

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 19th October, 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 7th September, 2016 (Pages 1-18).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (R) 7. Council Tax Support (Pages 19-21).
- (D/R) 8. Business Rates Write Off (Pages 22-23).

- (R) 9. Employer Supported Volunteering Policy (Pages 24-25).
- (D) 10. Loyalty and Retirement Awards Policy (Pages 26-27).
- (R) 11. Holiday Purchase Scheme (Pages 28-29).
- (D) 12. 2017-2018 Holiday Dates (Pages 30-31).
- (D) 13. The 2018 Boundary Review – Initial Proposals for new Parliamentary Constituency Boundaries (Pages 32-33).
- (D) 14. Sale of Land at North Road Barrow-in-Furness (Pages 34-35).
- (R) 15. Licensing Regulatory Committee - Policy relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences (Pages 36-39).

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: 11th October, 2016.

EXECUTIVE COMMITTEE

Meeting: Wednesday 7th September, 2016
at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Barlow, Biggins, Brook, Hamilton, R. McClure, W. McClure, Maddox and Pemberton.

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

41 – Minutes

The Minutes of the meetings held on 27th July and 3rd August, 2016 were agreed as a correct record.

42 – Apologies for Absence

Apologies for absence were received from Councillors Roberts, Sweeney and Williams. Councillor W. McClure substituted for Councillor Roberts for this meeting only.

43 – Housing Management Forum: Recommendations

The recommendations of the Housing Management Forum held on 25th August, 2016 were submitted for consideration.

N.B. The Minutes are reproduced as **Appendix 1** to the Minutes of this meeting.

RESOLVED:- (1) That the recommendations of the Housing Management Forum be agreed as follows:-

Review of Council House Service

That:-

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:-

Housing Service Review Working Group

Councillors Brook, Hamilton, Heath and McEwan (3:1) and Tenant Representative, Allan McIntosh; and

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.

Tenant Involvement Strategy

That the revised Community Involvement Strategy be noted.

Sponsorship of the Housing Annual Garden Competition 2016

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.

Disabled Adaptations: Cumbria Housing Partners - Contractor Selection Procedure

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.

Adaptations to Council Property

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.

44 – Council Finances Quarter 1 2016-2017

The Director of Resources submitted a detailed report that set out the Council finances for period ended 30th June, 2016. The report had included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account. The report also contained the service performance information for Quarter 1.

RESOLVED:-

1. To approve the changes to the Capital Programme set out in the report; these did 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 were in accordance with the Reserves and Balances Policy;
3. To note the financial information presented; and
4. To note the service performance information presented.

45 – Executive Director Performance Appraisal 2016/17

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

RESOLVED:- To note the Executive Director's objectives to March 2017.

46 – Licensing Regulatory Committee – Policy Relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences

The Executive Director requested the Committee to defer the item to a future meeting because the Drivers and Vehicle Standards Agency were no longer carrying out driver assessments from 31st December, 2016 which was an integral part of the Policy.

RESOLVED:- To agree that the item be deferred to a future meeting.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

47 – Housing Management Forum: Recommendations

Consideration was given to the recommendations of the Housing Management Forum held on 25th August, 2016.

N.B. The Minutes were reproduced as **Appendix 1** to the Minutes of the meeting.

Fencing on Council Estates

RECOMMENDED:- To recommend the Council that the draft Fencing Policy and Procedure attached as an appendix to the report be agreed.

Roosegate Estate External Works

RECOMMENDED:- To recommend the Council that:-

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.

Cumbria Choice: Choice-Based Lettings Scheme - Update

RECOMMENDED:- To recommend the Council that:-

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.

48 – Land Charge and OS Map Fees

The Director of Resources informed the Committee that the Council's Land Charge service currently maintained a high market share for searches carried out. There were various factors that were currently developing, and would change in the future, that required the Council to be more agile in its ability to set and charge fees for searches. These included:

- a. Changes to questions being introduced on the CON29 increasing the time spent completing searches; the CON29 forms were 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 the Council's market share.
- d. Dealing with proposed changes to local Land Charges in respect of the Land Registry.
- e. Possible implications of VAT.

The Council currently provided 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 were used in the submission of Planning and Building Control applications. The Council was not the sole provider and was in competition with others. The size, format and fees of plans provided by competitors changed rapidly and the service needed to be able to reflect changes in the market to remain competitive.

RECOMMENDED:- To recommend the Council:-

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.

49 – Ship Water Sampling Fees

The Director of Resources informed the Committee that the Council was responsible for administering ship sanitation certificates for those ships using Barrow's port facilities. The ship sanitation certificate mirrored the food hygiene work the Council carried out on shore, but included the ability to test water supplies, as well as reviewing wider standards of hygiene and cleanliness on board. There was 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 were set locally and had 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 was also considered.

RECOMMENDED:- To recommend the Council:-

1. To agree the fees for water samples, at cost recovery as detailed in the report, with immediate effect; and
2. To delegate the review and setting of fees for water sampling to the Environmental Health Manager.

The meeting closed at 2.50 p.m.

HOUSING MANAGEMENT FORUM

Meeting: Thursday 25th August, 2016
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Barlow, Blezard, Brook, McEwan and Thurlow.

Tenant Representatives:- Mrs M. Anderson, Mr E. Lynch and Mrs T. Metcalfe.

Officers Present:- Colin Garnett (Assistant Director - Housing), Janice Sharp (Operations Manager) and Keely Fisher (Democratic Services Officer).

56 – Minutes

The Minutes of the meeting held on 9th June, 2016 were taken as read and confirmed.

57 – Apologies for Absence/Changes in Membership

Apologies for absence were received from Councillor Johnston and Tenant Representatives, Mr A. McIntosh and Ms K. Warne.

Mr E. Lynch and Mrs T. Metcalfe had replaced Mr A. McIntosh and Ms. K. Warne respectively for this meeting only.

58 – Review of Council Housing Service

The Assistant Director - Housing reported that in agreeing the Housing Revenue Account for 2016/17, he had 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 the Council would have to consider and plan for the changes".

The HRA budget was set at £10,304,988, £197,000 less than had been 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 would have to be applied each year for the next three years and there were a number of other changes which were likely to have a financial impact.

The impact of other changes could not yet be established. Some changes would have direct financial consequences and others that would have indirect financial impacts.

The Assistant Director - Housing suggested that changes taken together necessitated the Council to consider the future delivery of Housing Services going

forward and consider whether the Council's HRA would remain viable whilst providing the quality of services required by the Council.

The significant changes which would impact on the HRA and provision of services were 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 would be between £1.9m and £2.6m over the four years. Should inflation remain low, even if the loss of income remained around c£200k, operational changes would 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 was less than the Council's lowest rent.
4. The Levy on High Value Homes. The Government would estimate the value expected from each authority from the sale of high value homes and would require payment of this sum. Details of the mechanism were still awaited.
5. Pay to Stay: Councils must set higher rents for households on higher incomes, earning more than £31k per year. Additional income would be returned to the Treasury. Council would be able to deduct reasonable costs for administration and, in first year only, have to pay "what was collected", although details still awaited.
6. Fixed Term Tenancies: Authorities would 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 would 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 would get a fixed term tenancy.

These were complex changes and their full effect was difficult to predict. However it was clear that they would have a negative effect on HRA income. There was evidence that some of these changes were already having an impact, for example Right To Buy applications.

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

In presenting this report the Assistant Director did not want to appear "alarmist", however, the Council did need to plan for these changes. Without doubt there would be an impact on income, managing tenancies would 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 percentage of stock in one-bed flats which generated least income and most expenditure.

The implementation of a new IT system was currently being progressed. This would provide an opportunity for Officers to consider method of delivery with the objective of maintaining and improving services with regard to doing so more efficiently than now.

There may be some scope in looking to re-profile the Council's 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 would continue to generate efficiencies and implement savings where opportunities arose. It was clear however that current measures would be insufficient to meet the HRA financial challenges and the Council needed 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 would require consideration of options open to the Council for the management and ownership of its stock. It was some years since the Council completed a stock options appraisal but some form of alternative arrangements were 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; or
2. External management

Should consideration of the above be progressed, any changes would take some time to implement and action was required to ensure a workable HRA for the next few years.

To move the matter forward the Assistant Director sought approval for the Housing Spokesperson (Councillor Hamilton) 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.

Councillor Hamilton moved an amendment to recommendation No. 3 that the working group should consist of the Housing Spokesperson, three other Councillors and a Tenant representative. This was duly seconded by Councillor McEwan, voted upon and it was,

RECOMMENDED:- That:-

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:-

Housing Service Review Working Group

Councillors Brook, Hamilton, Heath and McEwan (3:1) and Tenant Representative, Allan McIntosh; and

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.

59 – Tenant Involvement Strategy

The Assistant Director - Housing submitted a report that shared with Members the revised Community Involvement Strategy 2016-2018.

