the corridor is important to the general vibrancy of the Town Centre. The number of viable retail businesses on Rawlinson Street has reduced in recent years, and it may be appropriate for a number of premises to change use from business to residential. The capital scheme proposed will enhance the Town Centre shop front grant scheme in this area, promote appropriate changes in use and provide discretionary grants for residential fabric improvements.

Barrow Island Environmental Improvements: this is the project to improve the public realm in the vicinity of Barrow Island Flats thus making the flats more desirable and therefore more lettable. The project is funded from Cluster of Empty Homes Fund allocated to the Council to tackle the problem of empty homes within Barrow Island Flats.

Crematorium: There are two projects within this heading. Refurbishment of Thorncliffe Crematorium & relocate staff offices from the Cemetery Gatehouse to the crematorium building and replacement cremators and ash processor and install abatement equipment.

Market Hall: There are two projects within this heading. Asbestos removal and refurbishment of market hall and toilets.

Town Hall: this is the retention for roof and stone works and final payment for first floor works.

Craven House: This project is to upgrade the common areas of the building. Upgrading lighting and fire detection system, decoration and resurfacing car park.

Marina village: This long-term project is a continuation of the acquisition and demolition of properties in preparation for the Marina village development.

Town centre shop front grants: This scheme supports the creation of attractive and customer friendly town centres in Barrow and Dalton which enable shopkeepers to work effectively together to market their town centres in order that they can compete effectively with out of town shopping. The scheme is targeted at small retailers in Barrow Town Centre and Dalton Town Centre and is open to small independent businesses only with less than 50 employees. During the original phase of the scheme Council supported 76 applications, some of which are ongoing.

Miscellaneous properties: this is the capital receipts repaid to HCA 2016-2017 for clawback on grant funded projects Greengate Mill, 166 Rawlinson Street and land at Ashburner Way.

IT equipment & development: There are three projects within this heading. Replacement of the Web Content Management System, IT Network Refresh to replace end of life switches and installation of Wi Fi within Town Hall meeting rooms and updating of the Councils computers and the development of systems and hardware to maintain a supportable and robust IT environment. Purchase of integrated HR& payroll system.

Housing Management system: this project is to replace the existing in-house housing management and ancillary system and database with a single fully integrated system.

Rural Regeneration - Coastal Protection: The Council carried out a condition survey of all coastal defence assets in 2010 which is being used to prioritise capital works to Council maintained defences at three locations in the borough.

The Well: this project is for the renovation of 1-5 Lawson Street for a recovery and social enterprise hub funded from Public Health England.

Retentions: This is a provision for payments that become due once the retention period of a contract has ended and the works are signed off.

Asset Investment Fund: This is the balance of capital resources available to finance the programme. It must be noted that the proposed programme contains a level of usable capital receipts which must be realised before all resources can be committed.

Capital Financing

Borrowing: The Councils borrowing is controlled by the Prudential Code which promotes effective financial planning which considers the range of options for revenue funding and capital investment by:

- Establishing whether the Council considers it affordable and prudent to bear additional future revenue costs associated with additional investment;
- Establishing whether the use of existing or new revenue resources to finance capital investment should have precedent over other competing needs for revenue expenditure; and
- Establishing the scope for capital investment to generate future revenue savings or income, taking into account the risks associated with such proposals.

The costs of borrowing included in the proposed Capital Programme are included in the Medium Term Financial Plan.

Government Grants

- Disabled facilities Grant: This funding is received from DCLG via Cumbria County Council to be used to help people to live as comfortably and independently as possible in their own home through the provision of adaptations. Entitlement to a disabled facilities grant is mandatory for eligible disabled people and the grant provides financial assistance for the provision of a wide range of housing adaptations ranging from stair lifts, level access showers and home extensions.
- Cluster of Empty Homes funding: this is government funding allocated to the Council to tackle empty homes within Barrow Island flats. The funding is allocated to Barrow Island Environmental Improvements.
- Public Health Grant: this funding is to be used for The Well project.

Earmarked Reserves

This is funding for:

- Rawlinson Street Corridor £103,151
- Rawlinson Street South £50,000
- Crematorium £137,309
- Market Hall £8,593
- Craven House £19,183
- Marina Village £14,810
- Town Centre Shop Front Grants £69,247
- IT Equipment & Development £132,160
- Asset Investment Fund £50,102

HRA major repairs reserve: The major repairs reserve is specific to the HRA and will continue to be used for capital financing for the initial years of the HRA self-financing regime. The annual contribution to the reserve from the HRA represents the capital cost of keeping stock in its current condition. This is the same as using the annual cost of replacing building components as they reach the end of their useful life as a reasonable estimate of depreciation.

Usable capital receipts: The Council generates capital receipts by disposing of surplus land and buildings plus sales under the Right to Buy legislation. Capital receipts may only be used for financing the Capital Programme or may be set aside to repay debt.

The balance of usable capital receipts brought into 2016-2017 was £1,049,294.

The Capital Programme assumes future usable capital receipts of:

- 2016-2017 £1,050,000
- 2017-2018 £200,000
- 2018-2019 £200,000
- 2019-2012 £200,000

A total of £625,000 usable capital receipts remains to be realised during the life of the Capital Programme.

Capital receipts are closely monitored as the proposed Capital Programme is reliant on usable capital receipts for financing each year. Where capital receipts are not achieved, projects will be reviewed and prioritise against the financing available.

EXECUTIVE COMMITTEE		Part One
Date of Meeting:	7th September, 2016	(R) Agenda Item 9
Reporting Officer:	Director of Resources	
<p>Title: Land Charge and OS Map Fees</p> <p>Summary and Conclusions:</p> <p>This report requests delegation to officers in setting Land Charge and Ordnance Survey map fees in order to ensure that the Council is able to provide a competitive service.</p> <p>Recommendations:</p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> 1. To delegate the setting of Land Charge fees to the Property Information Manager in consultation with the Director of Resources and Assistant Director of Regeneration and Built Environment; and 2. To delegate the setting of charges for the Council's Ordnance Survey plan printing service to the Property Information Manager. 		

Report

The Council's Land Charge service currently maintains a high market share for searches carried out in our area. However there are various factors that are currently developing, and will change in the future, that require the Council to be more agile in its ability to set and charge fees for searches. These include:

- a. Changes to questions being introduced on the CON29 increasing the time spent completing searches; the CON29 forms are specifically designed for use in connection with property transactions covering matters such as Planning and Building Regulation decisions, Road Adoption, Road and Traffic schemes, Statutory Notices, Enforcement, Conservation, Compulsory Purchase, Contaminated Land and Radon Gas.
- b. Charges from Cumbria County Council having to change to reflect the changes to the CON29 questions.
- c. Improving the service offered to maintain our market share.
- d. Dealing with proposed changes to local Land Charges in respect of the Land Registry.
- e. Possible implications of VAT.

It is therefore proposed that Land Charge fee setting is delegated to the Property Information Manager in consultation with the Director of Resources and Assistant Director of Regeneration and Built Environment.

The Council currently provide an Ordnance Survey map printing service to the public through Centremaps. The service generated a net income of £2,440 during the last financial year. The plans are used in the submission of Planning and Building Control applications. The Council is not the sole provider and is in competition with others. The size, format and fees of plans provided by our competitors changes rapidly and the service needs to be able to reflect changes in the market to remain competitive.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The fees and charges will be set under delegation to maintain the expected income included in the Council's budget.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 10
Date of Meeting:	7th September, 2016	
Reporting Officer:	Director of Resources	
<p>Title: Ship Water Sampling Fees</p> <p>Summary and Conclusions:</p> <p>This report requests Ship Water Sampling fees to be reset and delegation to officers in setting Ship Water Sampling fees.</p> <p>Recommendations:</p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> 1. To agree the fees for water samples, at cost recovery, with immediate effect; and 2. To delegate the review and setting of fees for water sampling to the Environmental Health Manager. 		

Report

The Council is responsible for administering ship sanitation certificates for those ships using Barrow's port facilities. The ship sanitation certificate mirrors the food hygiene work the Council carry out on shore, but includes the ability to test water supplies, as well as reviewing wider standards of hygiene and cleanliness on board. There is also a duty to monitor the fixed assets of the port and in particular stand pipes from which ships draw fresh water.

The water sampling fees are set locally and have been calculated as (at cost):

- Water samples as part of the Ship Sanitation Inspection (SSI)
 - Sample at cost £33.48
 - Officer time @0.5hr £12.50 up to four samples
 - Administration @0.5hr £10.00 up to four samples
 - Total (rounded) £56.00 + VAT
- Water samples outside of SSI at the request of a ship's master/agent
 - Sample at cost £33.48
 - Officer time @1.5hr £37.50 up to four samples
 - Administration @0.5hr £10.00 up to four samples
 - Total (rounded) £81.00 + VAT

The procedure for recharging water sample fees in conjunction with the Council's port health duties is attached at **Appendix 4**.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The fees and charges will be set under delegation to maintain cost recovery.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

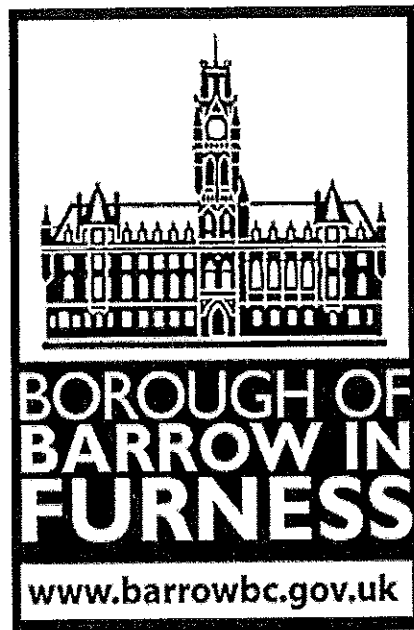
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

