



CABINET

14 February 2019

A meeting of the CABINET will be held on Monday, 25th February, 2019, 6.00 pm in Committee Room 1 - Marmion House

A G E N D A

NON CONFIDENTIAL

1 Apologies for Absence

2 Minutes of Previous Meeting (Pages 5 - 10)

3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 Question Time:

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules (Pages 11 - 12)

- The Chair of the Infrastructure Safety and Growth Committee to present an update on the Castle Review, including the IS&G Committee's endorsement of the work undertaken to date.
- The Chair of Corporate Scrutiny to present an update on Member Induction.

6 Quarter 3 Performance Report 2018/19 (Pages 13 - 78)

(Report of the Leader to the Council)

- 7 Corporate Vision, Priorities Plan, Budget & Medium Term Financial Strategy 2019/20** (To Follow)
(Report of the Leader of the Council)
- 8 Write Offs 01/04/18 to 31/12/18** (Pages 79 - 88)
(Report of the Portfolio Holder for Assets and Finance)
- 9 Taxi Licensing Policy - Amendment Taxi Licensing Points System & Dress Code** (Pages 89 - 200)
(Report of the Portfolio Holder for Communities and Partnerships)
- 10 Amington Community Woodland** (Pages 201 - 222)
(Report of the Portfolio Holder for Culture and Operational Services)

Yours faithfully



Chief Executive

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.

If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: D Cook, R Pritchard, J Chesworth, S Doyle and M Cook.

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**MINUTES OF A MEETING OF THE
CABINET
HELD ON 24th JANUARY 2019**

PRESENT: Councillor D Cook (Chair), Councillors J Chesworth, S Doyle and M Cook

The following officers were present: Andrew Barratt (Chief Executive), Rob Barnes (Executive Director Communities), Stefan Garner (Executive Director Finance), Lynne Pugh (Assistant Director Finance) and Michael Buckland (Head of Revenues)

93 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Claymore and R Pritchard.

94 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 20th December 2018 were approved and signed as a correct record.

(Moved by Councillor J Chesworth and seconded by Councillor M Cook)

95 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

96 QUESTION TIME:

A question from a member of the public had been received but was withdrawn by that member of the public before the date of the meeting.

97 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None.

98 DRAFT BUDGET & MEDIUM TERM FINANCIAL STRATEGY 2019/20

Report of the Leader of the Council to request Cabinet to approve the draft package of budget proposals (**attached at Appendix A**) to consult with the Joint Scrutiny Committee (Budget) on 30th January 2019 and to receive their feedback on the:

- General Fund Revenue (GF) Budget and Council Tax for 2019/20;
- Housing Revenue Account (HRA) Budget for 2019/20;
- Capital Programme – General Fund & HRA;
- Medium Term Financial Strategy (MTFS).

This was a key decision as it affected two or more wards and involved expenditure over £100k.

RESOLVED that:

Cabinet approved the draft package of budget proposals including the proposed policy changes (as detailed at Appendix B); and

as required by the Constitution of the Council, the Joint Scrutiny Committee (Budget) on 30th January 2019, be requested to consider the budget proposals contained within this report.

(Moved by Councillor D Cook and seconded by Councillor M Cook)

99 TEMPORARY RESERVES, RETAINED FUNDS AND PROVISIONS

Report of the Portfolio Holder for Assets and Finance to advise Cabinet on the levels of reserves and to seek approval to re-purpose unspent reserves, following the recent review by the Executive Director Finance.

RESOLVED that Cabinet:

approved the transfer of the reserves, as detailed in Appendix A, of £231,977 to create a General Fund Transformation Reserve and £62,104 to create a Housing Revenue Account (HRA) Transformation Reserve;

noted the reserves to be spent in 2018/19 and 2019/20 which would otherwise be returned to balances; and

noted the current levels of reserves which remained.

(Moved by Councillor D Cook and seconded by Councillor J Chesworth)

100 BUSINESS RATES INCOME FORECAST 2019/20

Report of the Portfolio Holder for Assets and Finance to seek endorsement from Members on the Business Rates income forecast for 2019/20.

RESOLVED

That Cabinet

approved the Business Rates income forecast for 2019/20 and subsequent NNDR1 form for submission to MHCLG by 31 January 2019, in line with the scheme of delegation.

authorised the Executive Director Finance, in consultation with the Leader of the Council, to make such required amendments as necessary should material amendments be required to the forecast NNDR1; and

noted discretionary relief granted to qualifying bodies in line with the existing policy.

(Moved by Councillor D Cook and seconded by Councillor S Doyle)

101 ALLOCATIONS POLICY

Report of the Portfolio Holder for Housing Services and Neighbourhoods which:

- Detailed the proposed changes to the Councils Allocations Policy subject to the statutory consultation process;
- Set out the arrangements for statutory consultation on the proposed changes set to take place between 7th May and 30th August 2019;
- Confirmed the timescales and arrangements for transitioning to the new Policy;
- Set out the community based impact assessment which would remain under review and would be presented as part of the final policy document, highlighted within the report.

RESOLVED that Cabinet:

approved, in principle, the draft allocations policy, shown at Annex 1-3, subject to the requisite consultation arrangements

approved the consultation plan detailed within the report commencing 7th May 2019 and running until Friday 30th August 2019

delegated authority to the Portfolio Holder for Housing Services and Neighbourhoods and Executive Director of Communities to approve the final policy for Full Council approval October 2019, save any material changes which

would be referred back to Cabinet and the timescales amended accordingly

supported comments arising from discussions with the Council's Health & Wellbeing Scrutiny Committee on the proposed matters relating to the management of the Council's Housing Register – presentation attached at Annex 4. Noting further detailed Scrutiny forms part of the consultation plan detailed in the report

noted the Independent Report, shown at Annex 6, provided by the Housing Quality Network (HQN) which highlighted the exemplary approach to the Council's review of its Allocations Policy

approved the draft community & equality based impact assessment noting the effect of the key changes on existing and potential service users.

(Moved by Councillor M Cook and seconded by Councillor J Chesworth)

102 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following items on the grounds that the business involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

(Moved by Councillor D Cook and seconded by Councillor J Chesworth)

103 ARRANGEMENTS FOR THE COMMUNITY ALARM SERVICE MONITORING AT SHELTERED HOUSING SCHEMES

Report of the Portfolio Holder for Housing Services and Neighbourhoods which detailed:

- Ministry Housing Communities Local Government (MHCLG) & Department for Works (DWP) formal response to the October 2017 national consultations on future funding for supported and sheltered housing; and
- The arrangements for the Council's sheltered housing's 24hr community lifeline alarm service now that the Government had announced its future funding plans for sheltered housing.

RESOLVED that Cabinet:

agreed to procure the Council's community lifeline alarm

service in compliance with the Council's financial regulation & guidance policy, further to the Cabinet decision in July 2018 to re-procure the service from January 2019

agreed the action plan arising from the independent review of the Council's housing sheltered service and detailed within the report

noted the MHCLG position with regard to sheltered housing.

The report contained three further recommendations which remained confidential.

(Moved by Councillor M Cook and seconded by Councillor S Doyle)

104 RESOLUTION OF CONTRACT DISPUTE - DRY RECYCLING MATERIALS CONTRACT

Report of the Portfolio Holder for Culture and Operational Services which sought approval to agree a resolution to the contract dispute for the processing of Dry Recycling Materials contract.

RESOLVED That Cabinet:

approved the negotiated settlement that has been reached with Biffa Waste Services Ltd for incorporation into the existing contract which the authority had with the company for the processing of dry recyclate, and authorised the Chief Executive to agree a suitable form for the contract variation in consultation with the Portfolio Holder for Culture and Operational Services

noted the financial implications and endorsed that the revised waste management costs were considered as part of the budget process given the need to realign all waste budgets after the confirmation of the reduction in recycling credits from Staffordshire County Council.

(Moved by Councillor J Chesworth and seconded by Councillor D Cook)

Leader

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CABINET

MONDAY, 25 FEBRUARY 2019

UPDATE OF THE CHAIR OF INFRASTRUCTURE SAFETY AND GROWTH AND THE CHAIR OF CORPORATE SCRUTINY

- The Chair of the Infrastructure Safety and Growth Committee to present an update on the Castle Review, including the IS&G Committee's endorsement of the work undertaken to date.
- The Chair of the Infrastructure Safety and Growth Committee to present the following recommendations of the Committee on the Taxi Licensing Policy – Amendment Taxi Licensing Points System and Dress Code:
 1. That the Infrastructure Safety and Growth Committee endorsed the proposed amendments to the Taxi Licensing Conditions at Appendix A to the report to the Committee and recommended them to Cabinet, subject to clarification of Points 20 and 22 of the Equality Impact Assessment; and
 2. That there be a review of the policy by the Infrastructure Safety and Growth Committee 12 months following implementation.
- The Chair of Corporate Scrutiny to present the recommendations of the Working Group for Member Support – sub-group Member Induction to Cabinet which were endorsed by Corporate Scrutiny Committee:
 1. At signing of the declaration newly elected and returning members would receive an up dated list of officers and details of their responsibilities.
 2. At the earliest opportunity post local election existing members would receive an up dated list of officers and details of their responsibilities.
 3. At signing of the declaration newly elected and returning members would receive “First point” of contact details.
 4. At the earliest opportunity post local election existing members would receive “First point” of contact details.
 5. Contact details of officers and information how and who to escalate issues with would be circulated to all members in full at the start of the municipal year.
 6. Updates from cabinet members and senior officers highlighting key projects of the year, risks and challenges against their corporate plans would be presented to all members at the earliest opportunity post the Council's AGM.
 7. Where scrutiny receives reports, papers must be updated with the latest information. Including cabinet papers as appendices.
 8. the supply of paper to members be removed from the constitution and printed copies of reports to be administered on a case by case assessment.

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THURSDAY, 21 FEBRUARY 2019

**REPORT OF THE LEADER OF THE COUNCIL
QUARTER 3 PERFORMANCE REPORT 2018/19**

EXEMPT INFORMATION

Not applicable

PURPOSE

This report aims to provide Cabinet with a performance and financial health-check. The report was considered by Corporate Scrutiny Committee on 7th February 2019.

RECOMMENDATIONS

That Cabinet endorses the contents of this report.

That the Capital budget for Disabled Facilities Grants be increased by £107,170 to reflect the additional grant funding from Ministry of Housing Communities and Local Government.

That £200,000 be vired from the Walkways at Magnolia capital scheme into the Bathroom Renewals scheme to fund additional bathroom replacements.

EXECUTIVE SUMMARY

This report is divided into the following sections:

1. Overview of corporate plan actions, measures and corporate risks,
2. Impact of welfare benefit reform,
3. Sustainability Strategy,
4. Financial health check

OPTIONS CONSIDERED

Not applicable

RESOURCE IMPLICATIONS

The council has received confirmation of an additional £107,173 funding from MHCLG in the form of increased Disabled Facilities Grant. Cabinet are requested to approve that the Capital budget for DFGs be increased by £107,170 to reflect the additional grant funding from MHCLG.

During a review of the current HRA capital programme it has been identified that there is a greater demand for replacement bathrooms and a further £200,000 will be required this year to meet demand. With this in mind it is proposed that £200,000 previously identified for replacement walkways at Magnolia should be vired into the bathroom renewals contract. There will be no impact on the replacement of walkways at Magnolia as prices for the work have come in significantly under the original budget and the scheme is currently predicting an underspend of £210,000. Cabinet

are requested to approve that the £200,000 be vired from Walkways to fund additional bathroom replacements.

LEGAL/RISK IMPLICATIONS BACKGROUND

There are none

SUSTAINABILITY IMPLICATIONS

There are none

REPORT AUTHOR

John Day

APPENDICES

Quarter Three 2018/19 Performance Report

Quarter Three 2018/19 Performance Report

1. Overview of corporate plan actions, measures and corporate risks,
2. Impact of Welfare Benefit Reform on Council services,
3. Medium term financial strategy monitoring,
4. Financial healthcheck.

Appendix A 2017 to 2020 Corporate Plan actions and performance measures update,

Appendix B Corporate Risks,

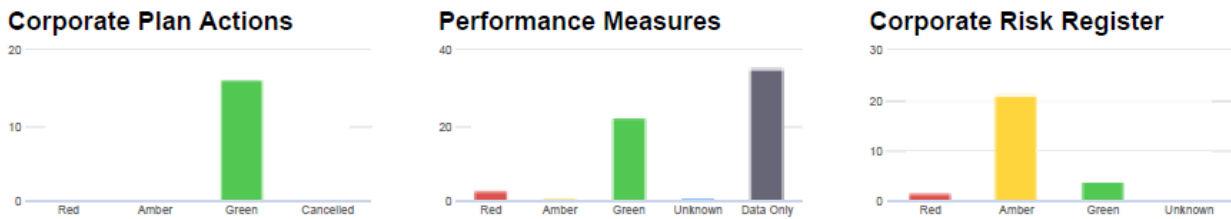
Appendix C General Fund & Housing Revenue Account main variances,

Appendix D Capital programme monitoring,

Appendix E Treasury management update.

1. Overview of corporate plan actions, performance measures and corporate risks

The current status of corporate plan actions, measures and corporate risks is shown below.



Further details are available in the appendices:

- Corporate plan actions and performance measures: **Appendix A**
- Corporate risks: **Appendix B**

2. Impact of Welfare Benefit Reform on Council services

Quarterly updates are presented to monitor the impact of welfare benefit reform changes on Council services including customer demand via monitoring of calls/contacts together with the financial impact of collection and demand for benefits and effect on income streams such as rent, council tax and business rates.

Benefits

An increase in DHP claims is reported - DHP claims paid total £103k (£4k higher than at December 2017 - £99k) with 240 successful claims from 373 applications (compared to 194 successful claims from 309 applications at December 2017). There is a 2 week backlog (6 weeks as at December 2017) with claims still to be processed which may increase this figure.

Live caseload figures are 332 lower than 2017/18 – currently 5,551 (5,883 at December 2017). The average time taken to process new Housing Benefit/Council Tax Benefit claims and change events was 10.8 days to December 2018 (13 days to December 2017).

NNDR

Reminders (467 at December 2018) are lower than 2017/18 levels (520 at December 2017) with summons and liability orders at similar levels to 2017/18. Enforcement agent referrals are 38% lower than 2017/18 levels (25 referrals to December 2018 compared to 40 at December 2017).

Current year collection levels are at 83.4%, behind target by 0.2% at 31 December. Court costs of £4k are lower than the target of £8k due to the lower levels of recovery action. Arrears for 2017/18 are ahead of target at 42% compared to target of 34.5%.