This strategy set out the commitment of Barrow Borough Council Housing Department to involve customers in developing and improving the services they received.

The strategy, which was attached as an appendix to the Director's report was drafted by the Community Involvement Manager in consultation with involved tenants, residents, Elected Members and staff, and replaced the previous strategy.

RECOMMENDED:- That the revised Community Involvement Strategy be noted.

60 – Sponsorship of the Housing Annual Garden Competition 2016

The Assistant Director - Housing reported that the Housing Service had organised the Council's Annual Garden Competition for nearly 30 years. The competition was a huge success and definitely helped encourage residents to maintain their gardens to a good standard which impacted on the overall appearance of estates. The

presentation awards ceremony was always well attended by tenants, residents and local primary school children.

However over recent years due to the financial climate it had proved extremely difficult to attract sponsorship from local businesses to assist with purchasing prizes, trophies and financing the presentation event. A considerable amount of Officer's time was spent contacting local businesses to try and encourage sponsorship and also organising the event and taking time to carryout the judging across the Borough.

This year the Housing Service had been approached by the owner of Crooklands Garden Centre, Dalton expressing an interest in sponsoring all of the prizes for this year's event and also taking on the role of judging all the garden entries. Attracting an overall sponsor would save a lot of Officers' time in trying to secure sponsorship and also assistance with the judging by a local garden centre would give an added professional approach to the competition.

RECOMMENDED:-

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 the judging of this year's entries.

61 – Disabled Adaptations: Cumbria Housing Partners - Contractor Selection Procedure

The purpose of the Assistant Director - Housing's report was to update Members regarding the continuing utilisation of the Cumbria Housing Partner's (CHP) framework as the Council's preferred investment delivery model and note the evaluation of contractors listed for disabled adaptations on the new 2014 CHP framework.

At the meeting held on 28th August, 2014 Members had agreed to the Council's membership of CHP and its commitment to deliver investments in line with other member organisations.

The contract award fell within delegation requirements and that the tendering procedure exempt from the Council's Standing Orders was also outlined in Section16.

The existing CHP framework had recently expired and had been replaced with new CHP framework that ran until 2018. As part of the Council's membership of CHP the Council was required to re-evaluate and re-appoint suitably qualified and experienced contractor capable of delivering disabled adaptations from 1st April, 2016.

The new OJEU compliant framework had been prepared on behalf of CHP by Procure Plus and a partner company called "Realize". The new framework identified a range of key work streams that were broken down between internal and external

housing components and included disabled adaptations. It also separated out the various services provided by contractors and suppliers.

There were several locally based contractors on the new CHP framework and were, along with other contractors, eligible for selection to undertake disabled adaptations using one of the following methods:-

- a. Direct call off; or
- b. Mini competition

It was reported that a mini competition was completed in July 2016 using the following assessment criteria:-

1. Written submission

Contractors would be required to answer questions covering the following areas:-

Evaluation Criteria	Weighting
Customer Satisfaction	20%
Equality and Diversity	5%
Service Delivery	20%
Health, Safety and Environmental	6%
Local and Social Skills Benefits	9%

This section of the assessment would contribute **60%** to the total mark.

2. Pricing document

Contractors would be required to submit rates to carry out the works. Please note these rates would be fixed for this particular scheme and would be open for acceptance for 48 months.

This section of the assessment would contribute **40%** to the total mark.

3. Preferred contractor(s) status Pricing document

Seven contractors from the CHP framework were invited to participate in the mini competition for the disabled adaptations in Barrow.

The results of the disabled adaptation mini competition were summarised in the report from Procure Plus.

The report confirmed the appointment of contractor "Top Notch" who provided the most competitively advantageous tender based on the mini competition scoring criteria. A summary of the results were provided in the Officer's report.

RECOMMENDED:- 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.

62 – Adaptations to Council Property

The Assistant Director – Housing reported that at the Housing Management Forum meeting on 9th June, 2016 Members had considered an adaptation for an existing tenant who required the provision of ground floor facilities.

Unfortunately their existing home was a mid terrace house and to adapt the property to reflect their needs would not have been ideal.

It had been agreed to offer the family the opportunity to move to an alternative property nearby which was an end terrace and, as such, provided more opportunity to complete a satisfactory adaptation.

The family had now moved into the property.

At the time of the decision it was estimated the cost of the adaptation would be in the region of £40k.

However, following detailed specifications being drafted, and four contractors being asked to submit prices for the work, they had now been received and ranged from between £47,000 and £53,000.

Officers were currently considering the most appropriate submission to accept.

There had been a few large adaptations this year which when completed may put strain on the adaptations budget. Generally all adaptation requests were scrutinised and only completed when appropriate. Adaptations were demand led so the number and costs could vary. Officers would continue to progress such requests but the Assistant Director - Housing suggested that progressing of an adaptation should not be delayed if the original budget of £100,000 was to be exceeded.

Should the expenditure exceed the £100,000, Officers would look to fund the difference from underspend within the Maintenance budget or consider seeking additional funding when the likely expenditure for the year became known.

RECOMMENDED:-

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 £100,000 be exceeded and note the action they would take to deal with any potential overspends.

63 – Planned Investment and Planned Maintenance

The Assistant Director - Housing reported information relating to the Planned Investment and Planned Maintenance Programme for 2016/17. The information is attached at **Appendix A** to these Minutes.

RESOLVED:- To note the information.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

64 – Fencing on Council Estates

The Assistant Director - Housing reported that the purpose of his report was to confirm the Council's Policy and procedures for the provision of fencing on Council estates. Its aim was to clarify the approach of Officers in developing future plans for investment for fencing and how Officers respond to requests from residents that arose. The report was based on practice that had developed over time and had been influenced by various ad-hoc discussions and decisions of the Housing Management Forum.

Current Practice

- Resources available: The Council set an annual HRA budget which included monies specifically for the maintenance of the housing stock. The Maintenance budget included an identified sum for fencing as it did for all aspects of expenditure from this budget. The position was, therefore, on an annual basis the Council determined the resources and priority it afforded to completing fencing works whilst having regard to other competing maintenance priorities. The principle that all properties should meet the Decent Homes Standard was followed and, as such, fencing generally was a lower priority than keeping property "wind, water tight and with modern facilities".
- Making best use of resources: The preferred approach to investment in fencing had been to target schemes on a geographical basis to maximise the improved visual aspect new fencing provided for individual residents and the wider community. For example, over the recent past the Forum had prioritised new fencing on the flats in Ormsgill, rear fencing at Vulcan and Roosegate estates, fencing at Roosegate flats to complement the external works now completed and to continue on Roosegate to complete end of garden fencing to again complement the ongoing external works on the estate.
- Fencing to individual properties: only a limited service was provided as follows:-
 1.
 - ❖ Ad hoc fencing at the discretion of the Tenancy Services Team. This was normally only considered when a property bordered a highway and fencing had been provided previously; and
 - ❖ Void property; again ad-hoc and at the discretion of the Tenancy Services Team when the absence of fencing was a detriment to the re-letting process.

In the above circumstances the Housing Officer would have regard to the location and standard of fencing at adjoining properties.

 - ❖ In partnership with Community Payback. Fencing to individual gardens for tenants assessed as vulnerable, the service funded supervision through the

Tenants' Area Improvement budget, with material costs being met from the General Maintenance budget.

Standards for fencing

Over a number of years the Council had specified "green powder coated" metal fencing, for area based schemes, the height of which was determined by location. Such fencing was generally well received and there appeared little objection to such fencing when consultation was carried out prior to work commencing.

The advantage of metal fencing was that it was maintenance free with a long life.

For individual gardens, such as one-offs as described above, the more common material was timber, at a height which reflected the surrounding area.

Requests for fencing areas for the 'first time'

From time to time the Housing Service received requests for fencing in areas which had not previously been fenced - normally on areas which were originally designed as open plan.

The general approach was only to provide fencing at locations which had historically had fencing. This had been complicated to some degree because of the mix of owner occupied and tenanted property on estates. So for instance, many estates which were open plan now had fencing which had been constructed by owners. The Council's approach had been not to look to challenge such fencing. However, should a request be made by a "tenant", the Council's approach would be to not agree fencing as it was not previously a feature of the property. This was based on the principle that to carry out such work on ad-hoc properties could not be replicated elsewhere because of the extent of open plan and therefore the costs involved weighed against other maintenance priorities.

Generally on areas which predominantly consisted of flats, even if a tenant offered to pay for the fencing, the Council would not allow the provision of new fencing where it had not existed previously.

General comments

The text provided an overview of the Council's approach for fencing. A recent detailed survey of fencing across the stock had not been carried out and the Assistant Director suggested that it was probably not worth the expense to do so. With regards deciding on areas to target work in a planned manner, such priorities were determined by the Tenants' Forum, discussion with Housing Officers and formalised through the Housing Management Forum. More recently it had also been influenced by other external works, such as the re-rendering of properties, to add value to such schemes. It was suggested that there was no reason to change this approach.