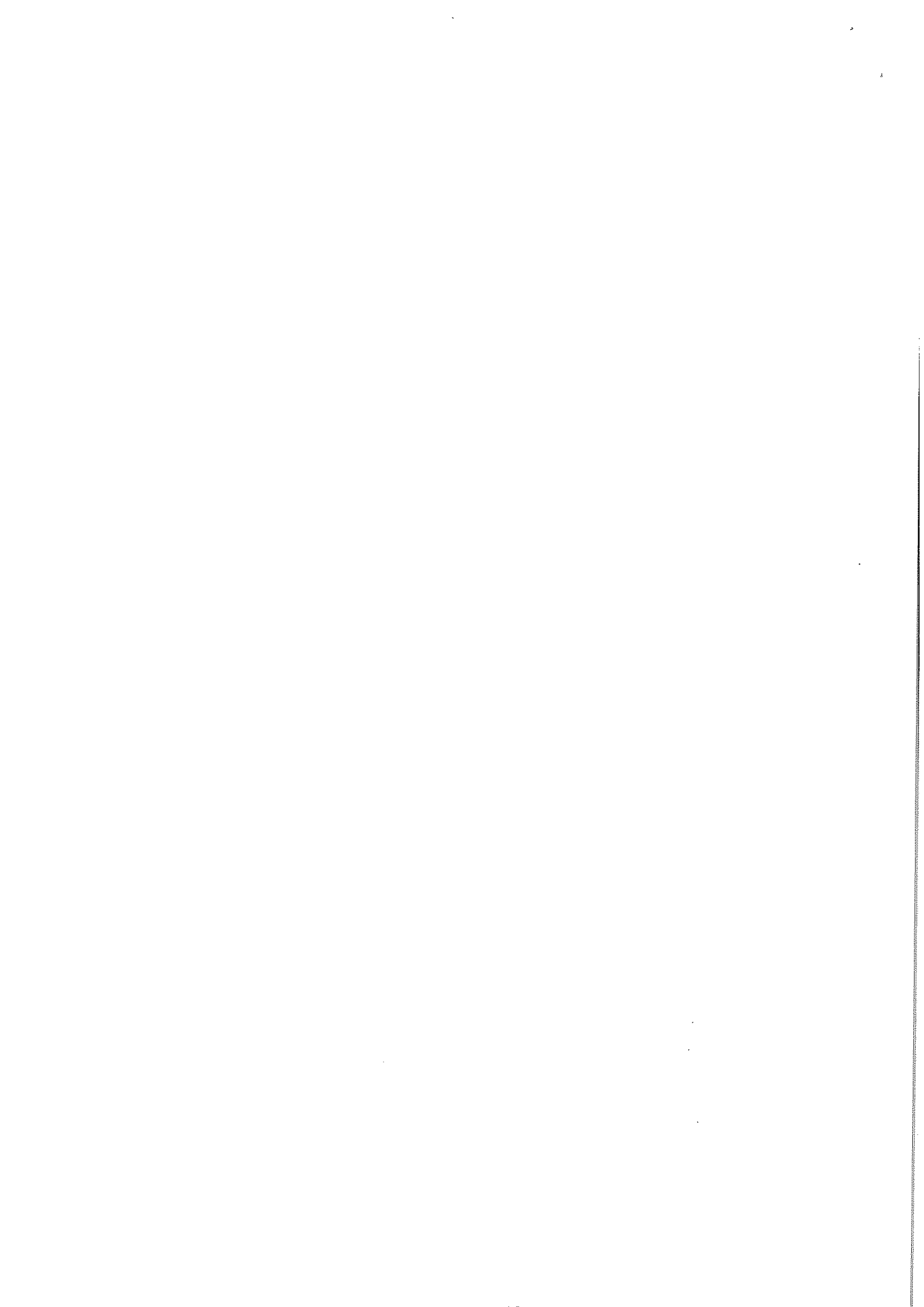
Background Papers

Nil



**PROCEDURE FOR RECHARGING
WATER SAMPLING FEES IN CONJUNCTION WITH
BARROW BOROUGH COUNCIL'S PORT HEALTH DUTIES**

Version Control:	
Document Name:	Water Sampling Recharging Procedure
Version:	151105.1
Author:	Principal Environmental Health Officer (Commercial)
Review Date:	August 2017



Background

Barrow Borough Council is responsible for administering ship sanitation certificates for those ships using Barrow's port facilities. The ship sanitation certificate mirrors the food hygiene work the Council carry out on shore, but includes the ability to test water supplies, as well as reviewing wider standards of hygiene and cleanliness on board. There is also a duty to monitor the fixed assets of the port and in particular stand pipes from which ships draw fresh water.

Locally set fees are a vital means of ensuring that costs can be recovered by the Council, rather than relying on subsidy from local tax payers.

The intention of this document is to set out how the Council will recover the cost of water sampling from both port facilities and ships. The charges must be reasonable and proportionate to the cost of the processes associated. The presence of this document is in order to promote transparency, fairness and consistency.

The cost of a water sample will consist of three separate elements:

- Officer time;
- Laboratory fees; and
- Administration costs.

1. Introduction

This 'Procedure' sets out Barrow Borough Council's (hereafter referred to as the "Council") position in regards to the setting fees for the collection and analysis of water samples in conjunction with the various aspects of Ship Sanitation.

2. Purpose

The purpose of this procedure is to clearly set out how the Council will set fees it may charge in relation to any request received from the Master or Agent for any vessel and in relation to the ports fixed infrastructure.

It is intended to provide a proportionate, fair and transparent approach to the recovery of costs from those persons or companies who hold a respective duty, and ensures that the service does not become a burden on Council's finances and ultimately local taxpayers.

3. Scope

This policy covers the following situations:

- Routine water samples taken from port infrastructure;

- Water samples taken on request from ships as part of the Ship Sanitation Inspection [SSI];
- Water samples taken due to concerns during SSI;
- Water samples taken outside the SSI at the request of the master/agent; and
- Water samples taken outside the SSI at the request of PHE or similar.

4. Legislative Background

There is no actual defined legal requirement for water sampling to be undertaken on board ships. It is however implied within the WHO Guidance on Ship Sanitation which requires 6 monthly inspections for the issue of exemption or control certificates. An assessment of water is included in these inspections.

The Handbook for inspection of ships and issuance of ship sanitation certificates [World Health Organisation 2011] Chapter 9 - samples have to be taken to assess actual status of potable water.

Under Article 22 of the International Health Regulations 2005 - Role of competent authorities (extract):

“1. The competent authorities shall:

(a) be responsible for monitoring baggage, cargo, containers, conveyances, goods, postal parcels and human remains departing and arriving from affected areas, so that they are maintained in such a condition that they are free of sources of infection or contamination, including vectors and reservoirs;”

REG EC 852/2004 (applies to vessels) - definitions include:

“‘potable water’ means water meeting the minimum requirements laid down in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption;”

852/2004 Chapter II, 2, 3:

“Adequate provision is to be made, where necessary, for washing food. Every sink or other such facility provided for the washing of food is to have an adequate supply of hot and/or cold potable water consistent with the requirements of Chapter VII and be kept clean and, where necessary, disinfected.”

852/2004 CHAPTER VII 1. (a):

“There is to be an adequate supply of potable water, which is to be used whenever necessary to ensure that foodstuffs are not contaminated;”

5. The Costs

The Council will undertake basic bacterial water sampling and will use the services of Public Health England [PHE], Food, Water and Environmental Microbiology Laboratory, Royal Preston Hospital.

- Quay side water samples will be taken every 6 months from a random hydrant. There will be no charge for these samples and they will coordinate with the routine shellfish samples sent to Preston PHE.

- Water samples as part of the SSI

Sample at cost	£33.48
Officer time @0.5hr	£12.50 up to four samples
Administration @0.5hr	£10.00 up to four samples
Total (rounded)	£56.00 + VAT

- Water samples taken due to Officer's concern

Sample at cost	Sampling credits
Officer time	No charge
Total (rounded)	No charge

- Water samples outside of SSI at the request of a ship's master/agent

Sample at cost	£33.48
Officer time @1.5hr	£37.50 up to four samples
Administration @0.5hr	£10.00 up to four samples
Total (rounded)	£81.00 + VAT

- Water samples taken outside the SSI at the request of PHE or similar

Sample at cost	Sampling credits
Officer time	No charge
Total (rounded)	No charge

6. Benchmarking

The Council works closely with the Port Health authorities at Lancaster, Manchester, and Mersey and in 2015 a benchmarking exercise was carried out by Lancaster.

- Quay side water samples will be taken every 6 months from a random hydrant. There will be no charge for these samples and they will coordinate with the routine shellfish samples sent to Preston PHE.

- | | | |
|------------|----------------|-----------------------|
| Lancaster | every 6 months | no information on fee |
| Manchester | every 6 months | no charge |
| Mersey | every 6 months | no information on fee |
| Barrow | every 6 months | no charge |
- Water samples as part of the SSI

Lancaster	£40.18
Manchester	Lab fee + £10 admin
Mersey	No charge
Barrow	£56.00 +Vat
 - Water samples taken due to Officer's concern

Lancaster	no information on fee
Manchester	no charge
Mersey	no information on fee
Barrow	no charge
 - Water samples outside of SSI at the request of a ship's master/agent

Lancaster	£72.60
Manchester	Lab fee + £10 admin
Mersey	£60.50
Barrow	£81.00 +Vat
 - Water samples taken outside the SSI at the request of PHE or similar

Lancaster	no information on fee
Manchester	no information on fee
Mersey	no information on fee
Barrow	no charge

7. Review of Sampling Costs

The sampling costs will be reviewed on an annual basis by the Environmental Health Manager.

EXECUTIVE COMMITTEE		Part One
Date of Meeting:	7th September, 2016	(D) Agenda Item 11
Reporting Officer:	Executive Director	
<p>Title: Executive Director Performance Appraisal 2016/17</p> <p>Summary and Conclusions:</p> <p>In accordance with Council policy, the Council Leader and Deputy Leader have agreed objectives for the Executive Director to March 2017.</p> <p>Recommendations:</p> <p>To note the Executive Directors objectives to March 2017.</p>		

Report

In 2015/16 performance appraisal was rolled out across the Authority with all staff receiving an appraisal from their line manager. The Executive Director is appraised by the Council Leader and Deputy Leader. It was agreed that performance against objectives reported to Executive Director of 29th July had been satisfactory and the following objectives for 2016/17 were agreed.

Local Economy

1. Agree a pipeline of projects with Furness Economic Development Forum and secure resources for the delivery of the feasibility studies.
2. Initiate discussions to achieve observer status on Lancashire LEP.
3. Oversee delivery of the revised Coastal Communities Fund Supply Chain Initiative.
4. Oversee agreement and implementation of the Phase 1 package of the Barrow Town Centre Parking and Movement Study.

Quality and Choice in Housing

1. Submission of Barrow Borough Local Plan to Government in accordance with the timescale set out in the Local Development Scheme.
2. Secure resources for and deliver a master plan for Marina Village.

Service Delivery

1. To deliver the Budget Strategy savings and income targets for 2016/17 and 2017/18.
2. Oversee implementation of the new waste collection, recycling and street cleansing contract in April 2017.
3. Oversee preparations for outsourcing Park Leisure Centre and the Forum.
4. Report to the Leader and Deputy Leader on the appetite for re-organisation of Local Government within Cumbria.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no detrimental impact the built environment or public realm.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

EXECUTIVE COMMITTEE	(R) Agenda Item 12
Date of Meeting: 7th September, 2016	
Reporting Officer: Environmental Protection and Licensing Officer	
<p>Title: Licensing Regulatory Committee - Policy relating to the Fitness Of Applicants For Hackney Carriage and Private Hire Driver's Licences</p> <p>Summary and Conclusions:</p> <p>The following recommendation has been referred to the Executive Committee from the meeting of the Licensing Regulatory Committee held on 1st September, 2016.</p> <p>The Council has a duty under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are fit and proper persons to hold a licence. No definition of 'fit and proper' is offered and the Council's discretion is wide-ranging, therefore the Council has guidelines in place to aid the decision making process.</p> <p>Following a review of the Council's current guidelines on the fitness of applicants for a drivers licence, Officers developed a new draft Policy attached at Appendix 5. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils can impose for the licensing of private hire and hackney carriage drivers. The new draft Policy which was presented to Members of the Licensing Regulatory Committee on 30th June 2016. At that meeting Members approved a public consultation of the new draft Policy. The results of the consultation are reported in Appendix 6 & 7 for consideration and approval prior to being ratified at Full Council.</p> <p>Recommendation</p> <p>To recommend the Council to approve the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and adopt as Borough Council effective from 1st April, 2017.</p>	

Report

The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a Hackney Carriage or Private Hire Driver licence unless they are satisfied that the applicant is a fit and proper person to hold a licence. No definition of 'fit and proper' is offered and the Council's discretion is wide-ranging, therefore the Council has guidelines in place to aid the decision making process.