Council Tax

Reminders are 484 higher than 2017/18 levels (10,838 at December 2018 compared to 10,354 at December 2017), with summonses and liability orders referrals slightly lower. Enforcement agent referrals are 12% lower than 2017/18 levels (1,268 referrals to December 2018 compared to 1,443 at December 2017).

Current year collection levels at 86.7% are behind the target of 86.8% at December 2018 (with a target of 98% for the 2018/19 financial year) due to higher levels of re-profiling of payment instalments over 12 months. Court cost income is lower than target by £10k at £197k.

Arrears for 2017/18 are slightly behind of target at 39.7% compared to target of 43.2% - work on further approaches to realise more Council Tax revenue is in place.

Collection Fund – the estimated surplus is £29k for the year with a LCTS projected underspend of £23k (total £52k compared to £56k at December 2017).

Housing

Total Rent arrears (excluding former tenants) at December 2018 were £656k compared to £379k (as adjusted) at 31 March 2018 – an increase of £277k (compared to a £202k increase as at December 2017).

Total arrears (including garages etc.) are £2.01m at December 2018, compared to £1.68m at 31 March 2018, an increase of £329k (compared to a £249k increase between 31 March 2017 and 31 December 2017).

Total arrears (including garages etc.) were £1.68m at 31 March 2018 compared to 31 March 2017 - £1.6m (£81k higher).

There were 13 evictions during the period to December 2018 compared to 13 during the period to December 2017.

There were 8 court cases where bedroom subsidy, cap or other is the primary reason for possession proceedings (nil to December 2017).

Universal Credit

With regard to the roll out of universal credit, the current indicators show:

	Qtr 1 2018/19	Qtr 2 2018/19	Qtr 3 2018/19
Number of Assisted Digital Support Received (Universal Credit)	60	109	190
Number of Assisted Digital Support Actioned (Universal Credit)	56	100	168
Number of Assisted Digital Support did not attend (Universal Credit)	3	12	22
Number of Personal Budgeting Support Received (Universal Credit)	38	72	139
Number of Personal Budgeting Support Actioned (Universal Credit)	29	50	83
Number of Personal Budgeting did not attend (Universal Credit)	4	22	56
Number of Universal Credit claimants in Tamworth	2,148	2,519	2,744
Number of Council Tenants on Universal Credit	445	523	589
Number of Council Tenants on Universal Credit and in Rent Arrears	-	441	473
Percentage of Council Tenants on Universal Credit and in Rent Arrears	-	84%	80%
Number of Council Tenants on Universal Credit and not in Rent Arrears	-	82	116

Percentage of Council Tenants on Universal Credit and not in Rent Arrears	-	16%	20%
Number of successful Alternative Payment Arrangements set up (Universal Credit)	112	148	196
Number of Council Tax Payers on Universal Credit	368	529	632
Number of Council Tax Payers on Universal Credit and in arrears with Council Tax payments	83	161	218
Percentage of Council Tax Payers on Universal Credit and in arrears with Council Tax payments	23%	30%	34%
Number of Council Tax Payers on Universal Credit and not in arrears with Council Tax payments	285	368	414
Percentage of Council Tax Payers on Universal Credit and not in arrears with Council Tax payments	77%	70%	66%
Number of Universal Credit claimants nationally	920,000	1,100,000	1,426,540
Discretionary Housing Payments made - Year to date	46,720	76,487	102,769
Amount of Discretionary Housing Payments made to Universal Credit claimants - Year to date	19,324	34,343	50,115

3. Medium Term Financial Strategy 2017 to 2022 monitoring

The budget setting process has faced significant constraints in Government funding in recent years - over 50% in real terms since 2010. The 4 year Local Government Finance Settlement confirmed in February 2016 that austerity measures are to continue with Revenue Support Grant (RSG) all but eradicated for most Councils by 2020 – and suggests that the key challenges that the Authority is currently addressing are likely to become greater.

The Authority has been proactive in the design and implementation of innovative and effective measures for driving efficiency and reducing cost within the MTFs.

The Council remains committed to promoting and stimulating economic growth and regeneration; meeting our housing needs; creating a vibrant town centre economy and protecting those most vulnerable in our communities. To this end, we pledge to explore and invest in viable and sustainable methods of generating income and moving towards financial independence.

In addition, through the adoption of a 'Demand Management' operating model, the Council will have far greater control upon the alignment of services or 'supply' to the increased needs and expectations of the public or 'demand'. Key to this will be the application of existing and new technology to capture, collate and analyse customer insight, intelligence and data so as to understand not just the 'need' but the cause, behaviours or decisions creating the need.

This approach will change the organisation and how it works; will require Members to put evidence and insight at the heart of our decision making to ensure that we are transparent about the rationale for our decisions and plans; will involve managed risks; and will sustain essential services critical in supporting the most vulnerable in our communities at a time when demand is increasing and resources reducing.

However, there remains a high degree of uncertainty arising from the most significant changes in Local Government funding for a generation in 2020/21 arising from:

- The Government's Fair Funding Review (FFR) of the distribution methodology including:

- changes to the needs assessment (which will determine each Council's share of the national funding for Local Government – it is likely that this will reflect the impact of Social Care demands and that funding will be redistributed to Unitary and County Councils to the detriment of District Councils);
 - treatment of relative resources (to determine how much each Council can fund locally through income from fees and charges and council tax); and
 - any transitional arrangements to protect Councils from significant reductions in funding – and the impact from their unwinding from 2021/22.
- Spending Review 2019 (SR19) – where the total spending allocation for Government Departments will be set – including national control totals for Local Government spending. It has already been announced that significant additional funding will be diverted to the NHS which could mean further reductions for other Departments including Local Government;
 - The ongoing review of the Business Rates Retention (BRR) scheme – the Government announced that Councils will be able to retain 75% of business rates collected from 2020/21 rather than 100% as previously planned with work progressing on the design of the new system including the impact of 'rolling in' grants such as Housing Benefit administration and New Homes Bonus;
 - The planned reset of the Business Rates baseline for each Council from 2020/21 and redistribution of the growth achieved since 2013 (of over £1m p.a.);
 - Uncertainty over the ongoing funding for the New Homes Bonus scheme, local growth in housing numbers and share of the national pool (including potential increases to the 'deadweight' for which Council's no longer receive grant).

In addition, the next planned national Business Rates Revaluation will take effect from 2021/22 – with latest indications that the Government will also aim to introduce a centralised system for business rate appeals at the same time to cover future changes arising from the 2021 valuation list.

While we are aware of these forthcoming changes, little to no information is available on the potential impact for individual Councils' finances.

A summary of the indicative Government timetable for the reviews is shown below:

Date	Issues
May 2018	Risk and gearing; appeals and loss payments; updates on Pool prospectus; update on FFR consultation.
July 2018	Resets and measuring growth; Revaluation; BRR transitional arrangements; Pooling; FFR – structure of needs assessment, treatment of relative resources, principles for transitional arrangements.
Oct 2018	Overall short term package and future reform; update on SR 2019; Potential consultation on BRR Baseline reset.
Early 2019	Technical BRR consultation and links to FFR; SR 2019 emerging issues; Potential consultation on BRR Baseline reset.
Mid 2019	Results of consultations (hopefully); SR 2019 emerging issues.
Later 2019	Indicative impact of systemic changes potentially this late
Late 2019	Provisional Local Government Finance Settlement detailing

Corporate Management Team (CMT) review the most up-to-date budget forecasts on a quarterly basis, and discuss the delivery of the planned savings to support our Medium Term Financial Strategy (MTFS) – as outlined below.

Work is continuing to mitigate the financial position in future years through:

- Delivering Quality Services project – the demand management approach to shift demand to more efficient methods of service delivery – online and automation (Interactive Voice Response).
A savings target of £100k p.a. has already been included within the MTFS together with reduced CRM costs of £62k p.a. from 2019/20;
- Recruitment re-justification process – where possible, temporary 12 month appointments are now only being made; there is a robust challenge / re-justification process in place for all vacant posts with a requirement to investigate alternative options including restructuring to fill vacancies / looking at what we can stop doing.

We took the opportunity to increase the vacancy allowance from 5% to 7.5% by 2021/22 c. £45k p.a. year on year for the General Fund, c.£14k p.a. for the HRA (It should be noted that staffing in some services e.g. planning, are key to the delivery of the Council's economic growth agenda and have significant demand from the public and local businesses but can also experience severe recruitment difficulties – which may lead to the use of market supplements to attract staff).

- Spend freeze – Managers have previously been required to restrict / limit spending to essential spend only (there was a £1.8m underspend in 2017/18 – although much of this arose from windfall income, c. £1m was lower level underspends). A review of the underspend position is underway with a view to driving out as many savings as possible.
- Alternative investment options arising from the Commercial Investment Strategy (as well as the Treasury Management Investment Strategy, including any prudential borrowing opportunities) to generate improved returns of c. 4 to 5% p.a. (plus asset growth) including:
 - Set up of trading company to develop new income streams;
 - Local investment options – Lower Gungate / Solway Close development including the potential to drawdown funding from the Local Growth Fund / Local Enterprise Partnerships (GBS and Staffordshire);
 - Investments in Diversified Property Funds – a savings target to return c.4% p.a. from £12m invested has already been included from 2019/20.

Note: these would represent long term investments of between 5 – 10 years (minimum) in order to make the necessary returns (after set up costs).

- Review of reserves (including ensuring adequate provision for the funding uncertainties) / creation of a fund for transformation (if needed).

- Targeted Savings – to identify potential areas for review in future years. 6 priority reviews have been identified – Business Support, CCTV, Cleaning Services, Commercialisation, Community Leisure and Review and rationalisation of IT systems.

General Fund

The updated forecast as at December 2018 is detailed below:

	General Fund						
MTFS Projections 2017/18 - 2023/24	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Projected Balances per MTFS Council February 2018	(6,631)	(3,553)	(1,846)	(551)	428	1,429	-
Revised Stress Tested Forecasts:							
Revised Forecast Balances - December 2018	(6,918)	(5,458)	(4,551)	(2,413)	(466)	1,405	3,508

On 2nd August, Cabinet approved the budget setting process (& project plan) for 2019/20.

In line with the approved timetable, work on the preparation of the detailed 5 year budget / forecast progressed in order to inform the Base Budget Forecast for Cabinet on 29th November and the Draft MTFS for Cabinet and Joint Scrutiny Committee in January 2019.

Currently projections identify General Fund balances of £466m over 3 years (compared with a forecast shortfall in the February 2018 MTFS projections of £0.9m) – with a shortfall of £1.9m to 2022/23 increasing to £4m over 5 years (the shortfall was previously forecast at £1.9m in 2022/23), including the minimum approved level of £0.5m.

Further savings of around £0.8m p.a. will be required over the next 5 years (based on annual 2.99% increases in Council Tax). On an annualised basis this would equate to a year on year ongoing saving of £0.27m over 5 years.

The forecast has been updated to include:

- a) the projected outturn underspend of £1.6m for 2018/19 (as at Period 8);
- b) The approved council tax base of 21,761 and the effect of a 2.99% p.a. increase in Council Tax;
- c) Annual savings of £0.35m following a review of unspent budgets;
- d) The revenue costs for interest and debt repayment associated with the capital programme proposals;
- e) Updated business rates tariff and RSG levels following publication of the Local Government Finance Settlement and the announcement that the Staffordshire Business Rates Pilot bid had been successful;
- f) Revised New Homes Bonus levels following confirmation from the DCLG;
- g) Work is progressing to finalise the impact of the recent pay award and associated changes to pay scales arising from implementation of the national living wage – at this stage no additional costs have been included.

Housing Revenue Account

The updated forecast as at December 2018 is detailed below:

	Housing Revenue Account						
MTFS Projections 2017/18 - 2023/24	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Projected Balances per MTFS Council February 2018	(6,850)	(3,045)	(2,223)	(1,565)	(1,048)	(698)	-
Revised Stress Tested Forecasts:							
Revised Forecast Balances - December 2018	(6,824)	(3,543)	(3,419)	(3,107)	(2,993)	(1,804)	(2,004)

As part of the approved MTFS in February 2018, a balanced 5 year forecast was presented for the Housing Revenue Account (HRA).

Currently, projections identify that HRA balances will remain above the approved minimum of £0.5m at £3m over 3 years (compared with a forecast in February of £1m) with balances of £1.8m over the 4 years to 2022/23 increasing to £2m in 2023/24 (balances were previously forecast at £0.7m in 2022/23), including the minimum recommended balances of £0.5m.

The forecast has been updated to include:

- a) the projected outturn underspend of £525k for 2018/19 (as at Period 8);
- b) Annual savings of £0.1m following a review of unspent budgets.

4. Financial Healthcheck

Executive Summary

This section to the report summarises the main issues identified at the end of December 2018.