What had added complexity to the completion of planned fencing, and sometimes fencing to individual properties, had been caused by the mixed tenure nature of

estates. It was not the Council's practice to provide fencing to owner occupied properties unless the owner paid their proportion of the cost of such work, which generally did not happen. This could detract from the overall image of some planned schemes, but could only be overcome if it was agreed to complete such work for the sake of creating a uniform appearance in such areas.

The Tenants' Forum had an annual budget of £25,000 to spend on small environmental schemes which they identified. Such schemes should be for the benefit of the "community" rather than an "individual" and could include fencing.

The Assistant Director - Housing suggested from anecdotal evidence that the provision of fencing was valued by tenants. It also served a vital purpose ranging from the marking of boundaries, from a safety and crime prevention perspective through to enhancing the environmental appearance of an area.

When considering service standards, the Council did have regard to the evidence it gathered from the STAR survey, the most recent being 2015. Unfortunately "fencing" was not a sub question on the survey but perhaps when a future survey was completed it could be explored to include fencing. However, it was clear from the survey that the majority of tenants were very or fairly satisfied with the quality of their home (91%). The repairs service was identified as one of the "key drivers" of satisfaction and, as such, it was appropriate to ensure the Council's approach to fencing was defined by policy and appropriate procedures were in place.

The Draft Policy and Procedures were attached as an appendix to the Officer's report.

RECOMMENDED:- That the draft Fencing Policy and Procedures attached as an appendix to the report be agreed.

64 – Roosegate Estates External Works

The Assistant Director - Housing reported that external repairs and improvements had been carried out on the Roosegate estate for the last two years. It was recognised when the work was commenced on the estate that it would take a number of years to complete. The Council's preferred CHP contractor was presently in the process of completing Phase 3 of the estate.

In the current year the timetable had been agreed with the contractor to complete works by the end of the calendar year.

There would remain however 35 properties that required the same works during the next financial year 2017/18.

The Assistant Director would like to work towards ensuring there was no time gap between completing this year's work and commencing the final phase in April, 2017 and requested Members agree one of the following two options:-

Option 1: Slow down the current year's programme to allow the contractor to remain on site between December 2016 and April 2017; or

Option 2: Provide an additional £170,000 funding from Reserves to complete approximately 10 additional properties between December 2016 and April 2017.

In order to minimise disruption to tenants on the Roosegate estate, Officers agreed to Option 2 and agree to the release monies from Reserves if the need arose.

RECOMMENDED:- That:-

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 the need arose.

65 – Cumbria Choice: Choice-Based Lettings Scheme - Update

The Assistant Director - Housing provided Members with an update on the progress of the Review of the Cumbria-wide Choice Based Lettings (CBL) Policy.

The Cumbria Choice County-wide CBL Scheme had been in operation since April 2011. The partnership agreed a full review would take place of the CBL policy within the first 12 months of implementation which was completed and a further review had been carried out in 2016.

The Project Board commissioned Housing Quality Network (HQN) Equality and Diversity consultant Chris Root to carry out a detailed equality impact assessment of the Cumbria-wide CBL Policy which involved:-

- A review of the existing CBL Equality Impact Assessment;
- Analysis of CBL application form and CBL Policy review with outcomes reported to the Project Board to feed into and form an integral part of the policy review; and
- A new reviewed Equality Impact Assessment (EIA) of the CBL Policy

The Project Board organised a Policy Review meeting on 2nd August, 2016 which was attended by all partners and representatives from the Tenants' Panel. The work carried out by HQN was fed into the Review to ensure any amendments reflected issues identified and to ensure the policy takes due regard to accessibility for all groups.

The draft review policy had been out to a four-week public consultation which closed on 13th June, 2016. During this period, letters were sent out to all Stakeholders advising on how to access the online consultation. The proposed changes were highlighted in a summary on the Cumbria Choice and the Housing Service's websites.

The Housing Service's website had a section entitled 'How to Apply for Council Accommodation' which had up to date information on the Project which included a copy of the draft review policy. A Summary of Changes to Bands in Choice-Based Allocations Policy was attached as an appendix to the Officer's report.

RECOMMENDED:- That:-

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.

The meeting closed at 2.40 p.m.

APPENDIX A

SCHEME	PROCUREMENT TYPE	AVAILABLE BUDGET	EXPENDITURE TO DATE	ESTIMATED START DATE	ESTIMATED COMPLETION DATE	CONTRACTOR	COMMENTS	Leasholders affected?
RE-ROOFING AND PAINTING WORKS ROOSEGATE ESTATE PHASE 3 (2-3 YEARS DELIVERY PLAN)	CUMBRIA HOUSING PARTNERS	£1,319,625	£ 254,700	1.5.2016	20.12.2016	DLP Roofing	30% COMPLETE	No
RE-POINTING/RENDERING ORMSGILL ESTATE (PHASE 2)	CUMBRIA HOUSING PARTNERS	£250,000	£ 90,493	01/08/2016	20.12.2016	DLP Roofing	30% COMPLETE	No
WINDOW & DOOR REPLACEMENTS VARIOUS HOUSING AREAS	CUMBRIA HOUSING PARTNERS	£400,000	£ 317,000	01/04/2016	31.3.2017	TOP NOTCH	75% COMPLETE	No
COMMUNAL ENTRANCE PAINTING - CENTRAL	CUMBRIA HOUSING PARTNERS	£10,000	£ -	01/10/2016	31.3.2017	GEORGE JONES	0% COMPLETE	Yes
GARAGE IMPROVEMENTS	CUMBRIA ROOFING PARTNERS	£75,000	£ -	01/10/2016	31.3.2017	CUMBRIA ROOFING	0% COMPLETE	No
REWIRES	CUMBRIA HOUSING PARTNERS	£355,300	£ 100,021	01/04/2016	31.3.2017	K WILSON	25% COMPLETE	No
BATHROOMS	CUMBRIA HOUSING PARTNERS	£149,400	£ 44,229	01/04/2016	31.3.2017	AB MITCHELL	20% COMPLETE	No
KITCHENS	CUMBRIA HOUSING PARTNERS	£125,000	£ 63,147	01/04/2016	31.3.2017	AB MITCHELL	40% COMPLETE	No
HEATING	CUMBRIA HOUSING PARTNERS	£455,000	£ 138,080	01/04/2016	31.3.2017	AB MITCHELL	30% COMPLETE	No
PAINTING	CUMBRIA HOUSING PARTNERS	£150,000	£ 16,337	01/04/2016	31.3.2017	G JONES	20% COMPLETE	Yes

HOUSING MAINTENANCE COMMITMENTS 2015-16

	Funding Available 2015-16	EXPENDITURE TO DATE	Weekly Available	Gross Comm. as a % funds available
Tenant Demand Repairs	£ 1,070,200	£ 265,334	£ 20,581	25%
Voids	£ 503,044	£ 264,430	£ 9,674	53%
Gas Servicing	£ 195,392	£ 81,864	£ 3,758	42%
Decoration Vouchers	£ 30,000	£ 7,616	£ 577	25%
Environmental Imprtms	£ 25,000	£ 9,511	£ 481	38%
Disabled Adaptations	£ 100,000	£ 58,566	£ 1,923	59%
Electrical Testing	£ 81,000	£ 20,110	£ 1,558	25%
Door Entry Maintenance	£ 20,000	£ 11,062	£ 385	55%

EXECUTIVE COMMITTEE		Part One (R) Agenda Item 7
Date of Meeting:	19th October, 2016	
Reporting Officer:	Director of Resources	
<p>Title: Council Tax Support</p> <p>Summary and Conclusions:</p> <p>This report contains the Local Council Tax Reduction Scheme ('Scheme') for 2017-2018 which must be adopted by 31st January, 2017. The report also includes an amendment to backdating to mirror the Housing Benefit regulations as the Council's Scheme is based on the previous Council Tax Benefit regulations; amendments were applied to both benefits before Council Tax Support.</p> <p>Recommendations:</p> <p>To recommend the Council:-</p> <ol style="list-style-type: none"> 1. To agree to backdate claims for working age claimants for one month in line with the Housing Benefit regulations; 2. To agree the continuation of the current Local Council Tax Reduction Scheme for 2017-2018, in all other aspects; and 3. To delegate authority to the Director of Resources to mirror applicable or relevant changes in Housing Benefit regulations to the Local Council Tax Reduction Scheme. 		

Report

Since 1st April, 2013, the Council has operated a Local Council Tax Reduction Scheme that mirrored the Council Tax Benefit regime; this means that claimants see no difference.

Housing Benefits and Council Tax Benefits previously shared regulations and in effect mirrored each other in their application; what counts as income, who the dependents are, what are the applicable dates and so on. In effect, the Council still treats these 'benefits' consistently.