Following a review of the Council's current guidelines on the fitness of applicants for a drivers licence, Officers developed a new draft Policy. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils can impose for the licensing of private hire and hackney carriage drivers.

At a meeting of the Licensing Regulatory Committee on 30th June 2016, Members approved a public consultation of a new Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy. The consultation was carried out between 1st and 30th July 2016, via the Council's website and directly with the current licenced drivers via email, if those details were held.

The draft policy will be the basis on which all driver applications are determined, however it is important to note that every application must be treated on its own merits, and where decisions may be made that depart from the Policy, that decision should be accompanied by full reasons.

All decisions to grant or refuse a licence, including any Officer using delegated powers, will do so in accordance with this policy. Every decision will be recorded stating the facts upon which the decision was made and full reasons for the decision. Those making the decision should be aware that departing from the Policy without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.

The adoption of the Policy will:

- Promote the primary objective of the Licensing Authority: the protection of the public;
- Recognise that the Licensing Authority is striving to continually improve driver standards by including training in the policy;
- Ensure a minimum standard across all drivers not just new drivers; and

- Safeguarding issues will be effectively addressed within the hackney carriage and private hire licensing regime through the new training requirement.

(i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976

Section 51 - *Licensing of drivers of private hire vehicles.*

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

Section 59 - *Qualifications for drivers of hackney carriages.*

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

In respect of Sections 51 and 59, the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant aggrieved by the refusal of the District Council to grant a driving licence on the ground that the applicant is not a fit and proper person to hold such a licence, may appeal to a magistrates court.

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

There will be minimal cost to existing drivers for undertaking the Knowledge Test prior to renewal. For new applicants, the cost will be incorporated into the application fee for the 2016/17 Licensing Fees and Charges.

(iv) Health and Safety Implications

Not applicable.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

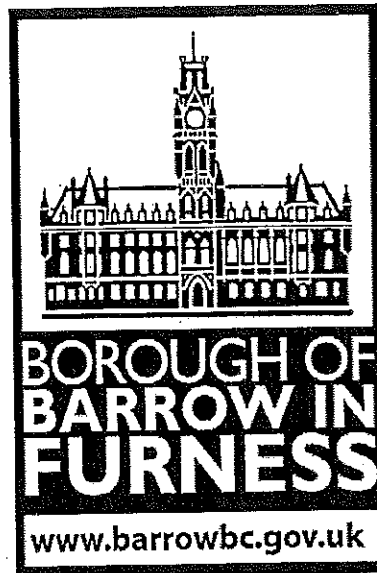
The recommendations support the protection of the human rights of the public who use hackney carriage and private hire vehicles, particularly children, young people and vulnerable adults. They also aim to ensure the Council is protecting the public.

(vi) Health and Well-being Implications

The purpose of the Private Hire and Hackney Carriage licensing system is to protect the safety and welfare of the public who use this transport.

Background Papers

Nil



THE FITNESS OF APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES POLICY

Version Control:	
Document Name:	The fitness of applicants for Hackney Carriage and Private Hire drivers licences policy
Version:	Draft Version 1.0
Responsible Officer:	Senior Licensing Officer
Review	Principal Environmental Protection & Licensing Officer
Approval Date	
Review Date	

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1. Introduction

1.1 This document sets out the policy adopted by Barrow Borough Council in respect of the consideration of whether an applicant is fit and proper to hold a hackney carriage or private hire driver's licence.

1.2 The Council is responsible for regulating the provision of hackney carriage and private hire services under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and other related legislation.

When considering applications for many of the licence types available under the legislative framework, including hackney carriage and private hire driver's licences, the Council must be satisfied that the applicant is a fit and proper person to hold such a licence.

1.3 This policy forms the basis for Officers and the Members of the Licensing Regulatory Committee on the way in which an applicants fitness should be considered. However, it is important to note that every application **must** be treated on its own merits, and the contents of this document do not bind the Council, its Officers or the Committee.

Decisions may be made that depart from this policy, if the circumstances of the application warrant doing so. Any decision should be accompanied by full reasons for that decision, and those making the decision should be aware that departing without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.

1.4 It is noted that no attempt is made within the legislation to define the term "fit and proper person", and this policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and this document contains examples of issues that may lead to the Council to determine that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

- 1.5 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.
- 1.6 An applicant who does not satisfy this policy will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 1.7 The overriding consideration in compiling and interpreting this policy, is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.8 Licences will be issued for a three year period, in the absence of any other limitation that causes the Council to issue a shorter duration licence. An annual statement of declaration, upon the anniversary of the grant of the most recent licence, will be required to be signed by licensed private hire and hackney carriage drivers, declaring any new convictions and/or cautions. An annual DVLA check will also be conducted at this time to ensure the driver has not received any driving endorsements in the previous 12 months.
- 1.9 This policy will be taken into account by the Council when dealing with any of the following matters:
 - a) An application for a new hackney carriage driver's licence (Section 46 Town Clauses Act 1847 / Section 59 Local Government (Miscellaneous Provisions) Act 1976).
 - b) An application for a new private hire driver's licence (Section 51 Local Government (Miscellaneous Provisions) Act 1976).

- c) An application to renew a private hire or hackney carriage driver's licence (Section 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976).
- d) A proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61 Local Government (Miscellaneous Provisions) Act 1976).

1.10 Although Section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar considerations under that Section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.11 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.

1.12 Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a hackney carriage or private hire drivers licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

1.13 The policy has been drawn up with regard to the Department of Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)", and in accordance with government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92.

The policy has been prepared with reference to, and are considered to be compatible with, the rights, freedoms and obligations contained in the Human Rights Act 1998 and the European Convention on Human Rights.

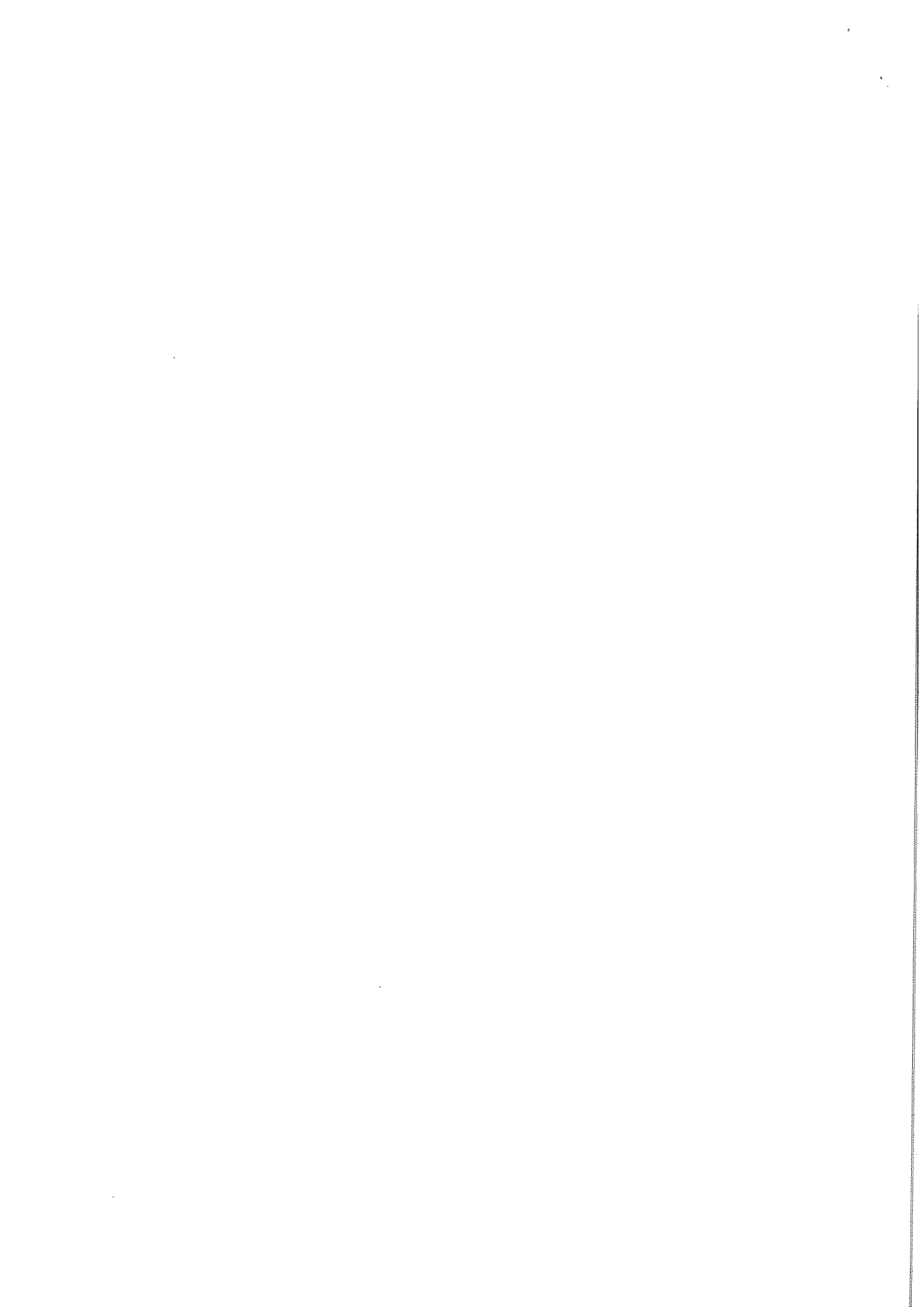
2. Driving Entitlement

- 2.1 In accordance with Sections 51(1)(b) and 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 2.2 Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. Where a licence has been issued in two parts (counterpart and photo card) both must be shown.
- 2.3 The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their application.
- 2.4 All applicants must hold either a full UK driving licence, or one issued by another Member State of the European Community (EC) or one of the other countries in the EEA. European licences may be used for a limited period only, dependent upon the applicant's circumstances, and the Council shall have regard to any guidance given by the Driver and Vehicle Licensing Agency (DVLA) in these circumstances.
- 2.5 The Council requires any applicant who holds a driving licence issued by an EEA member state to obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an on-going record on driving conduct, of a type relevant to vocational drivers. Both the British counterpart and the original European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9.
- 2.6 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

2.7 New applicants will be required to pass the DVSA Standard Driving Assessment - Practical Assessment. For further information and to book and pay for your driving test go to: <https://www.gov.uk/book-driving-test>

DVSA driving test certificates will only form part of a valid application if they were carried out within 1 year of the completed application date.

2.8 Driving licence endorsements are covered later in this document. However, should a licence- holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.



3. Character and Licensing History

- 3.1 The Council require applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 3.2 Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.
- 3.3 Where an applicant has previously held (or currently holds) a licence, whether issued by Barrow Borough Council or another local authority, information about the applicant's conduct under the previous licence(s) may be taken into account in considering an application. This may include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will generally be refused.
- 3.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 3.5 If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.
- 3.6 Knowingly or recklessly making a false statement in, or in connection with, an application is likely to result in that application being refused. In addition, as such conduct may constitute a criminal offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976; legal action may also be taken against the applicant.