General Fund

Revenue

GENERAL FUND	YTD Budget £000	YTD Position £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000
Chief Executive	1,321	1,199	(122)	1,465	1,335	(130)
AD Growth & Regeneration	505	110	(395)	1,347	1,185	(162)
ED Organisation	608	584	(24)	594	592	(2)
AD People	1,944	1,916	(28)	238	272	34
AD Operations & Leisure	2,700	2,790	90	3,412	3,502	90
ED Finance	270	273	3	179	180	1
AD Finance	2,617	1,534	(1,083)	1,418	(237)	(1,655)
AD Assets	(1,272)	(1,429)	(157)	(1,067)	(1,263)	(196)
AD Neighbourhoods	566	537	(29)	1,261	1,334	73
AD Partnerships	783	771	(12)	1,423	1,413	(10)
Total	10,042	8,285	(1,757)	10,270	8,313	(1,957)

- The General Fund has a favourable variance against budget at Period 9 of £1.76m (£2.08m favourable at period 8)
- The projected full year position identifies a favourable variance against budget of £1.96m or 19.0% (£1.62m or 15.8% favourable at period 8).
- This projection has highlighted several budget areas for concern (detailed at **Appendix C**).
- A balance of £192k was held in the General Contingency Budget at the end of December 2018. An underspend of £167k is currently projected.
- Significant variances for 2018/19 (as detailed in **Appendix C**) include:

Directorate	Cost Centre	Account Code	Full Year Position Predicted Outturn Variance	Comment
Increased / Non-Budgeted Income				
AD Assets	Commercial Property Management	Finance Lease Income	-110,000	Windfall Income - Gungate lease income
AD Growth & Regeneration	Development Control	Fees & Charges Planning App	-110,000	Fee income is well above budget due to two major applications.
AD Finance	Corporate Finance	Government Grants	-188,636	Additional S31 Grant income for Business Rates Relief plus adjustment for 17/18
AD Finance	Corporate Finance	Misc Contributions	-376,850	Returned Levy from GBSLEP 2017/18
AD Finance	Treasury Management	Misc Interest & Dividends	-367,000	Interest expected above budget
AD Finance	Treasury Management	Property Fund Dividends	-102,000	Receipt of Property Fund interest due to investment earlier than budgeted
Savings/Underspends				
AD Finance	Benefits	Benefits	-288,270	Based on change in provision required as at end P9
AD Finance	Corporate Finance	Consultants Fees	-100,000	£100k underspend reported at this stage
AD Finance	Corporate Finance	Specific Contingency	-167,000	Contingency for potential reduced income levels (£142k) not required 2018/19
AD Finance	Treasury Management	Minimum Revenue Provision Gf	-44,270	Planned borrowing unlikely due to re-profiling need within capital programme

Capital

GENERAL FUND		Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000
Chief Executive	GCEXEC	-	4,000	3,270	(730)	4,000	3,500	(500)	500	4,000
AD Growth & Regeneration	GGROWC	771	861	103	(758)	898	295	(603)	603	898
AD People	GPEOC	208	307	196	(111)	348	278	(70)	65	343
AD Operations & Leisure	GOPSLC	1,276	4,086	1,564	(2,522)	4,748	2,078	(2,670)	2,640	4,718
AD Finance	GFINC	6,000	14,500	3,869	(10,631)	16,000	3,869	(12,131)	12,131	16,000
AD Assets	GASSC	155	818	560	(257)	1,167	953	(214)	154	1,107
AD Neighbourhoods	GNEIC	44	78	23	(55)	89	27	(62)	62	89
AD Partnerships	GPARC	92	92	-	(92)	92	22	(70)	70	92
GF Contingency	CQ	559	559	-	(559)	595	-	(595)	595	595
TOTAL GENERAL FUND		9,105	25,301	9,585	(15,716)	27,935	11,020	(16,915)	16,820	27,840

- Capital expenditure incurred was £9.585m compared to a profiled budget of £25.301m. (£10.240m compared to a profiled budget of £23.850m as at period 8).
- It is predicted that £11.020m will be spent by the year-end compared to a full year budget of £27.935m (this includes re-profiled schemes from 2017/18 of £9.105m).
- Re-profiling of £16.82m into 2019/20 is reported this month, mainly due to £8m re Property Funds, where further investments will be made as the economic situation becomes clearer, £2.2m Assembly Rooms and £4m re Solway Ltd LATC.
- A summary of Capital expenditure is shown at **Appendix D**.

The council has just received confirmation of an additional £107,173 funding from MHCLG in the form of increased Disabled Facilities Grant. Cabinet are requested to approve that the Capital budget for DFGs be increased by £107,173 to reflect the additional grant funding from MHCLG.

Treasury Management

- At the end of December 2018 the Authority had £69.93m invested in the money markets. The average rate of return on these investments is 0.86% though this may change if market conditions ease.
- The target yield for returns from the Commercial Investment Strategy is in excess of 5% p.a. Current market conditions / performance is as follows:
 - The Council has invested in 2 property funds to date:
 - Schroder UK Real Estate Fund - £1.85m on 8/5/18 with a gross Distribution Yield at 31/12/18 of 3.13%;
 - Threadneedle Property Unit Trust - £2m on 31/7/18 with a Historic Average Distribution Yield at 31/12/18 of 4.78%; 2018/19 return estimated at 2.7% (4% on an annualised basis).
 - The current return from the Gungate acquisition is 5% on the NCP site (3.5% on the overall site with regeneration potential).

- Borrowing by the Authority stood at £63.060m at the end of December 2018, all being long term loans from the Treasury Public Works Loans Board. The average rate payable on these borrowings equates to 4.05%.
- A more detailed summary of the Treasury Management situation, detailing our current Lending and Borrowings can be found at **Appendix E**.

Balances

Balances on General Fund are projected to be in the region of £5.8m at the year-end from normal revenue operations compared to £3.55m projected within the 2018/19 budget report – additional balances of £2.24m.

Housing Revenue Account (HRA)

Revenue

HOUSING REVENUE ACCOUNT	YTD Budget £000	YTD Position £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000
HRA Summary	(14,243)	(14,446)	(203)	(456)	(716)	(260)
AD Operations & Leisure	338	343	5	563	575	12
AD Assets	372	401	29	1	1	-
AD Neighbourhoods	1,905	1,740	(165)	3,698	3,654	(44)
Housing Repairs	3,665	3,322	(343)	-	(312)	(312)
Total	(7,963)	(8,640)	(677)	3,806	3,202	(604)

- The HRA has a favourable variance against budget at Period 9 of £677k (£368k at period 8).
- The projected full year position identifies a favourable variance against budget of £604k (£525k favourable at period 8).
- Individual significant budget areas reflecting the variance are detailed at **Appendix C**.
- Significant variances for 2018/19 (as detailed in **Appendix C**) include:

Directorate	Cost Centre	Account Code	Full Year Position Predicted Outturn Variance	Comment
Housing Repairs	Repairs Contract	Responsive Repairs	(410,000)	Forecast based on current demand and WIP
		Voids	200,000	Forecast based on current programme and takes account of a number of high-cost voids in year to date.
H R A Summary	H R A Summary	Specific Contingency	(100,000)	No issues currently identified that would require the use of this budget
		Rents	(150,000)	Rent income is currently exceeding budget due to void levels being lower than budgeted. The acquisition programme also continues to provide additional properties let at Affordable Rent and offset those sold under the Right to Buy.

Capital

HOUSING REVENUE ACCOUNT	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000
AD Assets	18,098	14,360	8,485	(5,876)	31,622	10,363	(21,259)	21,194	31,556
HRA Contingency	100	100	-	(100)	100	-	(100)	100	100
TOTAL HOUSING REVENUE ACCOU	18,198	14,460	8,485	(5,976)	31,722	10,363	(21,359)	21,294	31,656

- Housing Capital expenditure of £8.485m has been incurred as at the end of Period 9 compared to a profiled budget of £14.460m. (£7.804m compared to a profiled budget of £12.796m at period 8)
- It is predicted that £10.363m will be spent by the year-end compared to the full year budget of £31.722m (including £18.198m re-profiled from 2017/18). At this stage £21.294m is projected to be re-profiled, being mainly due to £19m for Kerria and Tinkers Green projects extending into 2019/20.
- A summary of Capital expenditure is shown at **Appendix D**.
-

During a review of the current capital programme it has been identified that there is a greater demand for replacement bathrooms and a further £200,000 will be required this year to meet demand. With this in mind it is proposed that £200,000 previously identified for replacement walkways at Magnolia should be vired into the bathroom renewals contract.

There will be no impact on the replacement of walkways at Magnolia as prices for the work have come in significantly under the original budget and the scheme is currently predicting an underspend of £210,000. Cabinet are requested to approve that the £200,000 be vired from Walkways to fund additional bathroom replacements.

Balances

Balances on the Housing Revenue Account are projected to be in the region of £3.62m at the year-end compared to £3.05m projected within the 2018/19 budget report – additional balances of £0.58m.







2017 -2020 Corporate Plan Progress Report

2017 – 2020 Corporate Plan Actions




Corporate Priority 1. Living a quality life in Tamworth

Project/Action	Maintain & Manage the environment within Tamworth			
Desired Outcome	Well managed local nature reserves and sports pitches that are maintained at a level proportionate to their use. Provision of high quality open spaces both existing and arising from new developments. Ensure the Council meets its obligations to ensure its watercourses and drainage systems are maintained. Provision of well-maintained play facilities. To ensure cleansing is carried out to a standard that meets or exceeds measured requirements Achieving a gold standard in the 'Tamworth in Bloom' programme			
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
Tamworth In Bloom Judging 2017	18-Jul-2017	Yes	Judging took place on 18th July 2017.	
Play area provision scoped	30-Sep-2017	Yes	Project scoped and considered by Cabinet in August 2017. Project now in tender stage.	
Tamworth in Bloom 2017 award notification	30-Sep-2017	Yes	'Gold' award achieved for the eighth consecutive year.	
Installation of a new play facility	31-Mar-2018	Yes	The play facility was installed in December 2017	
Tamworth In Bloom Judging 2018	31-Jul-2018	Yes	Judging complete 19/7/18	
Tamworth in Bloom 2018 award notification	30-Sep-2018	Yes	9th consecutive Gold Award, also Mike	

			Garwood memorial Award and Gold for Wigginton park for second year running
Balancing pond dredging works scoped in accordance with the management plan	31-Mar-2019	No	The silt analysis report has now been received and the tender process recommenced, all tender documentation is now with procurement awaiting final checks before going live. It is anticipated that the tender will be live by the end of December or early January at the latest subject to there being no further issues identified by procurement. The tender will be live for one month and then evaluated before being awarded in early March 2019
Ongoing commitment throughout the year to ensure green spaces are managed	31-Mar-2020	No	Identified projects are underway.








Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Ongoing works to deliver the output of the watercourse management plan are actioned				
Tamworth 'In Bloom' Gold Award		3	2018/19	'Gold' awarded for the ninth year in a row.
Improved street and environmental cleanliness – Detritus		8.15%	July 2018	
Improved street and environmental cleanliness – Graffiti		1.51%	July 2018	
Improved street and environmental cleanliness – Litter		1.51%	July 2018	
Improved street and environmental cleanliness – Dog Fouling		0.67%	July 2018	

Project/Action	Delivery of the Community Safety Partnership			
Desired Outcome	The adoption of the community safety action plan Early intervention programmes commissioned for priority themes Continued development of the multi-agency approach to problem solving			
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
Commissioning process for the action plan commences	30-Apr-2017	Yes	Commissioning is ongoing throughout the year.	
Community Safety Assessment received.		Yes	Assessment received and used to inform the current community assessment action plan.	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
All Crime - Total		6,493	2018	For the period January 2018 to November 2018. (Figure was 6772 for the same period last year).
Incidents of Anti-Social Behaviour		1,960	2018	For the period January 2018 to November 2018. (Figure was 2142 for the same period last year).
Percentage of people surveyed who feel very/fairly safe outside in their local area after dark (Feeling the Difference FTD survey)		84%	H1 2018/19	September 2018 survey (Waves 22)








				to 25). (Latest available data)
Percentage of people surveyed who feel very/fairly safe outside in their local area during the day (Feeling the Difference FTD survey)		98%	H1 2018/19	September 2018 survey (Waves 22 to 25). (Latest available data)
Percentage of people surveyed who had been a victim of crime in the last twelve months (Feeling the Difference FTD survey)		6%	H1 2018/19	September 2018 survey (Waves 22 to 25). (Latest available data)
Percentage of people surveyed who feel very/fairly likely to be a victim of crime in their local area (Feeling the Difference FTD survey)		13%	H1 2018/19	September 2018 survey (Waves 22 to 25). (Latest available data)

Project/Action	Delivery of an effective regulatory service		
Desired Outcome	Continue to support businesses to comply with legislation Ensure the statutory inspection plan of food businesses provides a high standard of hygiene in the Borough. Delivery of effective taxi, gambling and premise licensing Delivery of an effective and responsive development control service		
Latest Update			
Milestones	Due Date	Completed (Yes/No)	Note





Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The number of food businesses that are 0 and 2 star rated		43	Q2 2018/19	
The quarterly percentage of planned high risk interventions undertaken		100%	Q2 2018/19	
The percentage of planned interventions undertaken		100%	Q2 2018/19	
The percentage of complaints relating to smoking legislation responded to		100%	H1 2018/19	
The annual percentage of planned inspections undertaken of industry for environmental emissions		100%	2017/18	
Satisfaction of business with local authority regulation services (Tamworth)		83%	2017/18	
Food establishments in the area which are broadly compliant with food hygiene law (Tamworth)		91.4%	2017/18	



Project/Action	Growth & Regeneration in Tamworth		
Desired Outcome	<p>Enterprise Quarter regeneration including a modernised cultural offer, enhanced night-time offer, quality public realm, and facility for new businesses to grow</p> <p>The delivery of a vibrant and meaningful inward investment strategy to promote the Town to business</p> <p>Delivery of a trading arm to provide facility to invest in assets such as housing and commercial facilities which can provide sustainable income to the Council</p> <p>Continued progression of enhancement to Tamworth's gateways</p> <p>The production of a town centre strategy Continued engagement with West Midland Combined Authority, Local Enterprise Partnerships for the purpose of growth, skills, infrastructure and economy</p>		
Latest Update			
Milestones	Due Date	Completed (Yes/No)	Note
The Opening of the Enterprise Centre	31-May-2017	Yes	The centre is operational and currently 100% occupied.
Scoping works for both the production of an inward investment strategy and a town centre strategy.	30-Jun-2017	Yes	
Re-opening of the Assembly Rooms and new facility at the Carnegie Centre	28-Feb-2019	No	Marketing for the Carnegie Centre has commenced
Adoption of the inward investment strategy and the town centre strategy	31-Mar-2019	No	Cabinet agreed an approach to town centre activity and considered a range of projects, including an inward investment strategy in November. A town centre strategy will be prepared and brought back to Cabinet in Spring 2019.
Completion of the public realm enhancements	30-Apr-2019	No	

Completion of works to Tamworth Library	30-Apr-2019	No	
Scoping works with partners to look at viability/opportunities with the current vacant site at Gungate.		No	Report to Full Council 11th April 2018 to consider the proposal. The site was acquired by the Council in June 2018 for investment purposes with the longer term aim of unlocking it for regeneration. The Council has successfully bid for £100k support to develop options for the site



Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Number of Businesses		2,335	2017/18	
Number of empty Business Premises		173	December 2018	
Percentage of total rateable value of commercial floorspace that is unoccupied		5%	2017/18	
Percentage change in rateable value of commercial buildings		1.61%	Q2 2017/18	
Birth of New Business Enterprises in the year		280	2017/18	Latest available data from ONS (November 2018).
Death of Business Enterprises in the year		310	2017/18	Latest available data from ONS (November 2018).
Number of active Business Enterprises		2,630	2017/18	Latest available data from ONS (November 2018).