From 1st April, 2016, the backdating of Housing Benefit claims for working age claimants reduced from a maximum period of six months to one month; there must still be good cause for a backdating application. For persons attaining the qualifying age for state pension credit, backdating is retained at three months. It

is proposed that the working age backdate change is incorporated into the Local Council Tax Reduction Scheme from 1st April, 2017.

It is further proposed to delegate authority to the Director of Resources to mirror applicable or relevant changes in Housing Benefit regulations to the Local Council Tax Reduction Scheme. These are changes that would have been applied to the Council Tax Benefit scheme, should it have continued. The following text shall be added to the Scheme; *should there be a change in Housing Benefit Regulations, the effect will be considered for Council Tax Support and the Scheme may be changed mid-year.*

The funding for the Local Council Tax Reduction Scheme comes mainly through the financial settlement; this was originally 90% of the Scheme cost but was only itemised for the first year of the Scheme.

The total Council Tax Support awarded as at 31st August 2016 was £5.7m. The Council's share of this cost is based on the precepts for the year and would be £752,496; for 2017-2018 this is estimated to increase to £769,839.

In order to show the cost of the Scheme in terms of Council resources, it is necessary to estimate the funding included in the financial settlement. Applying the Revenue Spending Power reductions, the assumed portion of the financial settlement to fund the Scheme for 2017-2018 is £614,058. £83,319 is estimated to be generated from existing Council Tax reforms (implemented from 1st April, 2013), leaving £72,462 to come from Council resources. This shortfall is included in the Council's current Medium Term Financial Plan.

Using the current caseload, a cost neutral Scheme would have the following impact on working age cases (pension age claims are protected):

- Excluding Council Tax reforms (recover £155,781)
 - 34.8% reduction in entitlement
 - Based on 2016-2017 whole bill (Band D) entitlement reduces by
 - £579.59 per annum
 - £11.15 per week
- Including Council Tax reforms (recover £72,462)
 - 16.2% reduction in entitlement
 - Based on 2016-2017 whole bill (Band D) entitlement reduces by
 - £269.60 per annum
 - £5.18 per week

This is only an illustration, as there would be some claimants receiving a small amount of support and some receiving 100% support; any reduction could be proportionate or capped at a particular monetary value.

Risks

There are a number of risks to be considered with this decision, including the impact on residents currently receiving support if it is reduced; the ongoing impact of other benefit changes possibly impacting on residents already; the potential complications in designing or modelling a Scheme to achieve the reduction in support and protect any particular groups or characteristics; transitional relief would have to be granted for a reasonable time; the Scheme is adopted by the billing authority and the major preceptors have to be consulted prior to proposed changes; the timeframe for public consultation and feedback of proposed Scheme changes; funding the Scheme shortfall.

In incorporating the backdate change and adopting the current Scheme in all other aspects for 2017-2018, the Council would be mitigating these risks as far as it is possible to do so.

(i) Legal Implications

The Council is required to have adopted a Scheme by 31st January for the following financial year.

(ii) Risk Assessment

The risks are set out in the body of the report.

(iii) Financial Implications

The estimated 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 Well-being Implications

Changing the Scheme may have an adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

EXECUTIVE COMMITTEE		Part One (D/R) Agenda Item 8
Date of Meeting:	19th October, 2016	
Reporting Officer:	Director of Resources	
<p>Title: Business Rates Write Off</p> <p>Summary and Conclusions:</p> <p>This report contains a business rate account write off due to bankruptcy, for this Committee's approval, and a request to amend delegated authority.</p> <p>Recommendations:</p> <p>The Committee will be requested:-</p> <ol style="list-style-type: none"> 1. To approve the business rate write off; and 2. To recommend the Council to amend the delegated authority of the Director of Resources to specify that the limit applies to the Borough share for business rate accounts. 		

Report

The Council's Financial Regulations delegate the writing off of sums due to the Director of Resources where an individual debtor owes no more than £25,000.

For business rates, the total value is considered and in this instance there is an account in the name of Fab Art Ltd, where the company has been dissolved due to bankruptcy and no further recovery action can take place. The liability ended in September 2015 and the amount owed is £28,547.01. This is above the current delegation and Members are asked to approve the write off.

The proportion of the liability for the Borough is 40%, £11,418.80, which is provided for in the bad debt provision held on the Balance Sheet.

It is proposed that in relation to Business Rates, the £25,000 delegated limit for writing off sums due is applied to the Borough share. The maximum Business Rate write off that the Director of Resources would be delegated to approve would be £62,500. All write offs are reported annually to this Committee.

(i) **Legal Implications**

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial implications are included in 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 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 9
Date of Meeting:	19th October, 2016	
Reporting Officer:	Director of Resources	
<p>Title: Employer Supported Volunteering Policy</p> <p>Summary and Conclusions:</p> <p>This report contains the Employee Supported Volunteering Policy.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the Employee Supported Volunteering Policy.</p>		

Report

One of the Council's objectives within the Workforce Strategy is to develop the Employers Supported Volunteering Policy; attached as **Appendix 1**.

This policy has been developed to reflect the Council's commitment to an active role in helping the community and the development of employees within the Council. The offer to employees is one day's volunteering leave (pro rata) per year to take part in a voluntary activity that will benefit the local community, subject to manager's approval. A letter of recognition will be sent to the employee following the event and an annual report will be made to Management Board detailing take up.

If the recommendation is accepted, the policy will be submitted to the union for a consultation period.

(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 significant implications.

(v) Equality and Diversity

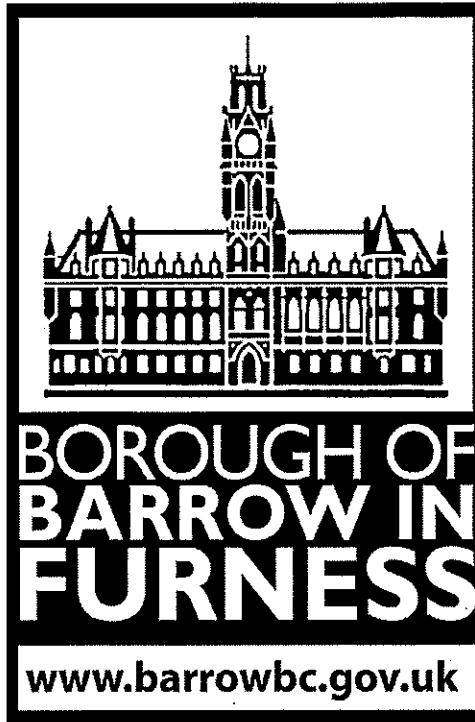
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(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



Employer Supported Volunteering Policy

Version Control	
Document Name:	Employer Supported Volunteering Policy
Version:	03102016.1
Author:	Director of Resources
Approved by:	Full Council
Date Approved:	
Review Date:	October 2021

1. Introduction

1.1. Barrow Borough Council's Employer Supported Volunteering (ESV) Policy reflects the Council's commitment to an active role in helping the community and the development of employees within our organisation. The Council will offer employees paid time off, in the form of additional annual leave, to carry out volunteering within the local community.

1.2. The policy has been designed to provide a framework to support employees who wish to undertake volunteering activities, providing the aims and objectives of the policy are met.

2. Aims and Objectives

2.1. The scheme aims to benefit our employees, the Council and the local community:

Benefits for the employee

- It can be fun, social and healthy
- Can lead to a sense of personal achievement and self-worth by contributing to the community
- Share experience and skills with others
- Gives valuable experience to add to a CV
- Can help with the transition from work to retirement
- Enhance employees' personal development by helping to develop and build a range of skills and abilities that they can bring back to the workplace
- Raise morale and motivation amongst employees

Benefits for Barrow Borough Council

- Enhanced public perception of the Council
- Sharing of experience and knowledge between sectors building understanding and partnership working
- An aid to recruitment and retention
- Improved job satisfaction, morale and commitment
- Increased level of skills from volunteering experience
- Team building opportunities through group volunteering
- Promotes work-life balance and health & well-being priorities

Benefits for the Local Community

- Help voluntary organisations to deliver their services and improve the local community
- Breaks down the barriers between sectors
- Builds 'social capital' – the glue that holds society together
- Develop and strengthen links with the local community by sharing the knowledge, skills and abilities of employees with community activities, programmes and organisations

3. Volunteering Activities

- 3.1. The contribution of volunteers to the voluntary and community sector, public services and to society as a whole is invaluable.
- 3.2. In this context, volunteering is defined as any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives.
- 3.3. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation and social action.
- 3.4. The volunteering must either take place within the borough or directly benefit a group or organisation based within the Borough.