3.7 Where an existing licence-holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.

3.8 Issues relating to criminal convictions will be addressed later in this policy. However, the Council will pay particular attention to any convictions for offences with a public safety element.

4. Medical Suitability

- 4.1 Every application for a new licence will be required to be accompanied by a medical certificate, in a format specified by the Council, and completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's medical records covering a minimum period of at least 5 years. The medical certificate must have been completed within 1 month of the completed application/renewal date.
- 4.2 Applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via:
www.dft.gov.uk/dvla/medical/ataqlance.aspx
- 4.3 Medical certificates will be requested upon first application, and when the applicant reaches their 50th, 56th, 59th or 62nd birthday. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (unless otherwise requested by the applicant, or in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend/revoke or refuse to renew the licence.
- 4.4 Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.

- 4.5 Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 4.6 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.
- 4.7 The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice / GP Surgery.

5. Training Requirements

- 5.1 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 5.2 Upon application or during the course of their licence, applicants / drivers will be required to undertake appropriate training, as determined by the Licensing Authority.
- 5.3 Failure to undertake the required training within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.4 Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept a minimum. The Licensing Authority has adequate in-house facilities to enable cost-effective training.
- 5.5 The Council will have 'Safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire, drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 5.6 From the date of adoption of this policy, all applicants (new and renewal) for hackney carriage and private hire drivers' licences will be required to attend a Safeguarding Awareness training session. Failure to attend within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.7 Safeguarding Awareness sessions will be free of charge, for the first 12 months, following the adoption of this policy. Subsequent sessions will incur a cost recoverable through licensing fees.

- 5.8 Applicants for hackney carriage and private hire drivers' licences will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All new applicants will be required to pass a knowledge test as part of the application procedure.
- 5.9 Existing drivers, from the date of adoption of this policy, will be required to undertake the same knowledge test upon drivers licence renewal. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.10 All applicants will be given the necessary information needed to pass the knowledge test, prior to booking the test. An individuals learning needs will be taken into consideration and adjustments made where necessary.
- 5.11 The test will encompass questions, the majority of which are multiple choice, which will access the drivers' knowledge in the following areas:

Local Geography

Applicants will be tested on their knowledge of Barrow Borough Council geography, recording the shortest routes between locations and identifying where local landmarks are.

Highway Code

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

Licensed driver responsibilities and Licence conditions

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a drivers responsibilities.

Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

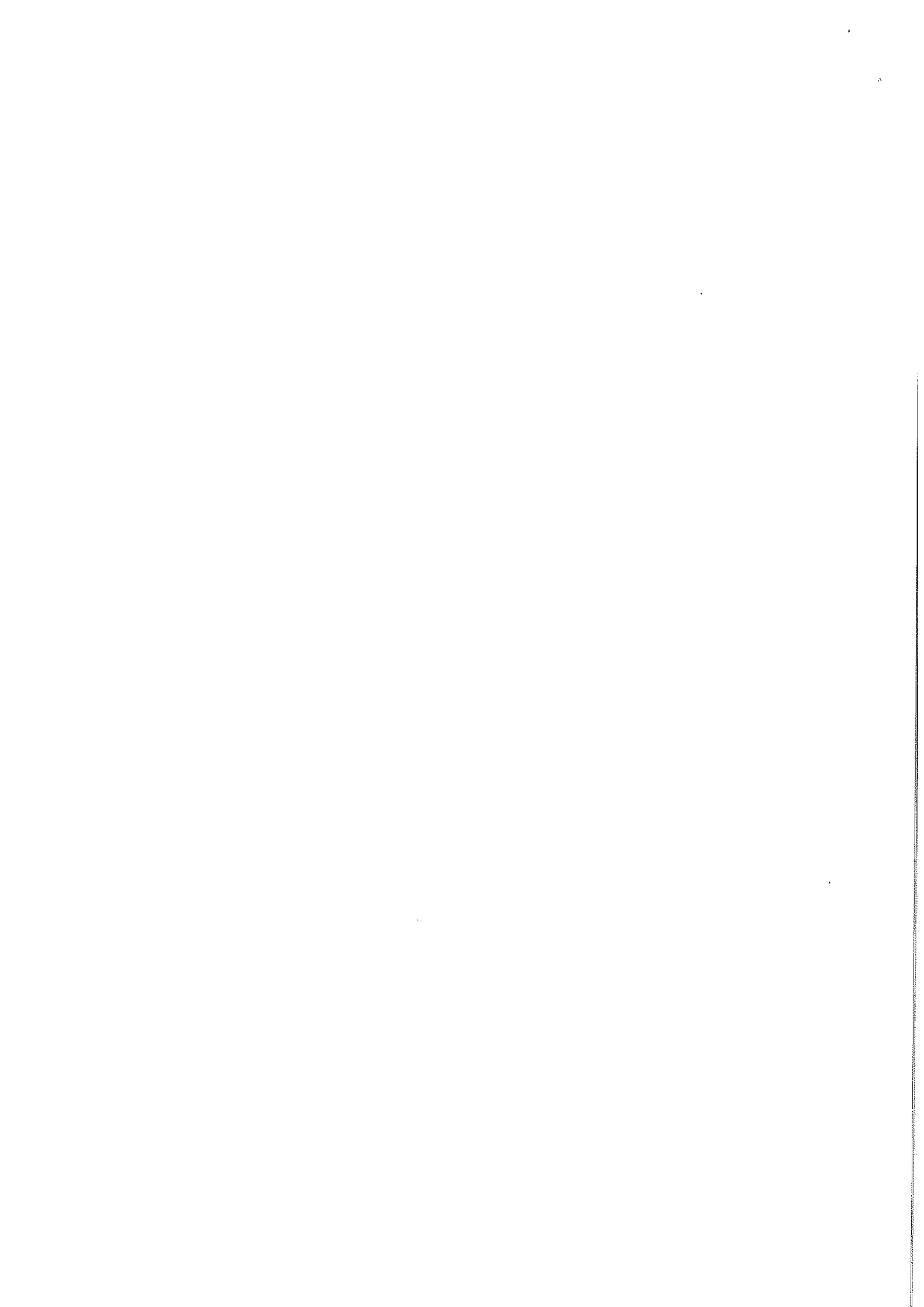
Disability awareness

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers and any individual who has a protected characteristic under the Equality Act 2010 (or as Amended).

General

Questions covering vehicle maintenance, seat belts, smoking.

- 5.12 A maximum number of 3 attempts has been imposed for which applicants (for the grant of a new hackney carriage/private hire drivers licence) are able to undertake the Council's knowledge test (numeracy, highway code, local geography, driver responsibilities etc.), after which there will be a minimum period of six months before any new testing may take place.
- 5.13 Existing licensed drivers, who are required to take the knowledge test upon renewal, will again have a maximum number of 3 attempts to pass and must take this into consideration when applying to renew their licence. To facilitate this, existing drivers can take the knowledge test at any of the sessions before their renewal date. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.14 The knowledge test is conducted at the Council Offices, twice a month. A timetable of knowledge test dates is produced annual. Applicants will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test.
- 5.15 The knowledge test is only required to be passed once. However, undertaking and passing the knowledge test may be used as an option that is available to Members, when considering whether or not a driver is a fit and proper person, following justified complaints of conduct or poor character.



6. Right to Work in the UK

- 6.1 All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at: www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/ in ascertaining this status.
- 6.2 A licence will not be granted to an applicant who is not entitled to work in the UK.
- 6.3 It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 6.4 The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced below. Documents in List A demonstrate that the person has an on-going entitlement to work in the UK; documents in List B indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.

List A Documents showing an on-going right to work	
A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.	An official document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the person, and one of the following:
A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.	
<ul style="list-style-type: none"> An Immigration Status Document issued by the Home Office, the 	

<p>A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of a European Economic Area country or Switzerland.</p>	<p>Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom</p>
<p>A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.</p>	<ul style="list-style-type: none"> • A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents
<p>A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom</p>	<ul style="list-style-type: none"> • A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents • A birth certificate issued in the Channel Islands, the Isle of Man or Ireland
<p>A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.</p>	<ul style="list-style-type: none"> • An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland • A certificate of registration or naturalisation as a British citizen • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom.
<p>List B Documents showing a time-limited right to work</p>	
<p>A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.</p>	<p>A document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and</p>

<p>A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.</p>	<p>Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder, and one of the following:</p>
<p>A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency, and one of the following:</p> <ul style="list-style-type: none"> • a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question • a letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer confirming the same 	<ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question. • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
<p>A Certificate of Application issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old (the Council must also undertake employment checks with UKBA in this situation).</p>	<p>An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment</p> <p>(The Council must also undertake employment checks with UKBA in this situation).</p>
<p>A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.</p>	

- 6.5 In addition to requiring documents as identified above, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.
- 6.6 Where an applicant's entitlement to work (or to remain in the UK) is time-limited, it is open to the Council to consider granting a licence that expires in accordance with the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

7. Criminal Convictions, Cautions and Reprimands

- 7.1 When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject.
- 7.2 As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. However, the Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated'.
- 7.3 All applicants will be required to obtain an enhanced level disclosure from the Disclosure and Barring Service (DBS), upon initial application, and every three years thereafter, and the Council shall facilitate these applications upon payment of the required fee. This level of disclosure includes details of spent convictions and police cautions, as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge.
- 7.4 As DBS disclosures can be considered accurate only on their issue date, and may contain additional, non-conviction information, specific to the application and released at the discretion of the Chief Police Officer, we will require all applicants to obtain a new disclosure through the Council every three years. Disclosures obtained previously through other bodies or for other purposes will not be accepted.

As previously mentioned within this document, an annual statement of declaration, upon the anniversary of the grant of the most recent licence, will be required to be signed by licensed private hire and hackney carriage drivers, declaring any new convictions and/or cautions.