Project/Action	Tinkers Green & Kerria Regeneration			
Desired Outcome	Access to suitable housing is improved Neighbourhoods are improved Satisfaction with neighbourhoods increased			
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
4. Demolition at Kerria commenced	01-Jul-2018	Yes	Demolition commenced	
3. Contractor start on site	31-Jul-2018	Yes	The contractor has taken possession of the site and commenced some preparatory work.	
6. Completion of build	31-Jul-2020	No		
7. Allocation of New Homes	31-Jul-2020	No		
1. Demolition at Tinkers Green completed		Yes	The demolition at Tinkers Green is now complete	
2. Contractor appointed		Yes	Contractor appointed	
5. Demolition at Kerria completed		Yes	The demolition at Kerria is now complete	



Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Satisfaction of tenants with new homes and neighbourhood – Tinkers Green				
Satisfaction of tenants with new homes and neighbourhood – Kerria				
Number of new homes built and allocated to those who need them – Kerria				
Number of new homes built and allocated to those who need them – Tinkers Green				

New Retail Facility Created – Tinkers Green				
New Retail Facility Created – Kerria				



Project/Action	Garage sites redevelopment			
Desired Outcome	Access to suitable housing is improved Neighbourhoods are improved Satisfaction with neighbourhoods increased			
Latest Update	The programme is currently on hold with a revised programme to be completed by August 2019.			
Milestones	Due Date	Completed (Yes/No)	Note	
Phase One start on site	30-Apr-2017	Yes	Work has started on Phase One.	
Phase One Completed	31-Dec-2017	Yes	Phase one was completed ahead of schedule at the end of November 2017 and provided 19 units of accommodation across the borough.	
Revised programme		No	A revised approach to garage sites redevelopment is to be considered by Cabinet.	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Satisfaction of tenants with new homes and neighbourhood – Garage Sites Redevelopment				
Number of new homes built and allocated to those who need them – Garage Sites Redevelopment				

Project/Action	New Repairs Contract		
Desired Outcome	Council homes and neighbourhoods are maintained to a high standard Tenants receive a responsive repairs service The housing asset is maintained in accordance with stock condition requirements		
Latest Update			
Milestones	Due Date	Completed (Yes/No)	Note
Commission consultants to support options review	30-Apr-2017	Yes	
New contractor mobilised	30-Apr-2017	Yes	
Review of new contract performance	30-Sep-2017	Yes	
Findings of options review agreed	31-Dec-2017	Yes	Findings of options review agreed and being considered by Cabinet in February 2018.
Report to members on future arrangements for service delivery	22-Feb-2018	Yes	Report at Cabinet on 22nd February 2018.
Further report to members to enable a final decision to be taken on the financial and commercial viability of an in-house contractor	28-Feb-2019	Yes	A report was taken to Cabinet in December 2019 and the decision was made not to appoint an in-house contractor. Cabinet approved the invitation of tenders for the delivery of the housing repairs and investment works from April 2020 for a period of 10 years with appropriate break clauses as part of the contract terms.
Implement future options		No	
Measure satisfaction		No	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
KPI 1 – (Responsive) To determine the overall satisfaction with the works		94.2%	2018/19	
Percentage of local authority dwellings that achieve the decent homes standard		99.07%	2017/18	

Project/Action	Business Rates Retention			
Desired Outcome	Maximise collection of business rates within the GBS rate retention pool			
Latest Update	<p>The Council is a member of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Business Rates Pool – for 2017/18 a levy of £1.2m (payable to the GBSLEP pool) was generated through additional growth in business rates income.</p> <p>As a result of the pool being in place, the GBSLEP will have an additional £3.3m in total from LEP members from the outturn for 2017/18 to support projects to improve the economy and infrastructure of the region.</p>			
Milestones	Due Date	Completed (Yes/No)	Note	



Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Percentage of Non-domestic Rates Collected		83.40%	December 2018	
Percentage change in rateable value of commercial buildings		1.61%	Q2 2017/18	

Project/Action	Commercial opportunities in business decision making
Desired Outcome	<p>A risk/reward based return on investment requirement within planned projects</p> <p>Producing options appraisals, business cases and review opportunities for setting up Local Authority Trading Companies as well as other business models for service to maximise return on Council assets and increase economic benefit for the Council</p>
Latest Update	<p>The Tamworth Commercial Investment Strategy to promote growth and regeneration was approved by Cabinet on 16th June 2016.</p> <p>Key outcomes such as the revitalisation of the Town Centre; the regeneration of the Gungate site; the development of an Inward Investment Strategy that will seek to provide the basis for ongoing managed growth, future funding bids and more.</p> <p>Work has progressed on the development (and set up) of a trading company (including the potential for development of private sector housing for market rental), the regeneration of the Gungate site and the development of a Place Investment Strategy. A Business Case investment model was finalised during the first quarter of 2018, including advice on the treatment of taxation.</p> <p>Council on 17th July 2018 approved the set up (at the beginning of August 2018) of a Local Authority Trading Company which will provide the means and structure from which we can generate sustainable income streams on behalf of the Council. Initially this will be by acting as Private Sector Landlord; but could lead to, subject to viability and a robust business plan, operating services on a commercial footing. The establishment of the Trading Company is very much seen as the precursor to us building new houses for market rent in the very near future.</p> <p>Further work has centred on the regeneration of the former Gungate Precinct site, including the acquisition of the site by the Council in June 2018, and the potential to increase the size of the site to include other land in order to encourage a more ambitious development scheme. Council on 11th April 2018 approved the purchase of the Gungate site within Tamworth town centre, incorporating the site of the former Gungate shopping precinct; a private pay and display car park currently leased to NCP for a term of 26 years; and a Council run pay and display car park leased to the Council on a peppercorn lease until 2062. Following the purchase of this site, the Council is now in receipt of an additional income stream in respect of the area leased to NCP.</p> <p>As part of this report, Members also approved the development of a regeneration opportunity including further site acquisition should this be beneficial; including formal negotiations with Staffordshire County Council and Staffordshire Police to look at the inclusion of land bordering the site; and to commence masterplanning works to bring the site to a commercially viable development opportunity. The report to Council recognised that any return from future redevelopment is not guaranteed, and that it could take several years to get a major regeneration project up and running. Initial plans are for a mixed housing/leisure development. The Council is currently working with Aspinall Verdi and</p>







Altair to develop options for the site, and resources have been secured from the Local Government Association (LGA) to pay for 40 days' consultancy; and an £80k grant has been received from the Greater Birmingham and Solihull Local Enterprise Partnership. It is expected that this will take approximately 8 – 10 months to complete

Progress has been made on the third work stream with proposals designed to encourage both Inward Investment and the continued Growth of Existing Business with the consequence that we now have an outline specification/brief to support the commissioning of the strategy.

Milestones	Due Date	Completed (Yes/No)	Note

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Income collected through adopted commercial approach		£212,000.00	Q3 2018/19	
Rate of return on identified projects in excess of 5%		3.0%	Q3 2018/19	3% return on investments expected 2018/19 (part year) – 3.5% on an annualised basis

Project/Action	Heritage, leisure & events		
Desired Outcome	A defined successful outdoor events programme is implemented Heritage venues are well maintained and open to the public Heritage lottery bid submitted to progress improvement works at the Castle		
Latest Update			
Milestones	Due Date	Completed (Yes/No)	Note
Outdoor events plan published	30-Apr-2017	Yes	
Castle Heritage Lottery bid submitted	31-Aug-2017	Yes	The bid was submitted in August 2017 and was successful; £499,000 was awarded. The money will be used for a project that will create an innovative and engaging permanent exhibition exploring and celebrating Tamworth's important Anglo-Saxon history.
Events held throughout the year	31-Mar-2019	No	



Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Number of attendees at Arts Development Events		23,424	2018/19	
Number of participants at Arts Development Events		13,510	2018/19	
Visitor Numbers (Outdoor Events)		64,794	2018/19	
Overall Satisfaction Rate "Good to Excellent" (Outdoor Events)		99.33%	2018/19	
Percentage of people surveyed who would recommend event (Outdoor Events)		99%	2018/19	
Number of additional events supported – Outdoor Events		40	2018/19	

Total Number of visits/usages – Tamworth Castle		29,572	2018/19	
Total Number of Visitors – Tamworth Castle		26,645	2018/19	
Trip Advisor Rating – Tamworth Castle		4.5	2017/18	

Corporate Priority **3. Delivering quality services in Tamworth**








Project/Action	Organisational well-being			
Desired Outcome	A workforce that is dynamic, agile and capable to adapt to our changing environment			
Latest Update	ELT briefings held in place of AGM due to non-availability of Assembly Rooms. Celebration event to be held in new year			
Milestones	Due Date	Completed (Yes/No)	Note	
Corporate Well-being day	30-Apr-2017	Yes		
Time to Change Pledge	30-Apr-2017	Yes		
Payroll/HR services available via self serv	31-Jan-2018	Yes	All services now available.	
Delivery of Corporate Plan	31-Mar-2018	Yes		
Staff Annual General Meeting	31-Dec-2018	Yes	ELT briefings held in place of AGM due to non-availability of Assembly Rooms.	
Completion of the Agile Working Project	31-Jan-2019	Yes	Human Resources, Payroll, Graphics and Communications relocating to space on the 6th floor in January 2019. A new implementation plan will be developed immediately following the Senior Management Review.	
Staff Attitude Survey	28-Feb-2019	No	Human Resources Business Partner has completed a further update and an	


			<p>action plan is to be approved by CMT in February 2019.</p> <p>Details of initial findings presented to CMT Oct 18 – draft action plan developed. Plan to be discussed with new Human Resources Business Partner for delivery and communication</p>
Workforce Development Plan approved	31-May-2019	No	Work has commenced on this and is linked to the senior management review.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Working Days Lost Due to Sickness Absence (Year to date)		6.66	December 2018	
Results of Staff Attitude Survey		Yes	2017/18	Details of initial findings presented to CMT Oct 18 – draft action plan developed. Plan to be discussed with new HRBP for delivery and communication


Project/Action	Digital Customer Services		
Desired Outcome	Council services available for customers available on-line		
Latest Update			
Milestones	Due Date	Completed (Yes/No)	Note
Customer Access Survey	30-Apr-2017	Yes	
Specification of Customer Portal	30-Apr-2017	Yes	
Procurement of customer portal	31-May-2018	Yes	A specification has been detailed. Soft market testing carried out with several suppliers. Specification launched in January 2018 and procurement anticipated by end of May 2018. The portal was purchased in July 2018.
Approve revised Customer Services, Access & Digital Strategy	30-Jun-2018	Yes	The Customer Services, Access & Digital Strategy is complete and now needs to link to the ICT Strategy
Communications and Marketing Plan	31-Dec-2018	Yes	The review is now complete and will be picked up in the restructure in January 2019. The review of PR, communications & marketing activities is to be completed by December 2018.
Implementation of customer portal commencing with Council Tax	31-Mar-2019	No	The portal has now been purchased and will commence with Council Tax. A project plan has been developed and will 'Go live' by a date to be announced.
Review of Customer Services and Access Strategy	30-Jun-2019	No	The strategy was scheduled for


			completion by June 2018 consequently, the review will be undertaken by June 2019
Review portal implementation and customer satisfaction.	30-Sep-2019	No	
Website Development Plan (static content)	30-Sep-2019	No	The Content Management System (CMS) is being upgraded from Drupal 7 to 8 over the next two years up to 30th September 2019. All content will be reviewed during this process which has commenced with the 'Visit Tamworth' site.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The number of face to face enquiries		9,210	2017/18	
The number of self-serve processes available for customers		67	2017/18	
The number of Portal users		0	2018/19	
The number of downloads from the Tamworth App		504	2017/18	
The number of active users of the Tamworth App		462	Q3 2018/19	
The number of Ombudsman complaints received		8	2017/18	
The number of Ombudsman decisions made		7	2017/18	

Project/Action	Corporate Knowledge Hub			
Desired Outcome				
Latest Update	Initial plan now discussed by CMT further development work to be linked to Org Change Process with a view to formal Cabinet approval by end of March 2019			
Milestones	Due Date	Completed (Yes/No)	Note	
Workshop to scope design and delivery	31-May-2017	Yes		
Initial Plan discussed by CMT	31-Mar-2019	No	The development of the 'Tamworth Community Offer' is now in the final stages of design with a supporting action plan. Implementation of the plan will be directly linked to the Organisational Change Process prior to formal approval by Cabinet in March 2019	
Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Number of Reports delivered to support the Tamworth Community Offer				


Project/Action	New General Data Protection Regulations			
Desired Outcome	Processes and procedures to enable compliance with data legislation			
Latest Update	Activity in the third quarter of 2017/18 has seen the development of the Information Asset and an awareness campaign.			
Milestones	Due Date	Completed (Yes/No)	Note	
Endorsement of action plan for implementation	30-Apr-2017	Yes	Action plan endorsed and in progress Two members of staff qualified as practitioners in General Data Protection Regulations to enable implementation. A new statutory role of Data Protection Officer has been established.	
All staff trained in internal framework and legislation	31-May-2018	Yes	On line training commenced in March 2018 with three modules; 'Accountability and the GDPR', 'Preparing for GDPR' and 'The right to be forgotten'. In addition, 'face to face' training given to those members of staff in higher risk areas. Three additional modules were rolled out in April 2018.	
Processes and procedures tested and developed into local framework	31-Jul-2018	Yes	The development of processes is on-going and on target for completion by the end of July 2018.	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The number of data breaches		24	2018/19	

The number of complaints upheld by the Information Commissioner's Office			2017/18	The criteria around this still needs to be agreed and measurement of this performance indicator won't commence until 25/05/2018.
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Project/Action	Office 365			
Desired Outcome	Corporate roll out of Office 365 functionality All officers trained and competent in use of technology Access to Exchange online Access to cloud services			
Latest Update	Progress in the trial areas: <ul style="list-style-type: none"> • Revenues – Managers trained and testing the product and providing fortnightly updates on progress. Training is being arranged for the rest of the team, • Housing – Training scheduled for managers, • ICT – Managers trained and testing virtual meetings. 			
Milestones	Due Date	Completed (Yes/No)	Note	
Roll out of technology	31-Jan-2018	Yes	The technology is installed and dependent on feedback from Revenues, Housing and ICT.	
New working practises in place	30-Jun-2018	Yes	Pilots are in place in Revenues, Planning and Housing. Once the pilots are completed, the learning will be available on Infozone as	




			case studies for reference for the rest of the organisation.
Training completed	30-Jun-2018	Yes	All those in the areas doing the pilots have been trained.






Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The percentage of the organisation using Office 365		30%	Q3 2018/19	The position in terms of Office 365 (Cloud applications) use is as follows - Skype for Business is now generally available with the client installed on all VMware desktops. We are now looking at use cases for Teams which is Microsoft's new Office 365 collaboration tool and includes Skype. We are also looking at the feasibility of using cloud mailboxes and use cases for other 365 applications to further exploit

				<p>Office 365 licensed features. In addition, Office 365 versions of Word/Excel/Outlook are also being looked at as part of a future desktop upgrade to Windows 10.</p> <p>It is difficult to put a percentage on those in the organisation using Office 365 as there are a number of different pieces of work under the wider Office 365 activity. If the figure were to include staff who have been trained on various Office 365 applications and staff using some of the other services, it would be around 30% ICT users</p>
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Project/Action	Enablement of Self-Service			
Desired Outcome	Delivery of technology to support self-service including portal, online forms, mobile apps and website development			
Latest Update	<p>Engaged with supplier</p> <p>Project team assembled</p> <p>Work commenced: business analyst looking at high volume processes</p>			
Milestones	Due Date	Completed (Yes/No)	Note	
Revenues Process Maps	31-Oct-2018	Yes	Revenues process maps supplied to Civica	
Housing Process Maps	15-Nov-2018	Yes		
Data Protection Impact Assessment	30-Nov-2018	Yes		
Upgrade Workflow360 to rel25	31-Dec-2018	Yes		
Golden Customer Record Specified	31-Jan-2019	No		
Housing Portal Process Build	31-Jan-2019	No		
Implementation of customer portal and integration to support website development	31-Jan-2019	No	<p>Two responses were received to the procurement activity; one of these was discounted due to it being cost prohibitive.</p> <p>The contract for the customer portal was awarded in July 2018. Site visits and scoping will take place next prior the project 'kick off'</p> <p>.</p>	
Implementation of mobile apps and online forms	31-Jan-2019	No	<p>The first mobile app 'Report It' is under development with implementation due for the end of July 2018.</p>	

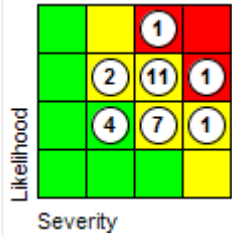
Process Builders' training	31-Jan-2019	No	
Revenues Portal Process Build	31-Jan-2019	No	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The number of face to face enquiries		9,210	2017/18	
The number of telephone calls into the Customer Services Centre		16,370	Q3 2018/19	
The number of self-serve processes available for customers		67	2017/18	

PI RAG Status	
	Alert
	Warning
	OK
	Unknown
	Data Only

Corporate Risk Register

Corporate Risk Register – Heat Map









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Title	Description
Finance	To ensure that the Council is financially sustainable as an organisation






Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Funding gaps	15-Jan-2019	3	3	9	
Business Rates Retention	15-Jan-2019	3	3	9	
New Homes Bonus	15-Jan-2019	3	2	6	
Brexit	15-Jan-2019	3	4	12	
Welfare and Benefit Reform	15-Jan-2019	3	3	9	
Failure to manage budgets	15-Jan-2019	3	2	6	

Title	Description
Modernisation & Commercialisation	Develop and implement continuous improvement and develop employees to perform the right work




Title	Description
Agenda	

Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Contract Management & Procurement	15-Jan-2019	2	2	4	
Management of Assets	15-Jan-2019	2	2	4	
New Revenue Streams	15-Jan-2019	3	3	9	
Workforce Planning Challenges	05-Sep-2018	3	2	6	
Continuous Improvement	05-Sep-2018	2	2	4	
Partnerships fail	16-Jan-2019	3	2	6	





Title	Description
Governance	Ensure that processes, policies and procedures are in place and the authority is held to account

Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Democratic Process	16-Jan-2019	3	3	9	
Assurance Process	16-Jan-2019	2	3	6	
Legislation	16-Jan-2019	3	2	6	
Policies & Procedures	05-Sep-2018	3	2	6	
Ethics	16-Jan-2019	2	2	4	




Title	Description
Community Focus	To ensure the safety, health and wellbeing of the citizens of the borough




Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Community Cohesion & Engagement	23-Jan-2019	3	3	9	
Safeguarding Children & Adults (including Modern Slavery)	23-Jan-2019	2	3	6	
Emergency Planning	23-Jan-2019	3	2	6	

Title	Description
Economic Growth & Sustainability	To ensure that the economic growth and sustainability of the borough is maintained

Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Regeneration	09-Jan-2019	3	3	9	
Housing Needs	23-Jan-2019	3	3	9	
Economic Changes	09-Jan-2019	3	3	9	
Demographics	09-Jan-2019	3	3	9	

Title	Description
Information Safeguarding	To ensure that our data is protected

Risk	Date Reviewed	Current Risk Severity	Current Risk Likelihood	Current Risk Rating	Current Risk Status
Data Protection	23-Jan-2019	4	3	12	
Cyber Security	23-Jan-2019	4	2	8	
Business Continuity	21-Jan-2019	3	3	9	

Risk Status	
	High Risk
	Medium Risk
	Low Risk

General Fund – Main Variances

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
AD Operations & Leisure	Public Spaces	Vacancy Allowance	-	(57,870)	57,870	(77,160)	77,160	-	Vacancy Allowance
AD People	Ict	Vacancy Allowance	-	(24,390)	24,390	(32,480)	32,480	-	Vacancy Allowance
	Customer Services	Salaries	288,190	336,120	(47,930)	448,050	(60,000)	388,050	Vacancies, incl HOCS post
		Cont To Reserves	-	-	-	-	35,000	35,000	Underspend to transfer to reserve at year end to fund retention of temp staff for a further 12 months as per policy change in 2019/20 MTFS
AD Assets	Commercial Property Management	Finance Lease Income	(67,524)	-	(67,524)	-	(110,000)	(110,000)	Windfall Income - Gungate lease income
AD Neighbourhoods	Homelessness	Provision For Bad Debts	15,779	57,700	(41,921)	57,700	-	57,700	Report to go to Cabinet re write off of historical B&B debt
		Bed And Breakfast Cost	70,379	152,280	(81,901)	203,000	(100,000)	103,000	Report will be going to Cabinet outlining changes to charging policy for B&B, following audit and review by AD
		Bed & Breakfast Income	(33,807)	(156,180)	122,373	(203,000)	150,000	(53,000)	
	Homelessness Strategy	Salaries	45,997	76,883	(30,886)	102,550	(33,000)	69,550	Savings from the vacant posts used for cover temporary staffing costs

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
		Payments For Temporary Staff	34,714	-	34,714	-	33,000	33,000	Temporary staff covering vacant posts
AD Neighbourhoods	Community Wardens	Salaries	111,090	161,280	(50,190)	215,080	(50,000)	165,080	Underspend is offset by costs of external arrangement for car park enforcement - income derived from this is shown on GP0605 budgets
		Payments For Temporary Staff	57,023	-	57,023	-	50,000	50,000	Overspend offset by underspend on 2FTE vacant posts shown elsewhere noting income derived is on GP06
Page 61 AD Partnerships	Voluntary Sector	Grants To Community Service Organisations	111,500	114,210	(2,710)	142,280	(52,500)	89,780	£5k not required for Support Staffordshire (Buddy Project) a further £25k budget underspend not required this financial year. £22,500 of the £30k grant from SCC for the extension to the CAB contract will be transferred to a retained fund to roll the funding into 2019/20
	Community Development	Actuarial Strain Payments	46,354	-	46,354	-	46,350	46,350	Unbudgeted costs following service review
	Strategic Housing	Salaries	140,529	181,558	(41,029)	237,590	(47,400)	190,190	2 vacant posts, one currently being covered by agency staff
	Safer Stronger Communities Fund	Cont. To Reserves	30,000	-	30,000	-	30,000	30,000	A reserve will be requested in respect of Innovative grant scheme.

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
Chief Executive	Joint Waste Arrangement	Specific Contingency	-	50,000	(50,000)	50,000	(50,000)	-	Specific contingency that may be required to delivery services through the joint waste arrangement
Chief Executive	Joint Waste Arrangement	Refuse Joint Arrangements	961,980	1,013,160	(51,180)	1,350,860	(41,000)	1,309,860	Revised estimated figures from LDC re year end charges
	Chief Executive	Salaries	111,023	147,661	(36,638)	209,170	(52,000)	157,170	CE vacancy at start of year, plus reduced cost re Democratic Services support
AD Growth & Regeneration	Development Control	Salaries	145,252	173,689	(28,436)	226,360	(30,000)	196,360	£20k underspend due to post being vacant for part of the year but which is offset by temporary staffing costs and £10k which relates to budget for a temporary post. This £10k will need to be reserved as spend will now span three financial years rather than two.
AD Growth & Regeneration	Development Control	Cont. To Reserves	-	-	-	-	65,000	65,000	Following government guidelines planning application fees were increased by 20% but this increase will need to be re-invested into the Planning Service so a retained fund will be sought. This is currently forecast to be in the region of £55k. A further reserve will be sought to cover salary costs for the

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
									temporary Planning Assistant post partly met from government grant.
AD Growth & Regeneration	Development Control	Fees & Charges Planning App	(326,936)	(163,540)	(163,396)	(220,580)	(110,000)	(330,580)	Fee income is well above profiled budget to date due to two major applications. Should the trend continue the current predicted outturn could well be more significant but 20% of all income collected will need to be re-invested in the service, as per government guidelines, following an increase in fees. A temporary reserve will be requested in order to retain 20% of the outturn amount.
AD Growth & Regeneration	Dev. Plan Local & Strategic	Local Development Framework	13,759	53,030	(39,271)	65,500	(25,000)	40,500	LDF budget may not be fully spent in this financial year but will be required in 2019/20 and therefore a reserve will be sought.
		Cont. To Reserves	32,000	-	32,000	-	32,000	32,000	a reserve will be sought in respect of any unspent LDF budgets
AD Finance	Benefits	Provision For Bad Debts	-	-	0	120,000	(100,000)	20,000	Based on change in provision required as at end P9
		Rent Allowances	5,264,679	6,438,000	(1,173,321)	9,175,580	(1,589,140)	7,586,440	Based on DWP est claim @ P9
		Non-Hra Rent Rebates	19,757	212,400	(192,643)	275,980	(228,120)	47,860	
		Council Tenant Rent Rebates	6,976,482	7,975,820	(999,338)	10,074,830	(1,314,040)	8,760,790	

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
		Council Tenant Grant	(6,823,480)	(7,835,980)	1,012,500	(9,897,950)	1,278,820	(8,619,130)	
		Private Tenant Grant	(5,082,764)	(6,242,100)	1,159,336	(8,896,620)	1,527,420	(7,369,200)	
AD Finance	Benefits	Non-Hra Rent Rebate Grant	(32,889)	(88,800)	55,911	(115,260)	72,510	(42,750)	Based on DWP est claim @ P9
		Discretionary Hsg Payment Grant	(140,621)	-	(140,621)	-	(140,620)	(140,620)	Based on DHP Mid-Year Est
		Overpayment Private Tenant	(375,320)	(280,710)	(94,610)	(374,320)	(126,110)	(500,430)	
		Pt Overpayment Recovery	152,991	-	152,991	-	203,990	203,990	Based on e-Fins @ P9
		Ct Overpayment Recovery	84,722	-	84,722	-	112,960	112,960	
	Benefits Administration	Cont. To Reserves	-	-	-	-	50,000	50,000	Unspent Gov't grant income to tfr to reserve at year end subject to approval
		Government Grants	(127,565)	(27,930)	(99,635)	(27,930)	(99,640)	(127,570)	Unbudgeted Government grant
	Welfare Bens & Fairer Charging	Salaries	30,422	56,450	(26,028)	73,040	(42,620)	30,420	Staff transferred back to SCC
		Fees & Charges	(37,506)	(76,410)	38,904	(101,920)	64,410	(37,510)	No further income due on cessation of provision of service to SCC
	Corporate Finance	Pensions	643,100	679,850	(36,750)	679,850	(36,750)	643,100	Underspend in 2018/19 arising from pension pre-payment agreement
		Consultants Fees	59,040	131,220	(72,180)	175,000	(100,000)	75,000	£100k underspend reported at this stage
		Specific Contingency	-	-	-	192,000	(167,000)	25,000	Contingency for potential reduced income levels (£142k) not required 2018/19
		Nndr Levy Payments	(1)	-	(1)	781,960	96,890	878,850	Higher levy due to additional business rates income

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
		Government Grants	(525,085)	(487,980)	(37,105)	(650,600)	(188,636)	(839,236)	Additional S31 Grant income for Business Rates Relief plus adjustment for 17/18
AD Finance	Corporate Finance	Misc Contributions	(376,849)	-	(376,849)	-	(376,850)	(376,850)	Returned Levy from GBSLEP 2017/18
	Treasury Management	Minimum Revenue Provision Gf	78,210	78,210	-	104,270	(44,270)	60,000	Planned borrowing unlikely due to re-profiling need within capital programme
		Misc Interest & Dividends	(407,240)	(131,940)	(275,300)	(175,970)	(367,000)	(542,970)	Interest expected above budget
		Property Fund Dividends	(42,522)	-	(42,522)	-	(102,000)	(102,000)	Receipt of Property Fund interest due to investment earlier than budgeted

Housing Revenue Account – Main Variances

Directorate	Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
AD Neighbourhoods	Income Management	Salaries	246,624	281,117	(34,493)	372,860	(37,000)	335,860	Service Charge Officer Post still currently vacant
	Estate Management	Salaries	209,805	249,835	(40,030)	331,170	(44,000)	287,170	Underspend largely attributable to vacant Eringden post which is currently re-advertised
	General - Business Support	S/Ware Mtce & Imp	26,490	62,730	(36,240)	83,590	-	83,590	Currently reviewing proposed projects
Housing Repairs	Repairs Contract	Pensions	-	41,250	(41,250)	55,000	(40,000)	15,000	Predicted outturn based on previous year liability and assumption that workforce is diminishing.
		Responsive Repairs	746,089	1,076,663	(330,573)	1,465,550	(410,000)	1,055,550	Forecast based on current demand and WIP
		Voids	861,262	641,250	220,012	855,000	200,000	1,055,000	Forecast based on current programme and takes account of a number of high-cost voids in year to date.
		Periodic Electrical Testing	74,325	229,500	(155,175)	306,000	-	306,000	Programme behind schedule. Working with Wates to agree remaining project and outturns.
		Rechargeable Works	(31,247)	-	(31,247)	-	(35,000)	(35,000)	Recharges are applied on an ad-hoc basis in response to tenant actions.
Housing Repairs	Repairs - General	Gas Heating Systems Maintenance	101,341	146,550	(45,209)	195,400	(40,000)	155,400	Based on regular monthly spend.
Housing Repairs	Repairs - General	Planned Maintenance	709,920	589,770	120,150	727,270	-	727,270	Works nearing completion
H R A Summary	H R A Summary	Specific Contingency	-	10,000	(10,000)	117,500	(100,000)	17,500	No issues currently identified that would require the use of this budget
		Rents	(13,863,412)	(13,712,309)	(151,103)	(17,320,810)	(150,000)	(17,470,810)	Rent income is currently exceeding budget due to void levels being lower than budgeted. The acquisition programme also continues to provide additional properties let at Affordable Rent and offset those sold under the Right to Buy.