4. Provision for Leave/ How to Apply

- 4.1. The scheme allows employees up to 1 day volunteering leave per year, pro rata for part time employees, to take part in voluntary activities.
- 4.2. All leave is discretionary and subject to the service needs of the Council.
- 4.3. Applications forms must be approved by departmental managers (or a member of Management Board if the applicant is a departmental manager). Any refusal to grant a request should be recorded on the application form and include reasons for the refusal.
- 4.4. Volunteer time should not conflict with any peak work schedules, other work related responsibilities, create need for overtime, or cause conflicts with other employees' schedules.
- 4.5. Employees should discuss with their line manager where their volunteer activities may involve a conflict of interest e.g. membership of or involvement with related organisations, or commercial interests. Any identified conflict of interest may be a reason for refusal to grant leave.

5. Other conditions of the ESV Policy

- 5.1. Any false requests for ESV leave may result in disciplinary action.
- 5.2. Any employee who is unable to attend their arranged volunteering activity due to sickness must comply with the Council's absence notification requirements.
- 5.3. Normal hours of work should be recorded for that day. No additional hours may be accrued as a result of volunteering activity.
- 5.4. There is no facility to claim mileage or subsistence from the Council.
- 5.5. There is no carry-over of the maximum 1 day (pro rata for part time employees) volunteers leave per year.
- 5.6. The Council will support reasonable requests by employees for the use of its facilities in support of volunteering, for example, use of computers, photocopiers and meeting rooms.

6. Insurance, Risk, Health and Safety

6.1. Barrow Borough Council's liability insurance covers an employee only for work duties.

6.2. Any volunteer leave granted will then be classed as annual leave and the employee will not be considered to be in the Council's employment that day.

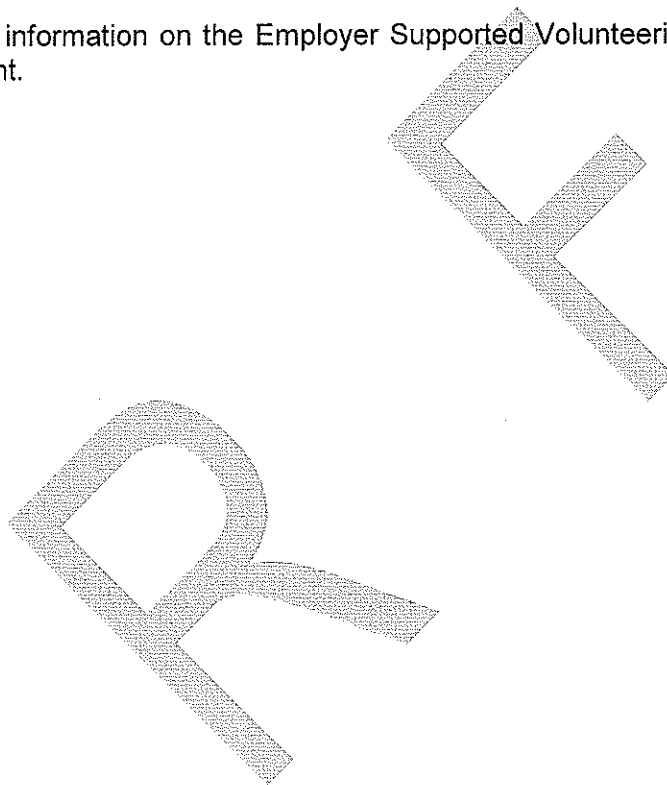
7. Recognition/Evaluation

7.1. Employee volunteers will receive a letter of recognition from the Executive Director.

7.2. The HR Manager will report take up of volunteer leave on an annual basis to Management Board.

8. Further Information

8.1. For further information on the Employer Supported Volunteering Policy, please contact the HR Department.



EXECUTIVE COMMITTEE		Part One (R) Agenda Item 10
Date of Meeting:	19th October, 2016	
Reporting Officer:	Director of Resources	
<p>Title: Loyalty and Retirement Awards Policy</p> <p>Summary and Conclusions:</p> <p>This report contains the Loyalty and Retirement Awards Policy.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the Loyalty and Retirement Awards Policy.</p>		

Report

The Council's long service and retirement award policies have been reviewed by an external equality and diversity consultant in conjunction with the Director of Resources and the HR Manager. As a result, all the long service and retirement award policies have been combined to become the Loyalty and Retirement Awards Policy; attached as **Appendix 2**.

The main suggested changes are as follows:

- To remove the 20 year service award of one scale for employees at Scale 5 and under for all eligible new employees effective from approval at Council;
- To remove the age requirement to be at least 60 years of age to qualify for the retirement award of £10 per year of service for all retiring employees having served at least 10 years with the Council;
- To increase the value of the long service gift at 25 years to £300 and to clarify the nature of the gift as *an item of jewellery or art work* from a specified supplier;
- To send letters to employees recognising five, ten, twenty and twenty five years' service.

The most significant change is the removal of the 20 year award of an additional grade. Current employees would be protected and there are a total of 50 who at present would qualify for an additional increment on their 20th anniversary. Inevitably the number of employees actually qualifying would reduce due to either leaving the Council or progressing to a higher grade but the current picture by department is as follows:

Department	Number of eligible employees
Cemetery/Crematorium	1
Democratic Services	1
Development	1
Dock Museum	4
Forum	3
Housing	11
HR	1
Leisure Centre	11
Market	1
Parking	6
Planning	2
Property Information	6
Property Services	1
Streetcare	1

If the recommendation is accepted, the policy will be submitted to the union for a consultation period.

(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 significant implications.

(v) Equality and Diversity

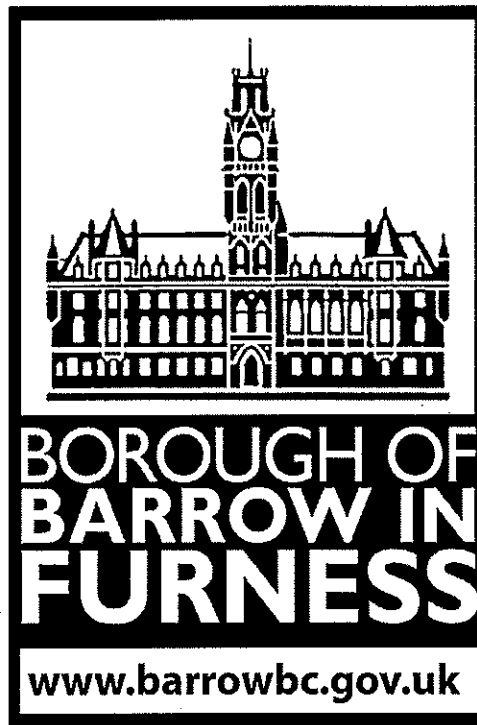
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(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



Loyalty and Retirement Awards Policy

Version Control	
Document Name:	Loyalty and Retirement Awards Policy
Version:	03102016.1
Author:	Director of Resources
Approved by:	Full Council
Date Approved:	
Review Date:	October 2021

Barrow Borough Council – Loyalty and Retirement Awards Policy

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REF

Barrow Borough Council – Loyalty and Retirement Awards Policy

1. Introduction

1.1 Barrow Borough Council recognises that the high standards and quality of the services it provides is dependent on the contribution, effort and loyalty of the staff. As such, this is an opportunity for the organisation to demonstrate that it values the contribution employees have made to the Council.

1.2 Inherent within all of its practices the organisation is committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable.

1.3 This policy aims to ensure that no worker receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the job.

2. Scope

2.1 This policy sets out arrangements to recognise the loyalty of employees and their entitlement to an award. It relates to continuous service achieved within the Council and includes previous service with the Council. A break in service will not disqualify an employee from an award. Total service, in such cases, will be an aggregate of the various periods of service.

3. Eligibility Criteria for Loyalty Awards

3.1. Long service awards will be applied to those employees whose service meets the required five, ten, twenty, or twenty five years.

3.2. Awards are made irrespective of whether the service has been full-time or part-time.

3.3. Long service is recognised as follows:

Years of Service	Award
5	Increased annual leave to 27 days (pro rata to hours worked), pro rata to service in the leave year of the anniversary.
10	Increased annual leave to 29 days (pro rata to hours worked), from 1st April following anniversary.
20	Increase of one scale if employee is Scale 5 or under and at the top of grade (only applicable to current employees up to and including *** (date of approval at Council))
25	Item of jewellery or art work to value of £300 – supplier specified.

4. Letter of Recognition

4.1. Employees reaching 5 and 10 years' service to receive a letter from their manager congratulating them on their long service and confirming their additional annual leave.

4.2. Employees reaching 20 years' service to receive a letter from their manager congratulating them on their long service and, if eligible, confirming their increase of one salary scale.

4.3. Employees reaching 25 years' service to receive a letter from the Executive Director congratulating them on their long service and will be invited to a presentation ceremony to receive their chosen gift.