7.5 DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable the Council to properly consider an application, an applicant who has resided outside the UK for a period of more than 3 months (excluding holidays) will be required to produce a 'Certificate of Good Conduct' from the relevant country(ies) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

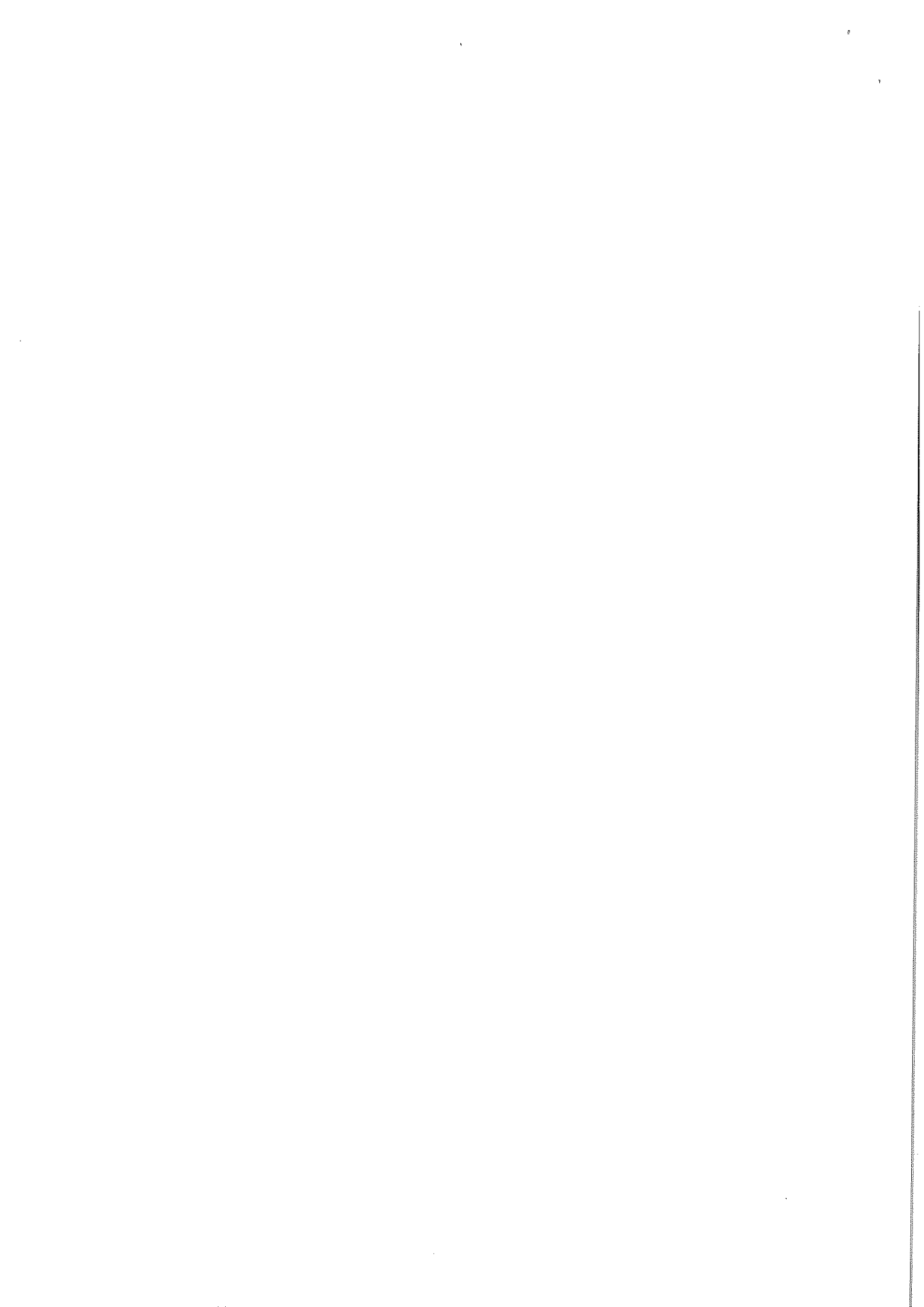
7.6 As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

7.7 It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.

- 7.8 Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
- 7.9 On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.
- 7.10 Drivers licensed by the Council are required to notify the Licensing Section within 14 days, in writing, of any convictions, cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.



8. Statement on the Relevance of Convictions

8.1 In determining the relevance of a conviction or caution, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since conviction and the applicant's conduct subsequent to that conviction.

8.2 In circumstances where previous convictions or other information relating to criminal matters is disclosed the Council will take the following into consideration:

- The nature of the offence
- When it was committed
- The date of conviction
- The nature of the sentence imposed
- The applicant's age when the offence was committed
- The time elapsed since the conviction and the applicant's conduct in that time, and
- Any other factors which might be relevant.

8.3 Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction.

8.4 It is noted that cautions are not convictions, but rather are an admission of guilt to a criminal matter. The Council may have regard to cautions when considering an application, and will take the following matters into consideration:

- The nature of the offence
- Any history of related cautions or convictions
- The guidelines applying to convictions of that category.

8.5 The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence.

8.6 Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be taken into account in accordance with the guidelines.

Violence

8.7 As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 or more years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably. An offence involving loss of life is likely to result in the refusal of an application.

8.8 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence of:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Kidnapping or abduction
- Terrorism offences
- Or other similar offence or offences which replace the above offences.

8.9 An application will normally be refused for a period of 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for offences of:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent

- Grievous bodily harm
- Wounding with intent
- Robbery
- Aggravated burglary
- Threats to kill
- Racially-aggravated criminal damage
- Racially-aggravated public order offences
- Assault with intent to cause grievous bodily harm;
- Assaulting a Police Officer in the execution of his duties;
- Malicious wounding;
- Racially aggravated criminal damage;
- Racially aggravated fear or provocation of violence;
- Racially aggravated intentional harassment, alarm or distress;
- Racially aggravated harassment;
- Racially aggravated putting people in fear of violence;
- Riot;
- Possession of an offensive weapon;
- Possession of a firearm;
- Violent disorder;
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of 5 years or where the penalty is fixed by law).

8.10 An application will normally be refused where the applicant has a conviction, less than 3 years prior to the date of application, for an offence of: -

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Public order offences
- Harassment

- Obstruction
- Criminal damage
- Resisting arrest
- Racially aggravated common assault;
- Racially aggravated harassment, alarm or distress;
- Obstructing a police officer in the execution of his duty;
- Any similar offence or offences which replace the above offences

8.11 For convictions of a type referred to in the preceding paragraph, between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence produced to show good character since the date of conviction.

Sexual and Indecency offences

8.12 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence of:

- Rape
- Sexual assault
- Indecent assault
- Offences involving children or vulnerable adults
- Gross indecency
- Possession of indecent material, child pornography, etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any sexual offence committed in the course of taxi or private hire work

8.13 An applicant will normally be refused a licence until a period usually between 5 and 10 years free of any such convictions from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for an offence of: -

- Indecent exposure
- Soliciting

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

Drugs and Alcohol

8.14 An application will normally be refused where an application is made within 3 to 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for an offence relating to the possession of drugs.

However, after a period of three years, from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

8.15 An application will normally be refused where the applicant has a conviction for an offence relating to the import, production or supply of drugs 5-10 years before the date of application, from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed.

However, after 5 years, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

8.16 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness may indicate a medical problem necessitating critical examination of an application.

Where there is evidence of persistent drug or alcohol misuse or dependency (which may include multiple convictions for related offences), applicants will be required to produce evidence that shows that they have been free of drug taking or alcohol

addiction for at least 5 years. To verify this, the Council may require the applicant to undergo a specialist medical examination.

Dishonesty

8.17 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves in to the care of drivers and expect to be treated fairly and conveyed in a safe manner.

8.18 For these reasons a serious view is taken of any convictions involving dishonesty. In general a period of 3 to 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed, will be required before an application is likely to be considered favourably.

8.19 In particular, an application will normally be refused where the applicant has a conviction, less than 3 years prior to the date of the application, for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Blackmail
- Administration Act 1992
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Taking a vehicle without consent
- Other deception
- Or similar offences to those above or any offence which may replace any of the above offences.

8.20 Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence produced which demonstrates good character since the date of conviction.

Driving Offences

8.21 Because of the nature of the work licensed drivers will undertake, a serious view will be taken of convictions for driving offences that resulted in loss of life. In particular, an application will normally be refused where the applicant has a conviction, less than 5 years prior to the date of the application for an offence of:

- Causing death by dangerous driving
- Causing death by careless driving, while under the influence of drink or drugs

8.22 An application will normally be refused where the applicant has a conviction, less than 5 years prior to the date of the application, for an offence of:

- Causing death by careless driving
- Causing death by driving while unlicensed, disqualified or uninsured

8.23 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drink-driving or a drug-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

8.24 Convictions for drink-driving or drug-driving without disqualification will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence is likely to merit refusal.

8.25 A drink-driving or drug-driving conviction arising from an offence in the course of hackney carriage or private hire work within the last five years is also likely to merit refusal.

8.26 The provisions included under the heading 'Drugs and alcohol' in respect of substance misuse or dependency will also be taken into account when considering drink-driving or drug-driving offences.

8.27 Further provisions relating to motoring endorsements are provided in the next section of this document.

Taxi and Private Hire related Offences

8.28 One of the main purposes of the licensing regime set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 is to ensure the safety and protection of the public. For this reason a serious view is taken of convictions for offences under these and other related Acts (including illegally plying for hire and touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

8.29 In particular, an applicant will normally be refused a licence where (s)he has been convicted of a relevant offence at any time during the 12 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

8.30 A similar consideration will also be applied to offences under the Disability Discrimination Act 1995 or the Equality Act 2010, where the offence arose in the course of taxi or private hire work.

9. Driving Licence Endorsements

- 9.1 For certain driving offences, either where an individual has been convicted by a court or has admitted the offence by way of a fixed penalty notice, driving licences may be endorsed with details of the offence, and a number of penalty points can be imposed upon the individual's driving licence. Endorsements may indicate a poor driving record and give rise to concerns about the applicant's fitness to hold such a hackney carriage or private hire driver's licence.
- 9.2 Driving licence endorsements may form part of the overall sentence arising from a criminal conviction, which will also be shown on the DBS disclosure. In such circumstances, the following guidelines should be read in conjunction with the appropriate paragraphs of the preceding section.
- 9.3 Endorsements will be checked by requiring an applicant to produce his driving licence to accompany an application, and by way of the verification check detailed in the 'Driving entitlement' section of this document.
- 9.4 All endorsements have a set validity period, and the Council will have regard to this period when determining which endorsements to take into account. The Council will have regard to both individual valid endorsements, and the cumulative total of penalty points from all valid endorsements on the licence.
- 9.5 Endorsements which fall outside of the stated validity period will not generally be taken into consideration, unless they demonstrate a pattern of poor driving.
- 9.6 A full list of endorsable traffic offences, including the corresponding endorsement codes, penalty points and validity periods, is included at Annex A.
- 9.7 On application to renew a licence, if no further endorsements have been received since the previous application was considered; the Council will not consider it

necessary to review previous endorsements. However, in cases where new endorsements have been added, all valid endorsements appearing on the licence at the time of application may be taken into consideration, even if they have been previously considered.

- 9.8 Drivers licensed by the Council are required to notify the Licensing Department within 14 days, in writing, of any endorsements received during the period of the licence. It is open to the Council to reconsider a licence during its validity period if an endorsement would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Major endorsements

- 9.9 An endorsement which was subject to the award of four or more penalty points shall be regarded, for licensing purposes, as a major endorsement.
- 9.10 All such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.
- 9.11 More than one such valid endorsement will generally result in the application being refused.
- 9.12 An endorsement which was subject to the award of ten or more penalty points shall be regarded with particular seriousness, and may constitute grounds for refusal on its own.

Minor endorsements

- 9.13 An endorsement which was subject to the award of three or less penalty points shall be regarded, for licensing purposes, as a minor endorsement.

9.14 A single minor endorsement will not generally prevent an application from proceeding. However, a larger number of minor endorsements, particularly if incurred in a short period of time, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

Cumulative total of Penalty Points

9.15 An application will normally be refused where the applicant has 12 or more penalty points from valid endorsements on his driving licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed).

9.16 Applicants with 9 or more penalty points from valid endorsements on their driving licence, or three or more valid endorsements, will generally have their applications referred to the Licensing Regulatory Committee for careful consideration of the facts. If the Committee are not satisfied that the applicant can be considered a fit and proper person by virtue of his endorsements, it shall be open to them to refuse the application.

9.17 Applications from existing drivers for renewal with 9 or more valid endorsements on their licence will be referred to Licensing Regulatory Committee for decision. Members of the Committee will usually be given the option to grant / refuse the licence or to request the applicant takes a re-test of the DVSA driving test before re-licensing is permitted.