Capital Programme Monitoring

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Chief Executive										
Gungate Development	-	4,000	3,270	(730)	4,000	3,500	(500)	500	4,000	Site purchased in June work on going to develop plans for redevelopment. -Some spend from the project likely to need to be reprofiled into 2019/20.
Directorate Total	-	4,000	3,270	(730)	4,000	3,500	(500)	500	4,000	
AD Growth										
Castle Mercian Trail	748	748	88	(660)	748	248	(500)	500	748	Work to start on site imminently
Gateways	15	102	7	(95)	138	38	(100)	100	138	Aethelflaed statue installed and phase 2 complete. Brief for Phase 3 (Corporation St) finalised.
Cultural Quarter - Carnegie Centre	7	7	4	(3)	7	4	(3)	3	7	No update to report, currently being used as site office for overall project.
Cultural Quarter - Public Realm	-	4	4	(0)	4	4	-	-	4	Works being led by SCC - although any spend from TBC to support project will be reclaimed through SLGF Returns.
Directorate Total	771	861	103	(758)	898	295	(603)	603	898	
AD People								-		
Replacement It Technology	7	86	47	(39)	112	112	-	-	112	Expenditure on replacement servers and network/security/systems upgrades planned in line with capital appraisal
EDRMS (Electronic Document Records Management System)	63	63	13	(50)	63	13	(50)	50	63	Further expenditure unlikely this year as will be dependent on completion of customer portal project and review of other systems/requirements

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Income Management & Receipting System	-	20	20	(0)	20	20	-	-	20	AIM V11 Upgrade - budget released from contingency re Cabinet 2/8/18
Gazetteer Development	9	9	4	(5)	9	4	(5)	-	4	There are no further plans to spend this budget
New Time Recording System 17/18	15	15	-	(15)	15	-	(15)	15	15	Project now unlikely to commence this year due to other priorities, and budget required to be re-profiled to progress this in 2019/20
Self Service Customer Portal	115	115	107	(8)	115	115	-	-	115	Project with Civica in progress
GDPR Systems Compliance	-	-	6	6	14	14	-	-	14	Released from GDPR contingency Cabinet 29.11.18
Directorate Total	208	307	196	(111)	348	278	(70)	65	343	
AD Operations & Leisure										
Streetscene Service Delivery Enhancements	30	30	-	(30)	30	-	(30)	-	-	Funding to be returned to Capital funds however, may need to be earmarked for integrations with new Customer Portal and Asure system going forward. This should form part of the Capital Appraisal for the customer portal scheme.
Wigginton Park Section Section 106	20	22	13	(10)	22	13	(10)	10	22	Plans ongoing to deliver items from the Wigginton Park Management Plan - may need to reprofile some funds to 2019/20 depending on weather conditions
Broadmeadow Nature Reserve	23	23	6	(17)	23	6	(17)	17	23	Ongoing works to complete management plan and HLS agreement. Bridge works now completed however ongoing contractual dispute over rates and works undertaken.

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Public Open Space Section 106	24	24	14	(10)	24	14	(10)	10	24	Project group established - list of works currently being updated and work plan being devised.
Street Lighting	4	6	4	(2)	7	7	-	-	7	Works to be delivered in line with 30 year project plan
Local Nature Reserves	36	39	17	(23)	39	17	(23)	23	39	Work ongoing to deliver items from management plan for various LNR's - may need to reprofile some funds to 2019/20 depending on weather conditions.
Community Woodland Cycleway	-	160	-	(160)	160	-	(160)	160	160	Land to be transferred back from Redrow before works can start - project likely to need to be reprofiled into 2019/20 due to delays.
Amington Community Woodland	-	38	11	(26)	50	11	(39)	39	50	At this stage budget is expected to spent in line with requirements set out in capital appraisal - however project is reliant on the Amington Community Cycleway being well underway before works can commence
Assembly Rooms Development	1,140	3,644	1,500	(2,145)	4,292	2,000	(2,292)	2,292	4,292	Update report to Cabinet in December. Work started on site December 17 - Building works to be finished in Summer 2019 so will need to reprofile spend into 2019/20.
Indoor and Outdoor Sports Feasibility	-	100	-	(100)	100	10	(90)	90	100	Ongoing discussions as to delivery options for sports facilities within the town - project likely to need to be reprofiled into 2019/20.
Directorate Total	1,276	4,086	1,564	(2,522)	4,748	2,078	(2,670)	2,640	4,718	

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
AD Finance										
Property Funds	6,000	10,500	3,869	(6,631)	12,000	3,869	(8,131)	8,131	12,000	£8.131m to be re-profiled to 2019/20 for investment once the economic situation becomes clearer
Solway Tamworth LTD LATC	-	4,000	-	(4,000)	4,000	-	(4,000)	4,000	4,000	-
Directorate Total	6,000	14,500	3,869	(10,631)	16,000	3,869	(12,131)	12,131	16,000	
AD Assets										
Disabled Facilities Grant	31	567	554	(13)	788	788	-	-	788	Current referrals nearly accounts for the total budget available for the full year and new cases are still being opened all the time. This position confirms the current budget allocation is significantly insufficient to meet demand. Monies allocated but not actually paid to 3rd parties - outside TBC control.
Agile Working Phase 2	124	124	-	(124)	124	-	(124)	124	124	Expenditure of this budget is reliant upon us entering into a formal lease agreement with the a 3rd party to occupy space in Marmion House.
Energy EFF Upgrade Commercial and Industrial Properties	-	56	6	(50)	75	15	(60)	-	15	The energy efficiency works will largely be allocated to bringing vacant properties up to the minimum required standard for letting. As such the budget will be spent on an ad-hoc basis throughout the financial year. Small number of void units has resulted in low demand for this budget

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Castle Grounds Toilet Refurbishment	-	70	0	(70)	180	150	(30)	30	180	Tenders for this work invited through the summer months with a view to commencing works in the Autumn/Winter period in readiness for the toilets to re-open in the Spring. Anticipate project will complete April 2019 and may therefore need to reprofile some funds to 2019/20.
Directorate Total	155	818	560	(257)	1,167	953	(214)	154	1,107	
AD Neighbourhoods										
Homelessness Reduction Project	-	23	-	(23)	30	-	(30)	30	30	At this stage budget is expected to spent in line with requirements set out in capital appraisal however, may need to reprofile some funds into 2019/20.
Cctv Camera Renewals	44	55	23	(32)	59	27	(32)	32	59	CCTV Service now included in Corporate Priority reviews so limited spending expected in 2018/19. Any underspends to be carried forward to 2019/20 to support outcome of review.
Directorate Total	44	78	23	(55)	89	27	(62)	62	89	
AD Partnerships										
Private Sector Coalfields Fund	92	92	-	(92)	92	22	(70)	70	92	Programme of new initiatives to be developed to target help for vulnerable residents based on results of recent stock condition survey - likely to need to reprofile some funds into 2019/20
Directorate Total	92	92	-	(92)	92	22	(70)	70	92	
GF Contingency										
Gf Contingency	50	35	-	(35)	35	-	(35)	35	35	£15k released Cabinet 2nd August re Capita AIM Upgrade.

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Cont-Return On Investment	160	160	-	(160)	160	-	(160)	160	160	Will require approval from Cabinet to release funds
GF Contingency Plant and Equipment	100	100	-	(100)	100	-	(100)	100	100	Will require approval from Cabinet to release funds
Civil Contingencies Technology 17/18 (Contingency)	19	19	-	(19)	19	-	(19)	19	19	Will require approval from Cabinet to release funds. Likely to underspend
Refurbishment of Marmion House Reception (Contingency)	100	100	-	(100)	100	-	(100)	100	100	Will require approval from Cabinet to release funds
GDPR Compliance Contingency)	-	-	-	-	31	-	(31)	31	31	£5k released Cabinet 2nd August; £14.2k released Cabinet 29th November
Mobile Phone Contract Contingency)	-	15	-	(15)	20	-	(20)	20	20	Review underway, but will require approval from Cabinet to release funds
Private Sector Improvement Grants (Coalfields Funding)	130	130	-	(130)	130	-	(130)	130	130	Will require approval from Cabinet to release funds
Directorate Total	559	559	-	(559)	595	-	(595)	595	595	
GENERAL FUND TOTAL	9,105	25,301	9,585	(15,716)	27,935	11,020	(16,915)	16,820	27,840	

HOUSING REVENUE ACCOUNT	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
AD Assets										
Structural Works	-	75	10	(65)	100	20	(80)	-	20	This is an ad-hoc budget that is driven by reported repairs.
Bathroom Renewals	-	613	808	194	817	1,017	200	-	1,017	Anticipate overspend that will have to be met from virements from other budgets/ Large number of Level Access Showers installed through bathroom project
Gas Central Heating Upgrades and Renewals	-	315	438	123	420	470	50	-	470	Adjustment made for possible underclaims
Kitchen Renewals	8	736	725	(11)	978	978	-	-	978	Sufficient works issued to take up full spend by year-end.
Major Roofing Overhaul and Renewals	-	374	242	(133)	416	416	-	-	416	Sufficient works issued to take up full spend by year-end.
Window and Door Renewals	12	200	206	7	262	262	-	-	262	Sufficient works issued to take up full spend by year-end.
Disabled Facilities Adaptations	108	351	394	43	432	432	-	-	432	Sufficient works issued to take up full spend by year-end. Likelihood of being more demand than we can fund.
Strode House Car Park and Garages	-	300	457	157	530	530	-	-	530	Awaiting final project costs, anticipate full spend by year-end.
Renew High Rise Lifts	-	-	-	-	280	-	(280)	280	280	Extension of current project which is not likely to complete until Sep 2019 - this programme will be reassessed as part of the 2019/20 Budget Process.

HOUSING REVENUE ACCOUNT	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Renew Walkways Magnolia	-	148	-	(148)	260	50	(210)	-	50	Scheme costs less than anticipated. Underspends will need to be used to fund overspends elsewhere.
High Rise Lift Renewals 2012	278	200	59	(141)	278	138	(140)	140	278	Contract currently on site but being completed 1 lift at a time to minimise disruption, so not likely to complete till Sept 2019 so will need to reprofile some funds into 2019/20.
Fire Upgrades To Flats 2012	2,057	2,057	-	(2,057)	2,057	457	(1,600)	1,600	2,057	Tenders received, awaiting contract award. Programme of works to be agreed but likely to extend into 2019/20
Roofing High-Rise	43	43	39	(4)	43	43	-	-	43	Due to be completed summer 2018.
High Rise Balconies	577	432	461	29	577	463	(114)	114	577	Contract currently on site, however not likely to complete till May 2019 so will need to reprofile some funds into 2019/20.
Works to High Rise Flats	573	967	756	(211)	1,098	878	(220)	220	1,098	Contract currently on site, however not likely to complete till May 2019 so will need to reprofile some funds into 2019/20.
Retention of Garage Sites	15	192	336	144	385	340	(45)	-	340	Remaining garage programme subject to Member review
Capital Salaries	-	-	-	-	177	177	-	-	177	-
CDM Fees	-	4	-	(4)	5	-	(5)	-	-	No longer required
Creation of Eringden Office	-	8	2	(5)	10	10	-	-	10	Subject to planning consent works to be completed during the summer of 2018.

HOUSING REVENUE ACCOUNT	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Tinkers Green	8,554	3,350	1,012	(2,338)	13,070	1,020	(12,050)	12,050	13,070	Contract currently on site, will extend into 2019/20
Kerria Estate Project	2,178	1,535	69	(1,466)	6,840	70	(6,770)	6,790	6,860	Contract currently on site, will extend into 2019/20
Regeneration General	2,234	-	4	4	-	4	4	-	4	Budget vired to Regeneration schemes as per April Cabinet report
Other Acquisitions	1,461	2,461	2,468	7	2,586	2,586	-	-	2,586	Scheme to be agreed.
Directorate Total	18,098	14,360	8,485	(5,876)	31,622	10,363	(21,259)	21,194	31,556	
HRA Contingency										
HRA Contingency	100	100	-	(100)	100	-	(100)	100	100	Will require approval from Cabinet to release funds
Directorate Total	100	100	-	(100)	100	-	(100)	100	100	
HRA Total	18,198	14,460	8,485	(5,976)	31,722	10,363	(21,359)	21,294	31,656	

Treasury Management Update – Period 9 - 2018/19

Investments held as at 31st December 2018:

Borrower	Deposit £	Rate %	From	To	Notice
Bank of Scotland	2,000,000	0.85%	03-Jan-18	03-Jan-19	-
Bank of Scotland	2,000,000	0.85%	05-Jan-18	04-Jan-19	-
Lloyds Bank	1,000,000	0.80%	09-Feb-18	08-Feb-19	-
Bank of Scotland	2,000,000	0.85%	12-Feb-18	11-Feb-19	-
Lloyds Bank	2,000,000	0.90%	03-Apr-18	03-Apr-19	-
Lloyds Bank	2,000,000	0.90%	03-Apr-18	03-Apr-19	-
National Westminster Bank plc	2,000,593	0.94%	29-Jun-18	28-Jun-19	-
National Westminster Bank plc	4,001,189	0.95%	05-Jul-18	05-Jul-19	-
Barclays Bank	3,000,000	0.81%	12-Sep-18	12-Mar-19	-
Coventry BS	2,000,000	0.79%	12-Sep-18	12-Mar-19	-
Guildford Council	4,000,000	0.85%	13-Sep-18	13-Mar-19	-
Thurrock Council	3,000,000	0.90%	10-Oct-18	10-Apr-19	-
Barclays Bank	2,000,000	0.78%	5-Oct-18	5-Apr-19	-
Kingston upon Hull Council	2,000,000	0.90%	29-Oct-18	29-Apr-19	-
National Westminster Bank plc	4,001,183	1.1300%	27-Nov-18	26-Nov-19	-
Lloyds Bank	1,000,000	1.1000%	30-Nov-18	29-Nov-19	-
Lloyds Bank	1,000,000	1.1000%	30-Nov-18	29-Nov-19	-
Goldman Sachs	10,000,000	1.17%	-	-	180 day
Santander	10,000,000	1.00%	-	-	180 day
MMF - Ignis	2,300,000	0.70%*	-	-	On call
MMF – PSDF	8,629,000	0.75%*	-	-	On call
Total	69.93	0.86 (avg)			

* Interest rate fluctuates daily dependant on the funds investment portfolio; rate quoted is approximate 7 day average.