5. Impact of poor performance/disciplinary proceedings pending

5.1. An individual's long-service and contribution to the Council should not be eclipsed by any recent misdemeanour or capability issues. Nevertheless, in circumstances where an employee has current disciplinary sanctions against them which could constitute gross misconduct and thus could result in dismissal, or is under the warning of a dismissal, it could be deemed contradictory to reward long-service. Under these circumstances the award should be withheld until any disciplinary issues are finalised via internal disciplinary and appeal procedures. If an employee is ultimately dismissed for gross misconduct, he/she will forfeit any entitlement to any long service award.

6. Retirement Awards

6.1. On retiring, all employees who have served at least 10 years with the Council will be eligible for the following awards:

6.1.1. An ex-gratia payment of £10 for each year of service.

- This award will not apply if any pension entitlement has been enhanced by the Council and;
- This award is subject to National Insurance and PAYE tax if the employee has received their 25 years long service gift within ten years of retiring.

6.1.2. An Illuminated Address with the following commemorative wording:

"The Borough of Barrow-in-Furness hereby issues this Illuminated Address to place on record their appreciation of the loyal and devoted service rendered by during the years he/she has been in the employ of the Local Authority."

7. Legal Implications

7.1. Under the Equality Act 2010, employers have a specific exemption allowing them to use length of service as a criterion for the provision of a benefit, facility or service. Under the Act, a service criterion of five years or less is lawful without the employer having to provide justification. Provision of service awards for more than five years' service requires a business justification, for example to encourage loyalty, maintain motivation, or rewarding experience.

7.2. The Council therefore maintains that the provision of service related awards is to encourage the loyalty of employees and to maintain motivation; retirement awards are a method of rewarding loyalty to long serving employees. This will be further explored via the

Barrow Borough Council – Loyalty and Retirement Awards Policy

Council's Staff Survey where feedback from employees will be sought on an annual basis regarding the impact of long service awards.

7.3. HM Revenue & Customs guidance on Long Service Awards: Awards not made in cash (broadly, it must be something other than money) are classed as entirely exempt where an award that is not in cash is made to an employee to mark long service with an employer and:

- The award marks at least 20 years' service;
- No other long service award has been made to the employee within the previous 10 years;
- Is worth no more than £50 for each year of service.

DRAFT

		Part One
EXECUTIVE COMMITTEE		(R)
Date of Meeting: 19th October, 2016		Agenda
Reporting Officer: Director of Resources		Item
		11
<p>Title: Holiday Purchase Scheme</p> <p>Summary and Conclusions:</p> <p>This report contains a revised Holiday Purchase Scheme which has been amended to incorporate the Directors.</p> <p>Recommendations:</p> <p>To recommend the Council to approve the revised Holiday Purchase Scheme.</p>		

Report

The revised Holiday Purchase Scheme is attached at **Appendix 3** and has been revised to address an anomaly whereby the only employees currently excluded from applying for purchased leave are the Executive Director and the Director of Resources.

The reasons for extending the scheme include:

- It's a flexible benefit.
- These officers have no access to the flexi and lieu time policy.
- Work/life balance.
- Morale.
- Additional time off with children and other family members.
- More/longer holidays.
- Pursuit of personal hobbies and interests.
- Cost savings.

The reason for excluding these officers is not known and the differential award of 3 days annual leave with no access to the flexi and lieu time policy, no longer serves its purpose.

With 10 years' service employees (excluding Chief Officers) have 29 days annual leave, can purchase an additional 10 days, take 26 days of flexi leave and any time owed (in lieu); these are all proportionate to the full time hours worked.

The Directors currently have access to 32 days of annual leave; accepting the policy revision will allow Directors to potentially access 42 days in total. If the

recommendation is accepted, the policy will be submitted to the union for a consultation period.

(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; as and when the policy is accessed the Council realises cost savings.

(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



Holiday Purchase Scheme

Version Control	
Document Name:	Holiday Purchase Scheme
Version:	03102016.1
Author:	Director of Resources
Approved by:	Full Council
Date Approved:	
Review Date:	October 2021

Barrow Borough Council – Holiday Purchase Scheme

1. PRINCIPLES

- 1.1. Up to 2 weeks purchasable.
- 1.2. At least 1 years continuous service with the Council at the application date.
- 1.3. No 'right' to purchase.
- 1.4. Must be approved by manager.
- 1.5. If rejected then reasons must be given as to why and alternative options explored.
- 1.6. Right of appeal through grievance procedure.

2. BENEFITS

Employer

- Cost savings
- Reduced stress
- Reduced absence levels
- Improved morale/motivation
- Recruitment incentive

Employee

- More able to meet childcare commitments
- Increased leisure time
- More time to meet other personal commitments
- Gives employees without children excluded from other leave policies the option to take additional leave

3. RULES/CRITERIA

3.1. Eligibility

- 3.1.1. One year's continuous service with the Council by application date.

3.2. Applying for and taking purchased leave

- 3.2.1. Applications should be made to managers by an annual closing date of **28th February**.
- 3.2.2. Approved applications should be forwarded by managers to the HR Department by **15th March**.
- 3.2.3. Reasons for applications being rejected should be discussed by the manager with the HR Department initially and a written response given to the employee within 10 days of the closing date.
- 3.2.4. Purchased annual leave should be taken in the normal way and prior to contractual leave entitlement.
- 3.2.5. Leave may be purchased in days or weeks up to a maximum of 2 weeks.
- 3.2.6. The policy applies to part time workers on a pro rata basis.
- 3.2.7. Each application approval is for one leave year only.

3.3. Salary Implications

- 3.3.1. Once purchased leave has been approved and salary deductions commenced, it will not be possible to refund any days not taken (individual cases due to long-term sickness or maternity leave will be considered by the HR Department).
- 3.3.2. By purchasing annual leave, employees will not be reducing pensionable pay and so pension deductions will be made for the period of leave purchased.
- 3.3.3. Amounts deducted from salary will be recalculated if the employee's salary increases or decreases.
- 3.3.4. Where an employee takes unpaid leave and it is not possible to make the scheduled monthly deduction/s, deductions for the remaining period will be increased to take account of deductions not made during the period of unpaid leave.
- 3.3.5. Employees leaving the Authority will be reimbursed if the salary deductions on leaving amount to more than the leave taken. Payments will be recovered prior to leaving if the value of the salary deductions are less than the value of the leave taken.
- 3.3.6. The cost of the purchased leave will be spread out over the 12 months of the leave year.

3.4. Late Applications

- 3.4.1. Applications made after the annual closing date of 28th February can be made by employees and will be individually considered. The 'Late Applications' form should be used.
- 3.4.2. Approved late applications should be forwarded by managers to the HR Department.

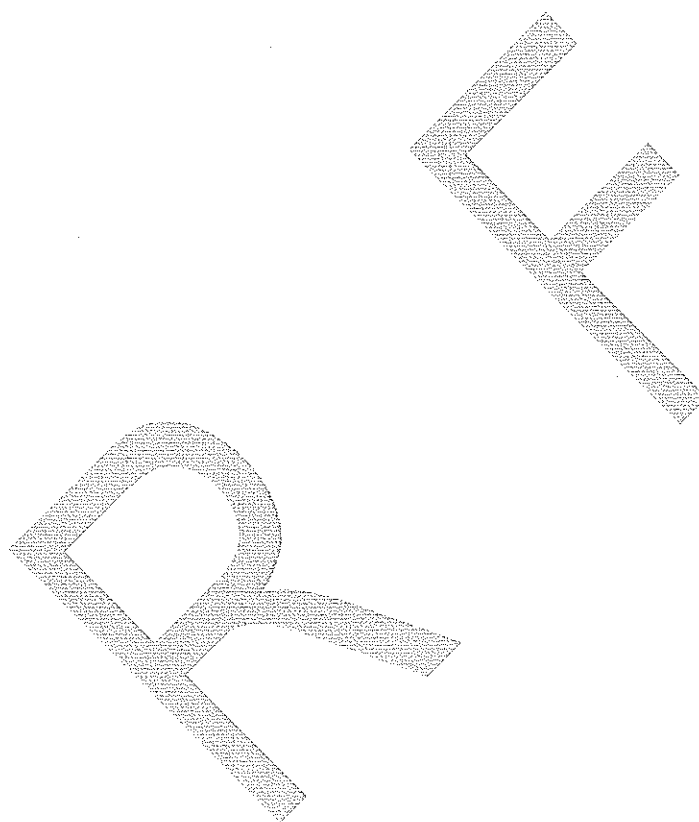
Barrow Borough Council – Holiday Purchase Scheme

3.4.3. The cost of the purchased leave will be spread out over the remaining months of the leave year.

3.4.4. Rejected late applications should be discussed by the manager with the HR Department initially and a response given in writing to the employee within 10 days of the application.

4. MANAGER'S RESPONSIBILITIES

- 4.1. Managers must consider the resource implications of granting requests to purchase annual leave.
- 4.2. Managers must treat all applications equally and any applications considered for rejection must be discussed with the HR Department prior to a decision being made.
- 4.3. Managers refusing applications to purchase annual leave should give reasons in writing within 10 working days of the closing date for applications (or within 10 days of the request if this is made after the closing date) and copy this to the HR Department.
- 4.4. Managers must provide information as requested by the HR Department on when the purchased leave is taken.