9.18 All applicants with 6 to 8 penalty points from valid endorsements on their licence, or two valid endorsements, will generally be required to attend an interview with a licensing officer to review the facts behind the endorsements. It shall be at the Environmental Health Manager's discretion as to whether to refer such applications to the Licensing Regulatory Committee for further consideration of the pertinent facts, or to approve the application. Where applications are approved, it is expected that a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers will also be administered.

Other Traffic Offences

9.19 Penalties for other non-endorsable traffic offences, such as parking penalty notices, obstruction, waiting in a restricted road, etc., that have not resulted in a criminal conviction, will not generally be taken into account when considering an application.

Disqualification

9.20 Where an applicant has been disqualified from driving because of a serious traffic offence, a licence application will generally be refused unless a period of 2 years free of conviction or endorsement has elapsed from the restoration of the driving licence.

9.21 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the driving licence.

9.22 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence. This is because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Annex A – Endorsable Traffic Offences

Accident Offences			
Code	Offence	Penalty points	Validity
AC10	Failing to stop after an accident	5-10	Four years from offence
AC20	Failing to give particulars or to report an accident within 24 hours	5-10	
AC30	Undefined accident offences	4-9	
Disqualified driver			
Code	Offence	Penalty points	Validity
BA10	Driving while disqualified by order of court	6	Four years from offence
BA30	Attempting to drive while disqualified	6	
BA40	Causing death by driving while disqualified	3-11	Four years from the date of the convictions
BA60	Causing serious injury by driving while disqualified	3-11	
Careless driving			
Code	Offence	Penalty points	Validity
CD10	Driving without due care and attention	3-9	Four years from offence
CD20	Driving without reasonable consideration for other road users	3-9	
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9	
CD40	Causing death through careless driving when unfit through drink	3-11	Eleven years from conviction
CD50	Causing death by careless driving when unfit through drugs	3-11	
CD60	Causing death by careless driving with alcohol level above the limit	3-11	
CD70[CD71]	Causing death by careless driving then failing to supply a specimen for [drugs] analysis	3-11	
CD80	Causing death by careless or inconsiderate driving	3-11	Four years from

CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3-11	conviction
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Construction and use offences

Code	Offence	Penalty points	Validity
CU10	Using a vehicle with defective brakes	3	Four years from offence
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	
CU30	Using a vehicle with defective tyre(s)	3	
CU40	Using a vehicle with defective steering	3	
CU50	Causing or likely to cause danger by reason of load or passengers	3	
CU80	Using a mobile phone while driving a motor vehicle	3	

Reckless/dangerous driving

Code	Offence	Penalty points	Validity
DD10	Driving or attempting to drive with alcohol level above limit	3-11	Four years from conviction
DD40	Dangerous driving	3-11	
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11	
DD80	Causing death by dangerous driving	3-11	
DD90	Furious driving	3-9	

Drink or drugs

Code	Offence	Penalty points	Validity
DR10	Driving or attempting to drive with alcohol level above limit	3-11	Eleven years from conviction
DR20	Driving or attempting to drive while unfit through drink	3-11	

DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11	
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11	
DR61	Refusing permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10	
DR50	In charge of a vehicle while unfit through drink	10	
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10	
DR70	Failing to provide a specimen for breath test	4	
DG10	Driving or attempting to drive with drug level above the specified limit	3-11	Eleven years from conviction
DG60	Causing death by careless driving with drug level above the limit	3-11	
DR80	Driving or attempting to drive when unfit through drugs	3-11	
DR40	In charge of a vehicle while alcohol level above limit	10	Four years from offence or four years from date of conviction where a disqualification is imposed
DR90	In charge of a vehicle when unfit through drugs	10	Four years from offence
Insurance offences			
Code	Offence	Penalty points	Validity
IN10	Using a vehicle uninsured against third party risks	6-8	Four years from offence
Licence offences			
Code	Offence	Penalty points	Validity
LC20	Driving otherwise than in accordance with a licence	3-6	Four years from

LC30	Driving after making false declaration about fitness when applying for a licence	3-6	offence
LC40	Driving a vehicle having failed to notify a disability	3-6	
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6	
Miscellaneous offences			
Code	Offence	Penalty points	Validity
MS10	Leaving a vehicle in a dangerous position	3	Four years from offence
MS20	Unlawful pillion riding	3	
MS30	Play street offences	2	
MS50	Motor racing on the highway	3	
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3	
MS70	Driving with uncorrected defective eyesight	3	
MS80	Refusing to submit to an eyesight test	3	
MS90	Failure to give information as to identity of driver etc.	6	
Motorway offences			
Code	Offence	Penalty points	Validity
MW10	Contravention of special roads regulations (excluding speed limits)	3	Four years from offence
Pedestrian crossings			
Code	Offence	Penalty points	Validity
PC10	Undefined contravention of pedestrian crossing regulations	3	Four years from offence
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	

Speed limits			
Code	Offence	Penalty points	Validity
SP10	Exceeding goods vehicle speed limits	3-6	Four years from offence
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6	
SP30	Exceeding statutory speed limit on a public road	3-6	
SP40	Exceeding passenger vehicle speed limit	3-6	
SP50	Exceeding speed limit on a motorway	3-6	
Traffic directions and signs			
Code	Offence	Penalty points	Validity
TS10	Failing to comply with traffic light signals	3	Four years from offence
TS20	Failing to comply with double white lines	3	
TS30	Failing to comply with 'Stop' sign	3	
TS40	Failing to comply with direction of a constable/warden	3	
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	
TS60	Failing to comply with a school crossing patrol sign	3	
TS70	Undefined failure to comply with a traffic direction sign	3	
Special Code			
Code	Offence	Penalty points	Validity
TT99	Disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.	-	Four years from date of conviction
Theft or unauthorised taking			
Code	Offence	Penalty points	Validity
UT50	Aggravated taking of a vehicle	3-11	Four years from offence
'Mutual recognition codes			

MR codes are on a licence if the driver is disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. The disqualification is also valid in Great Britain.		
Code	Offence	Validity
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	Four years from the date of conviction
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road incident (hit or run)	
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver	
MR39	Driving a vehicle faster than the permitted speed	
MR49	Driving a vehicle whilst disqualified	
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence	

Aiding, abetting, counselling or procuring

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or permitting

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Part One

LICENSING REGULATORY COMMITTEE	(R) Agenda Item 7
Date of Meeting: 1st September, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Policy Relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences</p> <p>Report Summary:</p> <p>Following a review of the current Council guidelines on the fitness of applicants for hackney carriage and private hire drivers licences, Officers developed a new draft policy which was presented to Members at the Committee Meeting on 30th June 2016. At that meeting Members approved a public consultation of the new draft Policy, including its additional requirement to enable the Licensing Authority to introduce appropriate and necessary training, to continually improve driver standards, knowledge and awareness.</p> <p>For noting:</p> <p>That Members note the following information:</p> <p>The Draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and the results from the consultation will be reported to Executive Committee on 7th September 2016 for consideration, before being forwarded to Full Council, with any proposals, for adoption.</p>	

1. Introduction

- 1.1. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.2. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a Hackney Carriage or Private Hire Driver licence unless they are satisfied that the applicant is a fit and proper person to hold a licence. No definition of 'fit and proper' is offered and the Council's discretion is wide-ranging, therefore the Council has guidelines in place to aid the decision making process.

- 1.3. Following a review of the Council's current guidelines on the fitness of applicants for a drivers licence, Officers developed a new draft Policy. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils can impose for the licensing of private hire and hackney carriage drivers.
- 1.4. At a meeting of the Licensing Regulatory Committee on the 30th June 2016, Members approved a public consultation of a new Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy. The consultation was carried out between the 1st and 30th July 2016, via the Council's website and directly with the current licenced drivers via email, if those details were held. The consultation was also publicised on the Furness Taxi Trade Association Facebook page and in a news article published in the North West Evening Mail (2nd July 2016):
<http://www.nwemail.co.uk/news/barrow/Barrow-cabbies-face-geography-tests-in-licensing-shake-up-1d7efa51-f22b-4d75-82ea-a899e9539ddd-ds>
- 1.5. A copy of the draft policy is attached at **Appendix 1** and includes the amendments made by Members prior to the consultation.
- 1.6. The draft policy will be the basis on which all driver applications are determined, however it is important to note that every application must be treated on its own merits, and where decisions may be made that depart from the Policy, that decision should be accompanied by full reasons.
- 1.7. All decisions to grant or refuse a licence, including any Officer using delegated powers, will do so in accordance with this policy. Every decision will be recorded stating the facts upon which the decision was made and full reasons for the decision. Those making the decision should be aware that departing from the Policy without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.
- 1.8. Members should note that Officers have identified that there is a need for appropriate training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness. The draft policy includes a new training requirement, and it is this element that has been the focus of the responses.

2. Consultation Responses

- 2.1. The Licensing Authority has received five responses, these are attached in full at **Appendix 2**, and are summarised below:
 1. Letter received from an Ex-taxi Driver (Received: 14th July 2016):

I hear on the Taxi-grapevine you want to send drivers (at a Cost no doubt) to test their Knowledge and how to be nice to passengers, you lot should be more interested in saving Drivers and Passengers Lives!

The remainder of the letter refers to driver working hours, medical history and smoking.

2. Email received from a Licenced Hackney Driver and Vehicle Proprietor (Received: 20th July 2016):

I personally would like to endorse the testing of all new drivers in the borough, as this would be beneficial to the public in general.

With regards to the testing of existing drivers, I do feel this would be a waste of time, resources and money. The drivers who have been doing the job for a number of years, have already learnt on the job how to look after the disabled and elderly. They have had to take care of their vehicle and keep its standard up for inspection and testing. These things are standard practise for the existing driver and while I think the application process could be improved, I would suggest that existing drivers be left out of any changes.

Kind regards

3. Email received from a Licenced Hackney Driver and Vehicle Proprietor (Received: 20th July 2016):

Just a response to the points raised. Regarding drivers taxi test. Knowledge test etc. Having discussed with fellow cabbies on these matters. And from a personal note. Having been an owner hackney driver for the last 38 years. And having been through a dedicated taxi drivers nvq. And having gained a wealth of experience in said trade in am one many in that agree that whilst we welcome dedicated courses to help us in our trade in this modern world. We. I feel that I don't see why we should have to pay to prove that I can do my job via a knowledge test etc. after doing it for so many years of hopefully in providing an acceptable service to date. I welcome the idea that new applications could be dealt with in the new proposals mentioned by the council. And thus hopefully make the trade seen better in the eyes of the public. And also just to mention I would welcome a better way of policing the drivers in respect as other trades random checks involving drink drugs testing as done by stagecoach on drivers (just a personal note).

4. Email received from Licenced Private Hire & Hackney Driver and Vehicle Proprietor (Received: 23rd July 2016):

I just wish to say that I think the idea of a kind of knowledge test is a good idea and should have been introduced a long time ago.