External Borrowing as at 31st December 2018:

<u>Borrowing from PWLB</u>				
<u>Loan Number</u>	<u>Rate</u>	<u>Principal</u>	<u>Start</u>	<u>Maturity</u>
475875	8.875%	1,200,000	29/04/1995	25/04/2055
478326	8.000%	1,000,000	17/10/1996	17/10/2056
479541	7.375%	1,000,000	28/05/1997	28/05/2057
479950	6.750%	2,000,000	02/10/1997	03/09/2057
481087	5.625%	3,000,000	22/06/1998	22/06/2058
481641	4.500%	1,400,000	09/10/1998	09/10/2058
483694	4.875%	92,194	21/12/1999	18/10/2059
488835	5.000%	2,000,000	01/07/2004	01/07/2034
490815	4.250%	1,000,000	24/11/2005	24/05/2031
494265	4.430%	2,000,000	21/01/2008	01/01/2037
494742	4.390%	700,000	15/08/2008	15/08/2058
500759	3.520%	5,000,000	28/03/2012	28/03/2053
500758	3.510%	5,000,000	28/03/2012	28/03/2054
500757	3.510%	5,000,000	28/03/2012	28/03/2055
500761	3.510%	5,000,000	28/03/2012	28/03/2056
500755	3.500%	5,000,000	28/03/2012	28/03/2057
500756	3.500%	3,000,000	28/03/2012	28/03/2058
500753	3.500%	1,000,000	28/03/2012	28/03/2059
500760	3.490%	5,000,000	28/03/2012	28/03/2060
500762	3.490%	5,000,000	28/03/2012	28/03/2061
500754	3.480%	5,668,000	28/03/2012	28/03/2062
504499	3.230%	3,000,000	30/11/2015	30/11/2065
Total		63,060,194		

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21 February 2018

REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE**WRITE OFFS 01/04/18 TO 31/12/18****EXEMPT INFORMATION**

None

PURPOSE

That Members endorse the amount of debt written off for the period 01 April 2018 to 31 December 2018 and to seek approval to write off irrecoverable debt in line with policy regarding Business Rates in excess of £10k.

RECOMMENDATIONS

That Members

- 1) Endorse the amount of debt written off for the period of 1st April 2018 to 31 December 2018 – **Appendix A-D**, and:
- 2) Approve the write off of irrecoverable debt for Business Rates of £322,199.74 – **Appendix E** respectively.

EXECUTIVE SUMMARY

The Assistant Directors and Heads of Service are responsible for the regular review of debts and consider the need for write off and authorise where necessary appropriate write offs in line with the Corporate Credit Policy. This report details the position for the current financial year to date. Further updates will continue to be produced on a quarterly basis.

Type	01/04/18 – 31/12/18 £ p
Council Tax	£9,595.95
Business Rates	£58,894.06
Sundry Income	£10,331.34
Housing Benefit Overpayments	£43,317.23

A revised approach to the calculation of Business Rates bad debt has been developed which involves a review of all of the outstanding debts to ascertain whether they are likely to be collectable. This has then been used to determine the balance to apply the usual aged debtor percentage.

Business Rates	01/04/18 – 31/12/18 £ p
Bad Debt provision	£733,177.52
Less amount written off to date	£58,894.06

The second part of the report is in respect of debts which are in excess of £10k.

Under Financial Regulations, debts for write-off greater than £10k require Cabinet authorisation and this report details such accounts. The amount for Business Rates is attached in **Appendix E**.

OPTIONS CONSIDERED

Not applicable

RESOURCE IMPLICATIONS

The write offs detailed are subject to approval in line with the Corporate Credit Policy/Financial Regulations, and have been provided for under the bad debt provision calculation.

LEGAL/RISK IMPLICATIONS BACKGROUND

Not applicable

SUSTAINABILITY IMPLICATIONS

Not applicable

BACKGROUND INFORMATION

This forms part of the Council's Corporate Credit Policy and effective management of debt. The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

Debt Write Off

Authorisations are needed to write off debt:

Authority	Account Value
Executive Director/Assistant Director (or authorised delegated officer)	up to £5,000
Executive Director Finance	£5,001 - £10,000
Cabinet	over £10,000

These limits apply to each transaction.

Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation.

Where the debt is less than 6 months old it will be written back to the service unit.

Debt Outstanding Provision (net of VAT)	
Between 6 and 12 months old	50%
Between 12 and 24 months old	75%
Over 24 months old	100%

The financial effects of providing for Bad Debts will be reflected in the Council's accounts at Service Unit level.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

Corporate Credit Policy - effective management of debt

APPENDICES

Appendices A to D give details of write offs completed for Revenues and Benefits Services for 01 April 2018 to 31 December 2018

Appendix E gives details of Business Rates write offs for approval

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Appendix A- Council Tax

Summary of Council Tax Write Offs 01/04/2018-31/12/2018

Date of Write Off	Head of Revenues			Assistant Director of Finance	Executive Director of Finance		Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)	
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£2,000.00)										
12/10/2018									(£890.04)	(£890.04)		IVA failed	
15/10/2018									(£18.50)	(£18.50)		Dividends received	
17/10/2018									(£3.33)	(£3.33)		Dividends received	
27/11/2018									(£34.72)	(£34.72)		Dividends received	
03/12/2018									(£50.76)	(£50.76)		Dividends received	
18/12/2018			£939.52							£1,624.56	4	Bankruptcy	
"	£58.96	£5,126.95	£6,121.32							£11,307.23	26	DRO	
"			£579.51							£579.51	1	Individual Voluntary Arrangement	
"		£155.99								£155.99	1	Liquidation	
Q3 Totals	£58.96	£6,222.46	£7,385.87	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	(£997.35)	£12,669.94	32	
Q1 Totals (B/F)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	(£355.49)	(£355.49)	0	
Q2 Totals (B/F)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	(£2,718.50)	(£2,718.50)	0	
Overall Total	£58.96	£6,222.46	£7,385.87	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	(£4,071.34)	£9,595.95	32	

Appendix B- Business Rates

Summary of NDR Write Offs 01/04/2018-31/12/2018												
Date of Write Off	Head of Revenues			Assistant Director of Finance	Executive Director of Finance	Cabinet	Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£2,000.00)									
28/11/2018			£1,426.11							£1,426.11	1	Dissolved
"			£1,671.18							£1,671.18	1	Statute Barred
"			£1,046.93							£1,046.93	1	Voluntary Liquidation
30/11/2018					£9,655.86					£9,655.86	1	Dissolved
"				£3,451.28	£6,716.43					£10,167.71	1	Voluntary Liquidation
"					£9,513.04					£9,513.04	1	Bankruptcy
Q3 Totals	£0.00	£0.00	£4,144.22	£3,451.28	£25,885.33	£0.00	£0.00	£0.00	£0.00	£33,480.83	6	
Q1 Totals (B/F)	£19.56	£666.65	£7,667.53	£17,059.49	£0.00	£0.00	£0.00	£0.00	£0.00	£25,413.23	14	
Q2 Totals (B/F)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
Overall Total	£19.56	£666.65	£11,811.75	£20,510.77	£25,885.33	£0.00	£0.00	£0.00	£0.00	£58,894.06	20	

Appendix C- Sundry Income

Summary of Sundry Income Write Offs 01/04/2018-31/12/2018

Date of Write Off	Assistant Director of Assets (up to £5,000.00)	Assistant Director Operations & Leisure (up to £5,000.00)	Assistant Director Neighbourhoods (up to £5,000.00)	Head of Revenues (£0.01-£2,000.00)	Assistant Director of Finance (£2,000.01-£5,000.00)	Assistant Director Partnerships (up to £5,000.00)	Executive Director of Finance (£5,000.01-£10,000.00)	Cabinet (£10,000.01 +)	Total	No. of Accounts	Reason(s)
05/10/2018	£1,433.32								£1,433.32	1	Reduced invoice
24/10/2018							£6,635.00		£6,635.00	1	Company dissolved
29/11/2018						£227.82			£227.82	1	Deceased
29/11/2018		£1,910.00							£1,910.00	1	Ceased trading
06/12/2018			£125.20						£125.20	3	Deceased
Q3 Totals	£1,433.32	£1,910.00	£125.20	£0.00	£0.00	£227.82	£6,635.00	£0.00	£10,331.34	7	
Q1 Totals (B/F)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
Q2 Totals (B/F)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
Overall Total	£1,433.32	£1,910.00	£125.20	£0.00	£0.00	£227.82	£6,635.00	£0.00	£10,331.34	7	

Appendix D- Housing Benefit Overpayments

Summary of Benefit Overpayment Write Offs 01/04/2018-31/12/2018

Date of Write Off	Head of Benefits				Executive Director of Finance (£2,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Reversed Write Off	Total	No. of Accounts	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)	(£1,000.01-£2,000)						
31/10/2018	£16.09						£16.09	3	uneconomical to pursue (2018)	
"	£35.69						£35.69	2	<£40 outstanding (2018)	
"	£157.14	£557.62		£1,252.34			£1,967.10	8	HB Reg 100 compliant - not recoverable (17)	
"	£38.72						£38.72	1	deceased	
"		£206.37	£609.51				£815.88	3	not financially viable (2008)	
"		£168.64					£168.64	2	< 2 weeks outstanding due to death (2018)	
"				£1,090.80			£1,090.80	1	bankruptcy	
30/11/2018	£17.05						£17.05	4	uneconomical to pursue (2018)	
"	£146.15	£518.82					£664.97	6	not financially viable (2016)	
"	£35.91	£568.99					£604.90	7	< 2 weeks outstanding due to death (2018)	
"	£22.99						£22.99	1	<£40 outstanding (2018)	
"	£111.04	£313.84					£424.88	6	HB Reg 100 compliant - not recoverable (18)	
"		£255.34					£255.34	1	deceased (2018)	
06/12/2018						(£3.35)	(£3.35)	1	Originally w/o 24/07/2018	
12/12/2018						(£808.00)	(£808.00)	1	Originally w/o 31/05/2018	
31/12/2018	£61.04						£61.04	3	<£40 outstanding (2017)	
"	£0.22	£649.33					£649.55	4	HB Reg 100 compliant - not recoverable (18)	
"	£277.01						£277.01	5	not financially viable (2015)	
"	£7.83						£7.83	5	uneconomical to pursue (2017)	
Q3 Totals	£926.88	£3,238.95	£609.51	£2,343.14	£0.00	£0.00	(£811.35)	£6,307.13	64	
Q1 Totals (B/F)	£816.67	£8,560.99	£808.00	£1,767.64	£2,439.49	£0.00	(£6.10)	£14,386.69	83	
Q2 Totals (B/F)	£989.45	£4,901.73	£1,386.90	£1,181.98	£14,291.65	£0.00	(£128.30)	£22,623.41	77	
Overall Total	£2,733.00	£16,701.67	£2,804.41	£5,292.76	£16,731.14	£0.00	(£945.75)	£43,317.23	224	

Appendix E

Name	Year	From	To	Balance	Total	Comments
Cadila UK Ltd T/A Boom	2016/17	08/03/2017	01/04/2017	£ 2,088.44		
	2017/18	01/04/2017	19/06/2017	£ 5,866.14		
	2017/18	19/06/2017	07/03/2018	£ 12,833.68		
					£ 20,788.26	Compulsory Liquidation 06/06/2018
Cobalt Innovations Ltd	2016/17	01/04/2016	01/04/2017	£ 11,000.00		
	2017/18	01/04/2017	08/08/2017	£ 18,741.99		
					£ 29,741.99	Dissolved 15/05/2018
Diamond Exhibitions Ltd	2017/18	15/08/2017	14/12/2017	£ 11,843.37		
	2017/18	14/12/2017	01/04/2018	£ 10,570.95		
	2018/19	01/04/2018	30/04/2018	£ 3,055.25		
					£ 25,469.57	Creditors Voluntary Liquidation 10/05/2018
Formal Affair Ltd	2014/15	01/04/2014	11/09/2014	£ 10,104.09		
					£ 10,104.09	Dissolved 22/05/2018
Home and Retail Deliveries Ltd	2011/12	01/06/2011	01/04/2012	£ 82,023.09		
	2012/13	01/04/2012	01/04/2013	£131,020.78		
					£213,043.87	Dissolved 15/09/2018
Sisu Bars & Restaurants Ltd	2016/17	12/10/2016	01/04/2017	£ 1,385.86		
T/A Geisha Boutique Late Bar	2017/18	01/04/2017	01/04/2018	£ 8,250.00		
	2018/19	01/04/2018	12/06/2018	£ 1,751.99		
					£ 11,387.85	Dissolved 12/06/2018
The Liquor Store (Tamworth) Ltd	2014/15	13/08/2014	01/04/2015	£ 2,827.44		
	2015/16	01/04/2015	01/04/2016	£ 4,400.00		
	2016/17	01/04/2016	01/04/2017	£ 4,436.67		
					£ 11,664.11	Creditors Voluntary Liquidation 08/08/2018
					£322,199.74	7 accounts

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21 FEBRUARY 2019

- **REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**

TAXI LICENSING POLICY – TAXI LICENSING POINTS SYSTEM**EXEMPT INFORMATION**

None.

PURPOSE

That Cabinet considers the proposed amendments to the Taxi Licensing Conditions that introduce a Taxi Licensing Points system for drivers and operators that breach conditions and include guidance on appropriate dress, and recommends them to Council for adoption

RECOMMENDATIONS

It is recommended that Cabinet endorses the proposed amendments to the Taxi Licensing Conditions at **Appendix A** and recommends them to Council for adoption.

EXECUTIVE SUMMARY

The introduction of a points system and amendment to dress code will improve the service received by the public. Penalty points can add to the range of enforcement tools used by Environmental Health Staff; promote higher standards of driver behaviour and improve confidence in the delivery of the Taxi Licensing service. The proposal is not dissimilar to the existing points scheme administered by the Government.

OPTIONS CONSIDERED

1. Reject the introduction of a scheme and amended dress code.
2. Adopt the introduction of a scheme and amended dress code.

RESOURCE IMPLICATIONS

There are no quantifiable financial implications arising as a result of this report. It is considered that the impact upon staffing requirements of administering the new scheme will be minimal but will be monitored.

Provision is made in the Council's budget for the taxi licensing service, which includes a budget to cover the costs of officer time for enforcement and enquiries.

LEGAL/RISK IMPLICATIONS BACKGROUND

Any driver aggrieved by a decision of a Tamworth Borough Council under this scheme may appeal to the committee or if the circumstances dictate, the magistrates' court.

EQUALITIES IMPLICATIONS

An impact assessment has been carried out and attached at **Appendix E**.

SUSTAINABILITY IMPLICATIONS

The introduction of this scheme will contribute to Tamworth Borough Council meeting its Corporate responsibilities.

BACKGROUND

At present, only serious breaches of conditions are brought before committee on the basis of an officer's discretion. The introduction of points system supports the taxi trade, the officer and provides the framework for a proportionate and transparent approach to decision-making. Licensing Committee has received two reports, 22 November and 10 January 2019. Infrastructure, Safety and Growth Committee received a report on 12 February 2019. Additionally, the taxi trade have been consulted throughout and all parties have contributed to the development of the revised conditions. This mechanism will aim to raise standards for low-level breaches of the taxi conditions in Tamworth.