EXECUTIVE COMMITTEE		Part One (D) Agenda Item 12
Date of Meeting:	19th October, 2016	
Reporting Officer:	Director of Resources	
<p>Title: 2017-2018 Holiday Dates</p> <p>Summary and Conclusions:</p> <p>This report sets out the bank holidays and additional days when the Council will be closed. This includes the need for staff to take either a holiday (annual leave) or flexi-day over the Christmas and New Year period.</p> <p>Recommendations:</p> <p>Members are asked to note and agree the 2017-2018 holiday dates.</p>		

Report

The bank holidays and additional days that the Council will be closed are as follows; staff will be required to take either a holiday (annual leave) or flexi-day for the 29th December, 2017:

Easter 2017

Friday 14th April, 2017, Good Friday
Monday 17th April, 2017, Easter Monday

Other bank holidays

Monday 1st May, 2017, Early May Bank Holiday
Monday 29th May, 2017, Spring Bank Holiday
Monday 28th August, 2017, Summer Bank Holiday

Christmas and New Year

Monday 25th December, 2017, Christmas Day
Tuesday 26th December, 2017, Boxing Day
Wednesday 27th December, 2017, Council Day
Thursday 28th December, 2017, Council Day
Friday 29th December, 2017, annual leave or flexi-day to be taken
Monday 1st January, 2018, New Year's Day

Easter 2018

Friday 30th March, 2018, Good Friday

(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 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
Date of Meeting:	19th October, 2016	(D)
Reporting Officer:	Electoral Registration Officer	Agenda Item 13
<p>Title: The 2018 Boundary Review – Initial Proposals for new Parliamentary Constituency Boundaries</p> <p>Summary and Conclusions:</p> <p>To consider the initial proposals for new parliamentary constituency boundaries</p> <p>Recommendations:</p> <p>The Committee's instructions will be requested.</p>		

Report

The Boundary Commission for England has published initial proposals for new constituency boundaries on Tuesday 13th September, 2016. The publication marks the start of 12 weeks of consultation ending on Monday 5th December, 2016.

Currently there are six constituencies in Cumbria, none of which have electorates that are within 5% of the electorate quota. Cumbria is entitled to 5.02 constituencies, a reduction of one, and they consider that change to all constituencies would have to be significant. When developing their proposals they noted that, despite the large geographical extent of the county, their option would be limited due to the physical geography of the mountains, lakes, coast and estuaries, and the national and regional borders that form much of the county.

In order to increase the electorate of the Barrow and Furness Constituency they proposed that it should continue to extend northwards, as they consider that there are poor links across the Cartmel Sands that would hinder a constituency that spread eastwards towards Grange-over-Sands.

A copy of the proposal is attached at **Appendix 4**.

The Committee are therefore asked to consider the initial proposals for the new Parliamentary Constituency boundaries in order that the Borough's submission can be made to The Boundary Commission for England.

At its meeting on 14th November, 2012 this Committee considered revised proposals of new Parliamentary Constituency Boundaries. The Committee

agreed at that meeting that no comments on the revised proposals be made by this Committee and be left to each Political Party if they so wish.

(i) Legal Implications

Not Applicable.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

Cost of Parliamentary Elections reclaimed from the Government.

(iv) Health and Safety Implications

Not Applicable.

(v) Equality and Diversity

Not Applicable.

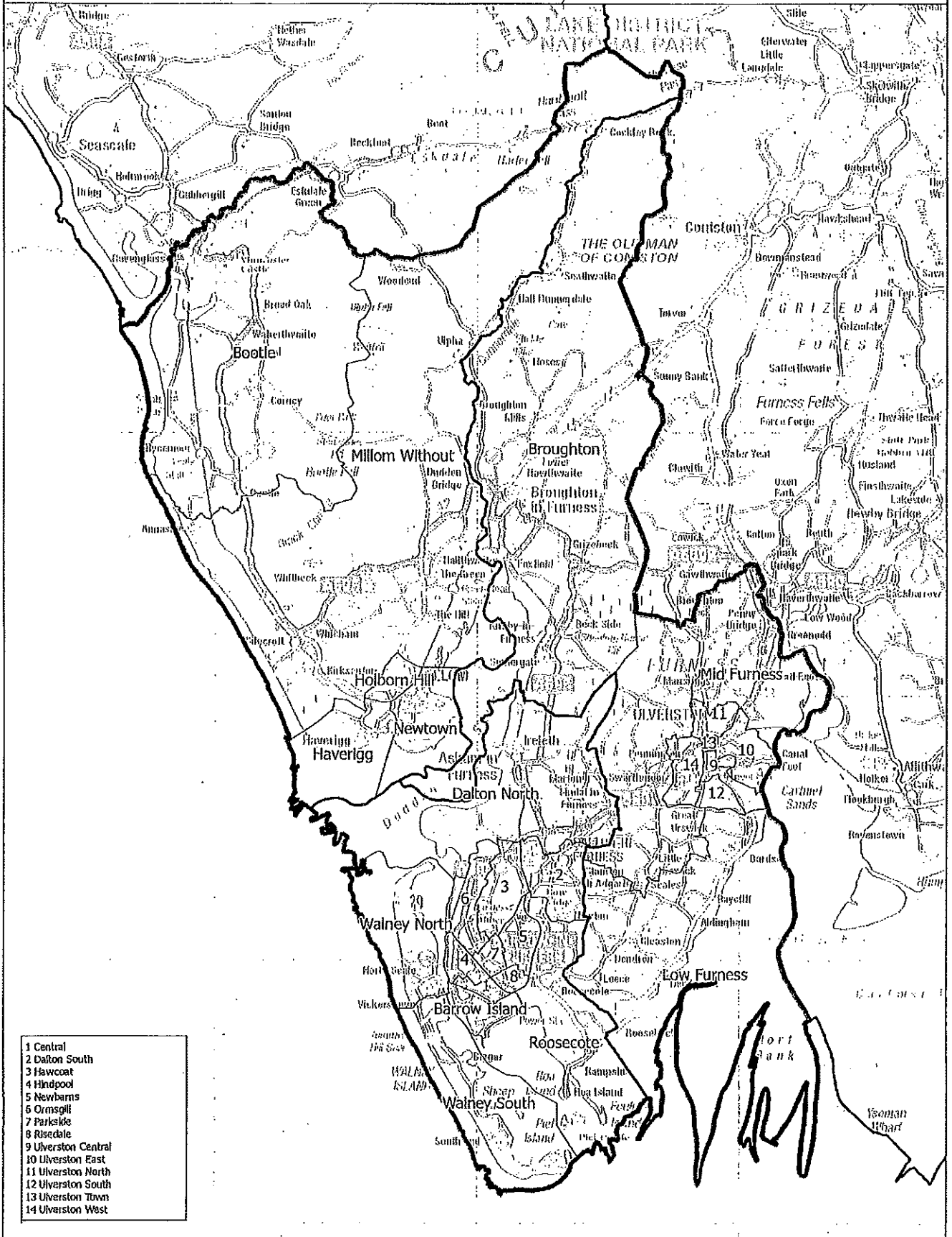
(vi) Health and Well-being Implications

Not Applicable.

Background Papers

Not Applicable.

Boundary Commission for England - Initial Proposals for the North West Region
 Barrow and Furness County Constituency - Electorate 75,278



— Constituency — Local authorities — Wards

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EXECUTIVE COMMITTEE		Part One
Date of Meeting: 19th October, 2016		(D) Agenda Item 14
Reporting Officer: Assistant Director (Regeneration and Built Environment)		
Title: Sale of Land at North Road Barrow-in-Furness		
Summary and Conclusions:		
To agree to sell an area of land off North Road, adjacent to the existing signalised North West Gate to BAE Systems.		
Recommendations:		
To agree to sell a parcel of land to BAE Systems for the agreed purchase price of £15,000 (the land is delineated on the attached plan – Appendix 5).		

Report

BAE Systems have now signed a £67m contract with Morgan Sindall to extend the Devonshire Dock Hall (DDH). BAE Systems wish to purchase an area of land from the Council to enable the construction of a new boundary wall and the erection of the perimeter fence, required by recent planning permissions.

The Primary Build Capability (PBC) is a central part of the Site Redevelopment Programme, which is the largest investment on the Barrow site since the construction of the Devonshire Dock Hall itself. It is required in order to allow construction of the Successor boats in tandem with the current Astute order.

In broad terms, the PBC, is a linked group of buildings within which the preparation and fabrication of the vessels are carried out. The Installation forms part of the main submarine build and is required to be located at the western end of the main build lines within the Devonshire Dock Hall to allow ease of movement of the submarine bodies and component parts between the new PBC buildings and the existing DDH.