Regards

5. Email received from the Secretary of the Furness Taxi Trade Association
(Received: 24th July 2016)

In response to the consultation, although the trade welcomes the proposal in general, there are some strong feelings against existing drivers having to take the knowledge test. We put a survey on the trade Facebook page to gauge opinion on this and eighty-four members responded against it. As you know the trade here in Barrow is usually overwhelmingly apathetic so this level of response is unprecedented. The support for the proposal was the total of four members of which one was licenced by South Lakes Council. Below I have copied the survey and some of the relevant responses received. I hope this is of help in making you aware of the feeling against existing drivers taking the test.

The remainder of the email contains the Facebook comments, the majority of which relate to a discussion on Hackney plates and Taxi ranks. For information this private Facebook page has over 300 members.

- 2.2. To summarise, it is clear that those responding to the consultation have focused on the new requirement to undertake training and the potential cost of this. Members will note that with the exception of the Safeguarding Awareness sessions and the Knowledge Test, the remainder of the draft policy amalgamates the Council's current application criteria and guidance.
- 2.3. For clarification on some of the additional points raised:
- a) Private hire and Hackney carriage drivers are exempt from the European working time directive, which would limit them to working a 48-hour week with a 20-minute break every six hours.
 - b) All drivers have to undertake a DVLA Group 2 Medical (this is the same level as that required to be a HGV Driver) on application and on their 50th, 56th, 59th, 62nd, 65th Birthdays and each year thereafter.
 - c) Officers are pro-actively enforcing the Smoke free legislation, through issuing Fixed Penalty Notices, to drivers who have been observed smoking in their licenced vehicles.
- 2.4. Having taken the consultation responses into account, it is the Reporting Officer's view that in order to continually improve driver standards, knowledge and awareness, all new **and existing** drivers should be required to pass the Knowledge Test and take part in the Safeguarding awareness sessions.
- 2.5. The Safeguarding Awareness Sessions will have to be undertaken by all applicants/drivers (new or existing) within 12 months of the introduction of the new policy. Failure to attend may result in suspension/revocation or refusal to renew the relevant drivers licence. The sessions will be free of charge for the first 12 months from the date of the policy. After that a charge for the sessions will be made and this will be recovered through the licence as part of the fee setting process.

2.6. The written Knowledge Test will have to be undertaken and passed by all new applicants as part of the application procedure. All existing drivers will also be expected to take and pass the test before the renewal of their drivers licence. Failure to undertake and pass the test may result in refusal to renew the appropriate licence. Officers consider that the cost for the tests will be reasonable and they will be set as part of the annual fee setting process later this year. However it is possible to give an indication of approximate costs for Member's information today as follows.

2.7. For new applicants, the cost is likely to be approximately £12. This is based on the likelihood of tests being taken on a one-to-one basis with Officers due to the relatively low number of new applications. For existing drivers making a renewal application, the cost is likely to be around £0.50 per licence. This is based on the likelihood of tests being undertaken in group sessions.

3. Options

Not applicable to this report.

Report is for information purposes only.

4. Recommendation

Not applicable to this report.

Report is for information purposes only.

5. Reasons for Recommendation

Not applicable to this report.

Report is for information purposes only.

6. Considerations

(i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976

Section 51 - *Licensing of drivers of private hire vehicles.*

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence;

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

Section 59 - *Qualifications for drivers of hackney carriages.*

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

In respect of Sections 51 and 59, the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant aggrieved by the refusal of the District Council to grant a driving licence on the ground that the applicant is not a fit and proper person to hold such a licence, may appeal to a magistrates court.

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

There will be minimal cost to existing drivers for undertaking the Knowledge Test prior to renewal. For new applicants, the cost will be incorporated into the application fee for the 2016/17 Fees and Charges.

(iv) Key Priorities or Corporate Aims

Not applicable.

(v) Equality and Diversity

There are no issues relating to equality or diversity.

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

The recommendations support the protection of the human rights of the public who use hackney carriage and private hire vehicles, particularly children, young people and vulnerable adults. They also aim to ensure the Council is protecting the public.

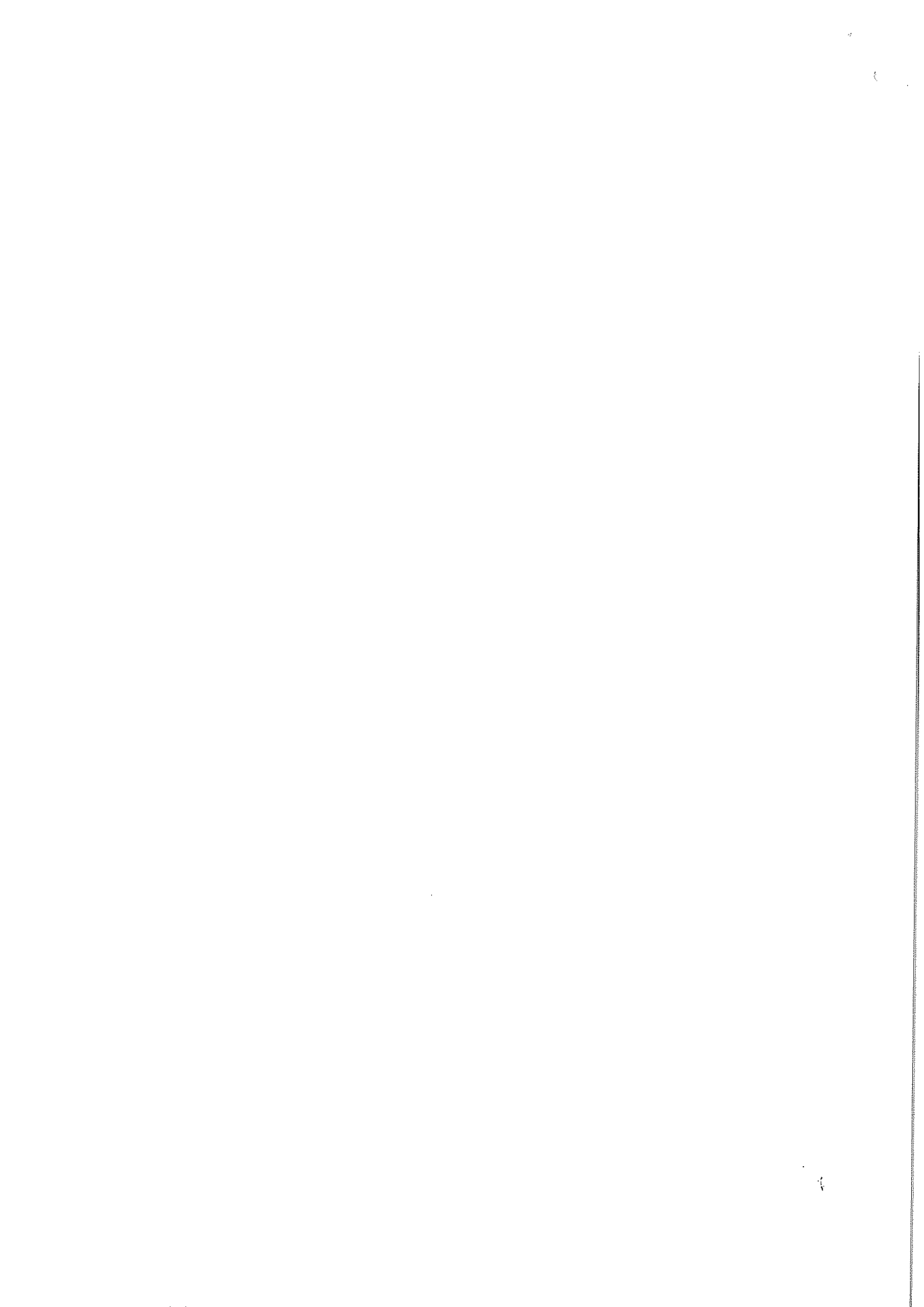
(vii) Health and Well-being Implications

The purpose of the Private Hire and Hackney Carriage licensing system is to protect the safety and welfare of the public who use this transport.

Background Papers

Licensing Regulatory Committee Report. Agenda Item 8 - 30th June 2016

Minutes of the Licensing Regulatory Committee - 30th June 2016



I am an ex. taxi driver and I have to say you lot are a Feckin Joke! I hear on the Taxi-grapevine you want to send drivers (at a Cost no doubt) ^{to test} their Knowledge and how to be nice to passengers, you lot should be more interested in saving Drivers & Passengers Lives! I spend 3-4 months away and every time I come home all I here is, they have you heard Dave Tom etc have had Heart Attacks ~~smashed~~ smashed into a wall ~~got~~ got lung Cancer etc etc etc etc etc etc etc. This happens because you set up silly courses not courses that could save LIVES, drivers & one day a driver on his 17th Hour Will Kill someone.

Why not set up a course with a nurse who can tell them working Very long hours will lead to heart problems circulation problems and endanger themselves & passengers and anyone caught Smoking will be fined - £1000 because they are Killing themselves & passengers.

This Kind of course would save LIVES how can a person smoke in a TINY SPACE and go to Greengate infants and pick up little Kids. "It amazes me how they can do this and pick up a 2am after coming on shift at 7am but you dont feckin give a damn for H&Savety just stupid courses that make you a bit of nancy?"

Red Siab

~~Black~~ VW

SILVER

~~Blue~~ Peugeot

~~Black~~

[Redacted]
[Redacted]
[Redacted]

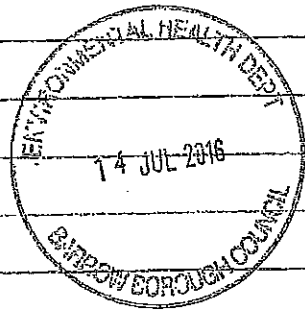
} never without a fag

etc etc etc etc etc etc etc etc

when I'm home I never see them without a fag in mouth (why dont you see anything)

anyway I'm off for 3 months in the Sun I'll see how many have had strokes HAttacks e. have lung cancer when I get back check for now^{is} maybe you allow all this so it

keeps cancer numbers down hey ho just a thought



Graham Barker

From: [REDACTED]
Sent: 23 July 2016 09:20
To: Graham Barker
Subject: Re: Consultation with Drivers and Operators

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr.
Barker.

I just wish to say that I think the idea of a kind of knowledge test is a good idea and should have been introduced a long time ago.

Regards [REDACTED]

On 1 July 2016 at 15:34, Graham Barker [REDACTED] wrote:

We welcome your comments on our draft new Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licences Policy.

This policy is an amalgamation of the guidance we currently use to assess if a driver is a fit and proper person to hold a licence, and includes a new training requirement.