The Installation Hall is located at the front of DDH, being shown as measuring 40m (l) x 30m (w) x 32m (h). The fabrication and initial assembly building is 90m (l) x 80m (w) x 24m (h) positioned on the north facing side elevation of DDH

The security gate and entrance will be relocated to Cornmill Crossing with a new single storey gate house and office. The site security boundary wall and associated fencing along the North Road frontage will be realigned.

The NW Gate Access will therefore be closed. The PBC will also require significant vehicle manoeuvring space, resulting in the repositioning of the inner boundary closer towards North Road as a result of the increased land take.

Both parties will need to enter into a contract for the Sale and Purchase of a parcel of freehold land extending to approximately 189 sq.m at the entrance to Devonshire Dock Hall, North Road, Barrow-in-Furness, Cumbria.

Purchase Price: £15,000 (Fifteen Thousand Pounds)

Aside from the proposed works there is no apparent use of the land that would be considered of particular amenity.

Completion to be as soon as practicable, but both parties will endeavour to complete by 31st October 2016. Each party will bare their own legal and professional costs

(i) Legal Implications

The recommendation will result in the sale of land by BBC

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

VAT Status for the purposes of the transaction is exempt..

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Equality and Diversity

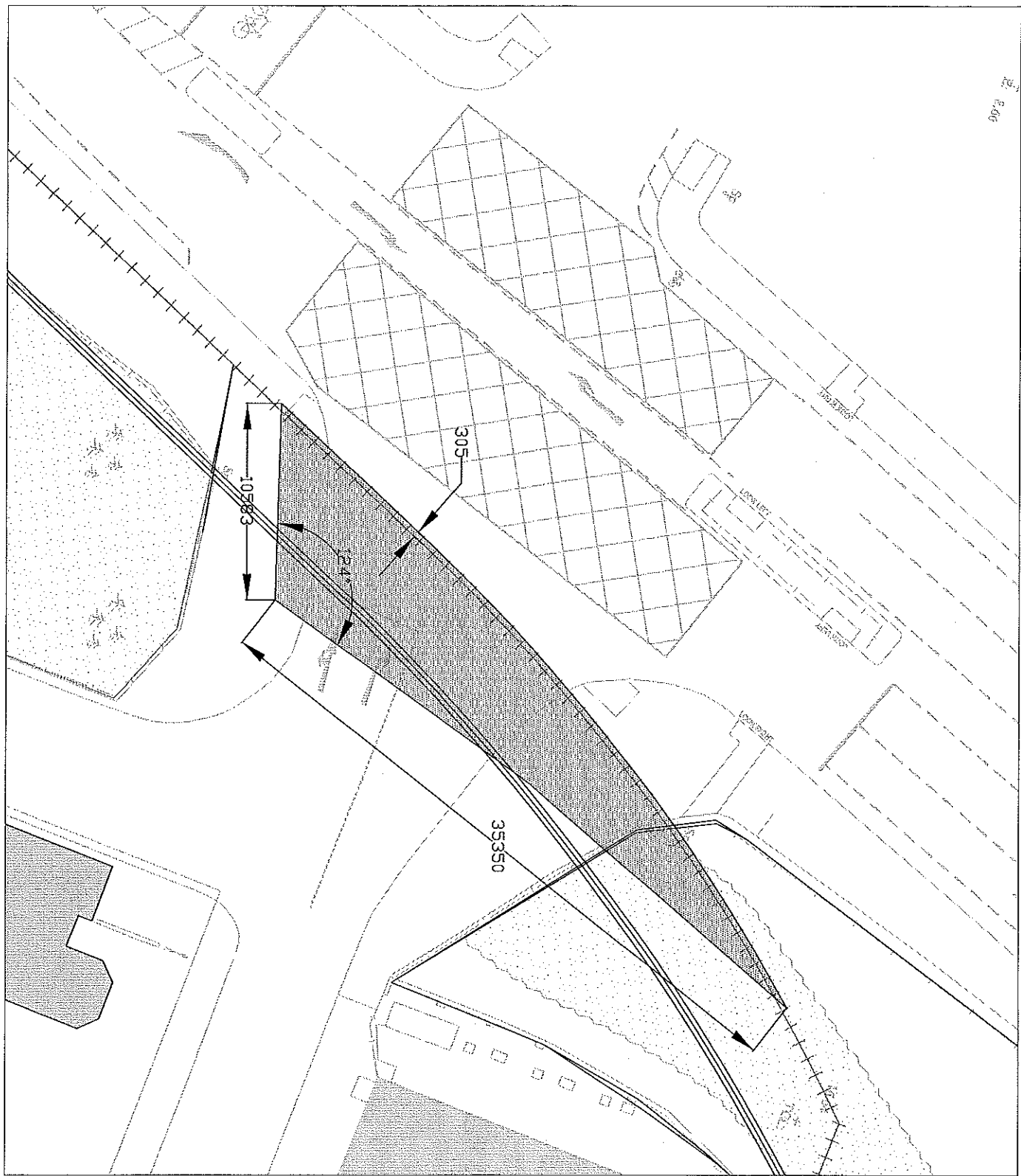
The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

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

Background Papers

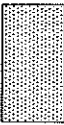
Nil



Key:

--- New Boundary Fence

==== New Boundary Wall
(centre line)

 Area to be taken from BBC for Perimeter Fence and Wall = 189m²

BAE SYSTEMS

Site Redevelopment Programme

Location: Barrow in Furness
 Project: Enabling Works
 Feeder: Primary Build Capability
 Title: Land Dedication at North West Gate

Scale:	1:200	Drawn:	C. McCard	Date:	24/05/2016	Designer:	N/A
Proj. No.:	41AA05	DWG. No.:	LD-001	Issue:	2.0		

EXECUTIVE COMMITTEE	(R) Agenda Item 15
Date of Meeting: 19th October, 2016	
Reporting Officer: Principal 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. On 6th September 2016 the Council were notified by the DVSA (Driver & Vehicle Standards Agency) that they will be withdrawing the provision of taxi assessments with effect from 31st December 2016. The matter was therefore removed from the agenda of the Executive Committee (7th September 2016). Officers have subsequently found an alternative provider and amended the Policy as necessary.</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 6. 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 7 & 8 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 the 1st and 30th July 2016, via the Councils 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 & Safety

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.

(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.

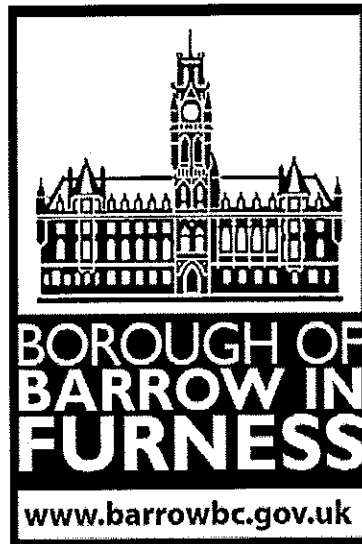
The recommendations support the protection of the human rights of the public who use hackney carriage and private hire vehicles, particularly children, young people and vulnerable adults. They also aim to ensure the Council is protecting the public.

(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

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:	Version 1.0_18102016
Responsible Officer:	Senior Licensing Officer
Review	Principal Environmental Protection & Licensing Officer
Approval Date	Effective from 1 st April 2017
Review Date	1 st April 2021

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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 OR an alternative practical driving assessment specifically for hackney carriage/private hire drivers, provided by a UK Government accredited organisation.

For further information and to book and pay for your driving test go to:
<https://www.gov.uk/book-driving-test> OR <https://www.advancedmotoring.co.uk>

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/ataglance.aspx
- 4.3 Medical certificates will be requested upon first application, and when the applicant reaches their 50th, 56th, 59th and 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
<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"> • A birth certificate issued in the Channel Islands, the Isle of Man or Ireland • 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 or an alternative practical driving assessment specifically for hackney carriage/private hire drivers, provided by a UK Government accredited organisation, 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 Councils 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 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 etc after doing it for so many years of hopefully in providing a 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 Smokefree 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 others' 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

DRAFT

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 ~~████████~~ smacked into a wall ~~████████~~ 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 dam for H&S safety just stupid courses that make you a bit of money?"

Red Scab [redacted]

~~Dark~~ V W [redacted]

SILVER BLUE [redacted]

~~Blue~~ Peugeot [redacted]

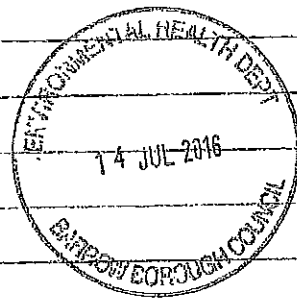
} never without a fag

etc 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 & have lung cancer when I get
back chemo for now^{is} maybe you allow all this so it

keeps cancer numbers down hey he 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

[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 umet 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 wou d 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] 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 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 · 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.

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