The policy can be downloaded from the link below or viewed at the Council Offices between 1st and 30th July 2016

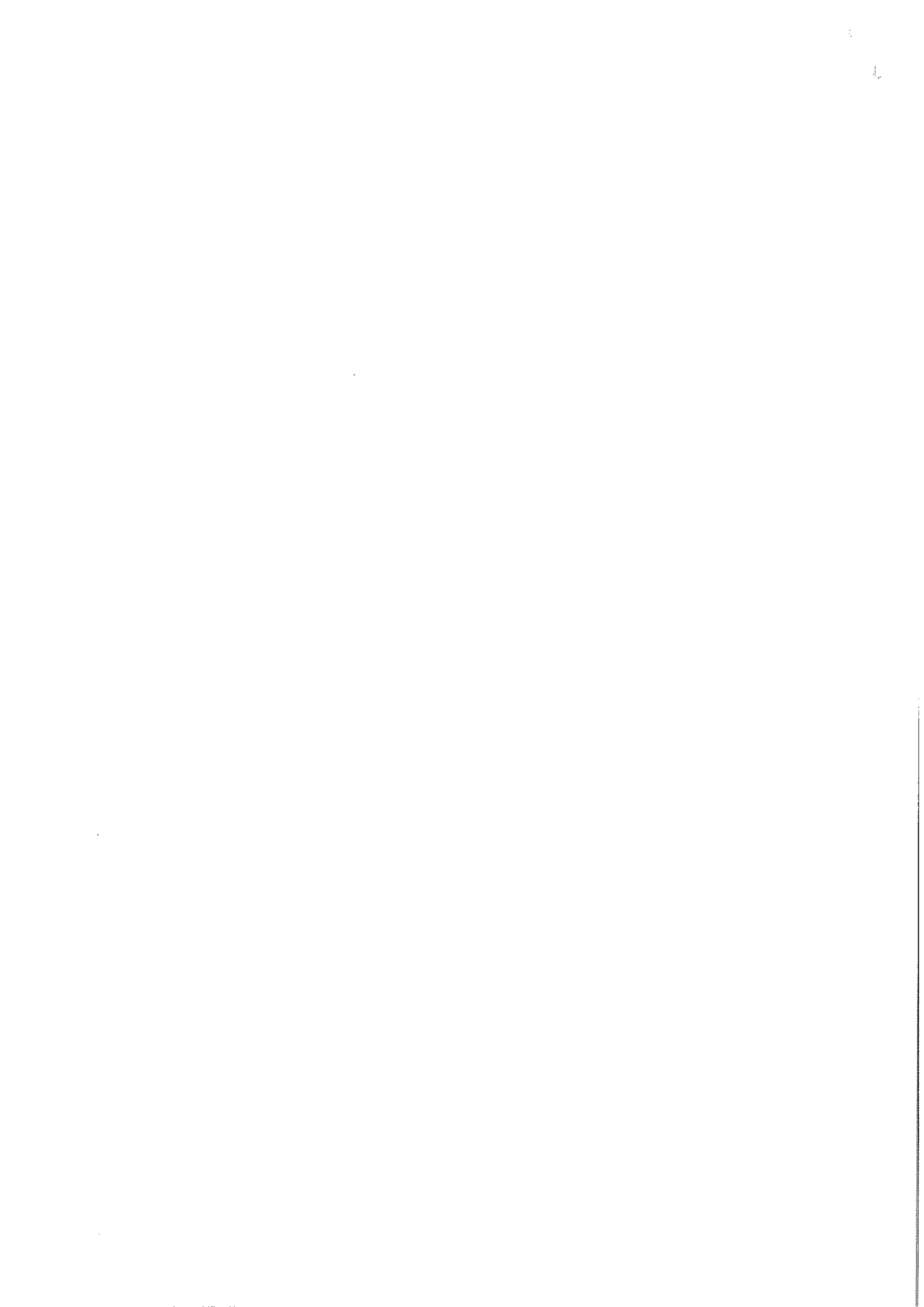
<http://www.barrowbc.gov.uk/news/consultation-on-the-draft-fitness-of-applicants/>

The consultation closes on the 30th July 2016

Graham Barker

Principal Environmental Protection & Licensing Officer

Environmental Health Dept



Graham Barker

From: Jennifer Curtis
Sent: 21 July 2016 08:59
To: Graham Barker
Subject: Consultation response

For your attention.

From: [REDACTED]
Sent: 20 July 2016 20:31
To: Jennifer Curtis
Subject: Re-taxi agenda last.

Just a response to the points raised. Regarding drivers taxi test . Knowledge test ect . Having discussed with fellow cabbies on these matters. And from a personal note . Having been a owner hackney driver for the last 38 years . And having been through a dedicated taxi drivers nvq . And having gained a wealth of experience in said trade in am one many in that agree that whilst we welcome dedicated courses to help us in our trade in this modern world . We . I feel that I don't see why we should have to pay to prove that I can do my job via a knowledge test ect after doing it for so many years of hopefully in providing a acceptable sevice to date . I welcome the idea that new applications could be dealt with in the new proposals mentioned by the council. And thus hopefully make the trade seen better in the eyes of the public . And also just to mention i would welcome a better way of policing the drivers in respect as other trades random checks involving drink drugs testing as done by stagecoach on drivers (just a personal note)

[REDACTED]

Sent from my Samsung Galaxy smartphone.

Graham Barker

From: [REDACTED]
Sent: 20 July 2016 16:34
To: Commercial Services
Subject: Public Consultation on the Fitness of Applicants for Hackney Carriage & Private Hire Drivers Licences Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, I am writing with regard to the subject matter.

I personally would like to endorse the testing of all new drivers in the borough, as this would be beneficial to the public in general.

With regards to the testing of existing drivers, I do feel this would be a waste of time, resources and money. The drivers who have been doing the job for a number of years, have already learnt on the job how to look after the disabled and elderly. They have had to take care of their vehicle and keep its standard up for inspection and testing. These things are standard practise for the existing driver and while I think the application process could be improved, I would suggest that existing drivers be left out of any changes.

Kind regards,

[REDACTED]

Graham Barker

From: [Redacted]
Sent: 24 July 2016 18:50
To: Commercial Services; Graham Barker; Jennifer Curtis
Subject: Consultation Response

Hi All

In response to the consultation, although the trade welcomes the proposal in general, there are some strong feelings against existing drivers having to take the knowledge test. We put a survey on the trade facebook page to gauge opinion on this and eighty-four members responded against it. As you know the trade here in Barrow is usually overwhelmingly apathetic so this level of response is unprecedented. The support for the proposal was the total of four members of which one was licenced by South Lakes Council. Below I have copied the survey and some of the relevant responses received. I hope this is of help in making you aware of the feeling against existing drivers taking the test.

" Anyone who has read the draft policy from licensing might have missed the bit about existing drivers having to pass the knowledge test as well as new drivers. The test will have parts on local knowledge, highway code, arithmetic, licensing conditions and driver responsibilities etc. We should be thinking about objecting to this before we are railroaded into a test that is not needed for existing drivers. The best laugh is that we will also have to pay for it through increased license fees! Let them know what you think, ring them e-mail them write them and click on the poll below which will be used to show that we either want this or we don't."

-
-
-
-

+80
()

Only new drivers should take the test.

-

+3
()

Yes we want all drivers new and existing to take the test.

Like Show More Reactions
Comment

[Redacted] in most transport cases, existing individuals have been allowed 'grandfather rights', i would like to encourage this to happen in this case or it could possibly render an individual unemployed if a fail was achieved,, the council could possibly be taken to court for unfair dismissal even though the driver is self employed, it would be the council that has forced the position on the person concerned.. 'food for thought' !!

Unlike · Reply · 4 · 7 July at 20:12

[Redacted] Do feel a lot that as a seasoned owner driver of 38 years . I think now I've hopefully have proved my worth as a driver and knowledge within my trade . I warmly welcome new guidance towards helping me and others do my job in the modern world . But I don't see why I have to now pay to prove I can do my job after all these years .

[Redacted] Grandfathers rights should apply to all existing drivers

Any new drivers should do the test

Unlike · Reply · 4 · 8 July at 20:49

6

[REDACTED] I think the test should be for all. Those coming into the trade should definitely have it and those already in should know where they are going so it wouldn't be a problem. If there is to be a cost, it should not apply to existing drivers.

[REDACTED] I don't agree with everyone having a vote when they haven't got barrow plates when it comes to south lakes plates I wouldn't have thing to say as its nothing to do with me, are the 300 members got plates from barrow? Not having a go at the people that go and represent but what have they achieved town hall have give them nothing, town hall want them to do a test on Highway Code but has them picking up on an illegal rang which is a breach of the Highway Code; let's hope no taxi driver ever loses his plates and job, every driver paid £60 on a unmet survey that's said there was demand for a rank in cavendish st

Like · Reply · 10 July at 12:54 · Edited



[REDACTED] The rank on Cav St was passed, along with a daytime rank on Crellin St. Because the th decided to not push the item with highways (they needed the drivers to push it more but they never), they pulled funding. Most of the South Lakes laws will filter down to Barrow, as will those from Carlisle and Lancaster. These are the areas the licensing has been to visit and they are taking their ideas from there. There are also laws restricting the opening of taxi/ph offices within a certain distance of a rank but licensing tend to ignore what doesn't benefit them. The unmet demand survey is there to keep a cap on the amount of hackney plates issued in the borough. Without it, the plates become 'open' and the town will have far more hackneys than now as nobody will bother getting ph. As for the vote, Bobb is just asking an opinion and we all have them. There are some drivers, who are badged for Barrow at present, who still have no real idea where they are going. In these cases, a knowledge test woud be useful being implemented for all. I don't, however, agree that it should be of a cost to the badge holders.

Like · Reply · 10 July at 13:13



[REDACTED] a Might of been passed but where is the rank? The drivers don't have say that's why people don't go to the meetings nothing has change in years but badges went up by £100! I don't think other boroughes are interested in whats happening here as I not interested in there's, when did the town hall try to stop the opening of Hackney plates another con.

Like · Reply · 10 July at 13:29

[REDACTED] The problem being is that as usual the majority that are willing are owner drivers . But this time the drivers fraternity need to be aware that this involves each driver . And they will have to pay themselves. This will be not be down to the firms that they rent from . This time involment from every driver is required . But as usual the lack lustre majority will prevale.

Unlike · Reply · 3 · 10 July at 11:10 ·

[REDACTED] This test is on drivers with a ph badge or hac , not a plate . I for one is glad that some things town hall is doing is helping the trade and not letting people float in and out of the trade as they like but also town hiall will try to bring in things which we should make a stand for but that doesn't seem to be happening . Same drivers piping up all time not happy and do nowt . There is very few new drivers coming into the job now due to rules and plates getting taken off cars so if you want to stick around in the job , grow a pair !

Unlike · Reply · 7 · 10 July at 21:01



[REDACTED] Badge plate all the same thing the town hall have done nothing to help the trade, what's going to happen to the unfortunate driver that has an accident on cavendish st picking up on an unofficial rank? It's not about growing a pair what has been achieved at your town hall meetings nothing's change for years and you know it bob just everything seems to be about more money off drivers. This is why drivers don't bother turning up to these meetings.

Like · Reply · 10 July at 22:30 · Edited

[REDACTED] This test is on drivers with a ph badge or hac , not a plate . I for one is glad that some things town hall is doing is helping the trade and not letting people float in and out of the trade as they like but also town hall will try to bring in things which we should make a stand for but that doesn't seem to be happening . Same drivers piping up all time not happy and do nowt . There is very few new drivers coming into the job now due to rules and plates getting taken off cars so if you want to stick around in the job , grow a pair !

Unlike · Reply · 7 · 10 July at 21:01



[REDACTED] Badge plate all the same thing the town hall have done nothing to help the trade, what's going to happen to the unfortunate driver that has an accident on cavendish st picking up on an unofficial rank? It's not about growing a pair what has been achieved at your town hall meetings nothing's change for years and you know it bob just everything seems to be about more money off drivers. This is why drivers don't bother turning up to these meetings.

Like · Reply · 10 July at 22:30 ·

Regards
Bob Mullen
Secretary
Furness Taxi Trade Association