Summary of Clarifications and Amendments

Licensing Committee Members expressed reservations about the definitions of high, medium and low offences and the points allocated. For clarification, a table outlining the points for each breach allocated is at **Appendix C, Driver Points Table**. There are now no breaches that have one (1) point allocated.

Similarly, a table has been produced for operators, who are responsible for a number of drivers and their journeys. If an operator accumulates 12 points in a 12 month period, they will be put before Licensing Committee. Operators are responsible for multiple drivers carrying out multiple journeys. Most of the conditions they have to abide by are administrative. They could easily reach 12 points if conditions breached were worth more than 1 point. That is why their conditions are scored lower and the timeframe kept is shorter. The points shown at **Appendix D, Operator Points Table** are given as they are vicariously responsible for numerous drivers. This element aims to drive up standards of management and leadership amongst operators.

There were concerns from Members that some drivers could repeatedly breach the same condition up to six (6) times in certain circumstances, without appearing before committee. This has been reviewed and now if a single condition is breached three times, then this would now warrant an appearance before committee, as it is deemed that the individuals' behaviour is not improving.

Smoking is prohibited in vehicles and other premises under the Health Act 2006 and offences are already dealt with by means of fixed penalty notice, however, for the Taxi Licensing Service, it has been custom and practice to place drivers before Licensing Committee that have committed three offences in three years. This is the only breach that triggers this appearance.

Members should be aware that officers will investigate each breach and if considered serious enough, as previously, it will still be brought before committee.

An extra fail safe has been added to allow drivers to appeal to committee, if they are not happy with points awarded by the officers. The scheme will be kept under

periodic review to assess efficacy and fitness for purpose. If adopted it is recommended that a quarterly report is provided to Licensing Committee.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

1. Licensing Committee – 22 November 2018.
2. Licensing Committee – 10 January 2019.
3. Infrastructure, Safety and Growth Committee 12 February 2019.
4. Local Government Association (LGA) Taxi and PHV licensing – Councillors' handbook (England and Wales). [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)
5. Government Website <https://www.gov.uk/penalty-points-endorsements>

APPENDICES

- A. Draft Tamworth Borough Council Taxi Licensing Conditions.
- B. Clarifications arising from Licensing Committee 22 November 2018.
- C. Drivers Points Table.
- D. Operators Points Table.
- E. Equalities Impact Assessment.

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Hackney Carriage and Private Hire Licensing Guidance 2017-2022 Amendment 1

**Approved Full
Council 16 May 2017**

**Amendment
Approved ??????**

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Points System

Figures in **bold** in right hand column on future pages shows points awarded for breach of conditions.

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PART 1 – INTRODUCTION

Scope

1.0 The Hackney Carriage and Private Hire Guidance is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators.

Purpose

1.1 The fundamental purpose of licencing is to protect the safety and welfare of the public who live, work and visit Tamworth. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Tamworth local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Guidance.

1.2 Tamworth Borough Council ('the Council') is particularly concerned to ensure:

- the safeguarding of children, young persons and adults with care and support needs who are at risk of abuse and neglect;
- that any person who applies to be a hackney carriage or private hire vehicle driver or operator is a fit and proper person and does not pose a threat (in any form) to the public;
- that the public are safeguarded from dishonest persons; and
- that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed.

1.3 This document provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences;
- persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies);
- licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- magistrates and judges hearing appeals against Council decisions.

1.4 The Guidance is also designed to put the Council's licensing requirements into context.

Consultation and Communication

- 1.5 In determining this Guidance, the views of relevant stakeholders have been taken into consideration.
- 1.6 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Guidance, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

Review

- 1.7 This Guidance will be reviewed periodically, however, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver, proprietor or operator may request a review of the policy at any time.

Legislative framework

- 1.8 The operation of the Council's licensing service is undertaken in accordance with relevant legislation and applicable licence conditions. The primary legislation relating to hackney carriage and private hire licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In addition, the service is provided in accordance with all relevant Council policies, but in particular the following:
- Equal Opportunities Policy
 - Disability and Discrimination
 - Race Equality Scheme
 - Data Protection Policy
 - Enforcement Policy
- 1.9 This Guidance and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied.

Conditions

- 1.10 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the guidance, i.e. to protect the safety and welfare of the public. Any licensed driver, vehicle proprietor operator may request a review of any condition or any element of this Guidance at any time. Requests will be dealt with on their individual merits. Those initiatives that lead to the improvement of any element of the service in particular enhancing the safety of the public are actively sought.

Safeguarding Children and Adults at Risk

- 1.11 All local authorities, including district/borough councils in England, have a responsibility to safeguard and promote the welfare of children and adults with care and support

needs who are at risk of abuse and neglect. Safeguarding children and adults who are at risk is everyone's responsibility. Abuse is not acceptable and must not be tolerated. Often children and adults at risk do not realise they are a victim of abuse, or are unable to protect themselves from harm. This is why it is important that action is taken and people know what to do when they have safeguarding concerns. It is paramount that all individuals working either directly or indirectly with children and adults at risk have an understanding of safeguarding commensurate to their role, and know how to recognise and report safeguarding concerns, in relation to children and/or adults at risk. Tamworth Borough Council provides safeguarding awareness training for all taxi drivers, the training includes information on recognising and responding to concerns in relation to child exploitation and trafficking (for further information please see **Appendix A**).

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PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

Introduction

- 2.0 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1 This part focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee, the Sub-Committee and officers of the Council.

Licensing principles

- 2.2 The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Council has to protect the safety and welfare of the public.
- 2.3 All licence applications will be considered and determined on their own individual merits.

Licensing process and delegation of functions

- 2.4 The Council has delegated its licensing function to the Licensing Committee, who have further delegate officers of the Council to determine all applications and take action in accordance with this Policy.
- 2.5 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy. Where the policy is silent, the reasons for departing from the guidance will be made clear.

Committees

- 2.6 Licensing Committee

This Committee is made up of 13 members of the Council. It deals with conditions of licence, the setting of fees and charges and hackney carriage fares.

Decisions

- 2.8 The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings.
- 2.9 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation

and other relevant procedures.

- 2.10 Where applications are to be determined, the officer, and/or Licensing committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from Staffordshire Police together with the recommendation made by the licensing officer presenting the report. Applicants will be given the opportunity to submit written and/or verbal representations as appropriate.
- 2.11 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Appeals

- 2.12 Parties aggrieved by a decision of the Council have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

Working in partnership

- 2.13 The Council aims to work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships will include (but are not restricted to) relevant hackney carriage and private hire trade associations, neighbouring authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams and consumer groups.

PART 3 – LICENSABLE ACTIVITIES

Introduction

- 3.1 This part of the Guidance focusses on the licensable activities and the necessary steps required to obtain and to hold such a licence. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.
- 3.2 The following are applicable to all licence types:
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be suspended or revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence;
 - All licence fees payable at the time of application are non-refundable;
 - In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the licence will be null and void with immediate effect;
 - The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further and the process must recommence from the beginning;
 - Where a licence has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
 - When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application.

Appointments

- 3.3 The Council (Customer Services) runs an appointment system. Applicants will not be seen without an appointment. To assist drivers and operators to make appointments in a timely manner, the Council will notify all operators, drivers and the proprietors of vehicles that their licence is due to expire and are given sufficient notice for their applications before the expiry of a licence.

Criminal record disclosure

- 3.4 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>.

- | | |
|---|--|
| <p>3.5 Drivers who undertake contract work for Staffordshire County Council e.g. Education are advised to contact them in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. The Staffordshire County Council will share information with the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts.</p> <p>3.6 All drivers are encouraged to register for the DBS Update Service. Further information can be found at https://www.gov.uk/dbs-update-service. Any drivers who have registered for this service need to supply the last Certificate number during their application process.</p> | |
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3a. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

Summary

- 3a.1 Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- 3a.2 Any person who drives a private hire vehicle licence must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3a.3 The Council issues a dual Hackney Carriage and Private Hire licence entitling the driver to drive both vehicles.

Fit and proper person

- 3a.4 Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a fit and proper person.
- 3a.5 In considering the fit and proper person test, all applicants on initial application and renewal must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. The Council may also make additional enquiries with Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
- 3a.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may request the licence holder to consent to a further enhanced DBS check the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.
- 3a.7 When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct to Council Officers and also behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.
- 3a.8 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (as per Appendix M) and behaviour when in contact and dealing with other road users,

pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

- 3a.9 It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the drivers' own personal time.

Criminal record disclosure

- 3a.10 As referred to above, hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check) and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act (Exceptions) Order 2003.
- 3a.11 The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 inapplicable and therefore convictions are deemed never to be spent. As a result, all convictions, including cautions, will be taken into account when considering a person's suitability to hold a driver's licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements and disqualification periods relating to 'major' traffic offences.
- 3a.12 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
- 3a.13 A criminal record does not automatically bar an applicant from holding a drivers licence; however, it will be a significant factor when determining whether a licence ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix H**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3a.14 Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Period of licence

- 3a.15 Except in exceptionally circumstances Driver licences will be issued for a period of

three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.

Application process

3a.16 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (which includes the cost of the DBS check, unless applicants provide proof of online subscription to the DBS update service, and the initial knowledge test) is payable at the time the application is submitted.

3a.17 All new applicants must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. The 1 year period is calculated from the date of issue of the full driving licence.

3a.18 In addition, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Have a satisfactory enhanced DBS report
- Where applicable have a satisfactory report in respect of the enquiries made through Staffordshire (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from
- Pass the Council's knowledge test
- Provide a completed medical examination form (Group 2)

Arranging DBS

3a.19 Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.

Applicants can subscribe to the DBS Update Service, but proof of subscription reference number and the last DBS certificate number must be provided.

Knowledge test

- 3a.20 New applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's knowledge test. This test is aimed at assessing the driver's knowledge of streets, locations, attractions, entertainment venues and general geography of the Council's administrative area in order to satisfy the Council that they will be able to convey passengers who may be unfamiliar with the locality. This test will be conducted in English. Details of what is required in the knowledge test are provided within the application pack.
- 3a.21 Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
- 3a.22 The charge for the initial knowledge test is included in the licence fee. Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.
- 3a.23 An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to re-apply for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.
- 3a.24 The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of the Council.
- 3a.25 Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Medical requirements

- 3a.26 The Council is permitted to satisfy itself that an applicant for a licence is physically fit and remains so during the currency of any licence. Consequently, all applicants for a hackney carriage or private hire vehicle driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council requires to ensure their fitness to drive. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014). The standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters.
- 3a.27 Applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued. Every 5 years upto the age of 45, or sooner if stipulated by the examining doctor.
- 3a.28 Applicants aged 45 to 65 will be required to undertake a medical examination every 3 years, or sooner if stipulated by the examining doctor. Applicants must provide satisfactory medical certificate.

3a.29 Applicants over the age of 65 must undertake a medical examination and provide a satisfactory medical certificate annually, or sooner if stipulated by the examining doctor.

Age up to 45	Every 5 Years
Age 45 to 65	Every 3 Years
Age over 65	Every Year

3a.30 In particular, applicants must consider the medical conditions listed in **Appendix I** as the Council may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions. Where relevant, the applicant must comply with the additional requirements detailed in **Appendix I**.

3a.31 If once licensed, the driver's medical circumstances change during the currency of the licence, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver.

3a.32 Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested.

3a.33 All medical examinations must be carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council. The Council reserves the right to refer any medical matters to its own appointed Medical Officer whose decision on the fitness (or otherwise) of a driver to continue as a licensed driver will be final.

3a.34 The Council will not grant or renew, as the case may be, any driver's licence unless the foregoing provisions are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.

3a.35 With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

3a.36 Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must submit to a rigorous medical examination carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council and provide sufficient proof that they have a history of a specific health problem(s) that means they qualify for such a medical exemption. However, the Council reserves the right to refuse to grant a licence if deemed appropriate to do so.

DVLA and other relevant driving licences

3a.37 A person applying for a drivers licence must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. This includes European Union (EU), European Economic Area (EEA)

and Northern Irish licences.

3a.38 Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.

3a.39 Applicants are required to produce the original of their driving licence. Copies will not be accepted.

3a.40 All applicants holding driving licences issued by agencies other than the DVLA must produce a certificate to show a driving record from the country of issue.

3a.41 The Council will not provide photocopies of any driver's driving licence from Council records.

3a.42 The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence.

English speaking

3a.43 The applicant is expected to complete the knowledge test without any translation being offered. And must be able to show they are capable of completing a receipt.

Renewal applications

3a.44 On renewal of an existing licence, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Currently on all applications the applicant's must provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Complete a DBS disclosure – or provide proof of registration to the DBS Update Service
- Where required, pass a Group 2 medical examination.
- The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence

3a.45 Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS report and satisfactory reports through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

3a.46 To allow continuous driving, a licence application must be received by the Council by the 1st day of the month of the expiry month to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

3a.47 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver's licence application which will be processed in accordance with the Council's new application procedures.

Licence conditions

3a.48 The applicable conditions with which a driver holding a hackney carriage, private hire or drivers licence must comply are set out at **Appendix B**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3a.49 Production of documents

The driver must, on request, produce for inspection their driver's licence forthwith or within 5 days to the Council's offices.

3a.50 Driver's badges and licences

There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible.

The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public.

3a.51 All drivers of vehicles licensed for hackney purposes of which they are not the operator, must before commencing driving that vehicle, deposit a copy of their driver's licence with the operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

3a.52 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

3a.53 Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time.

3a.54 Vehicles permitted to be driven for private hire and hackney carriage purposes

Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes.

3a.55 Driving licensed vehicles

Once a vehicle is licensed it is classed as licensed at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

3a.56 Touting

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A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.

3a.57 Plying for hire

Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix G** and is based on relevant legislation and case law.

3a.58 Transporting children

As a minimum, drivers must comply with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over		Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3a.59 Smoking in vehicles

Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles)

	Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia.	3
3a.60	<p>Refusing to convey passengers</p> <p>A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with or without a reasonable excuse.</p>	6 Without
3a.61	<p>Overcharging</p> <p>Drivers of hackney carriages must not charge more than is permitted under the current table of fares.</p>	9
3a.62	<p>Persons riding without consent</p> <p>Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.</p>	2
3a.63	<p>Unauthorised drivers</p> <p>Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.</p>	6
3a.64	<p>Unattended vehicles</p> <p>Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, or in contravention to parking regulations.</p>	3 on rank 2 other
3a.65	<p>Obstruction</p> <p>Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.</p>	3

3b. HACKNEY CARRIAGES

Summary

- 3b.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3b.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the administrative area of the Council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.
- 3b.3 The Council does not limit the number of hackney carriage licences that it will issue.
- 3b.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.
- 3b.5 All hackney carriages must be capable of providing for at least one wheelchair. Transitional arrangements set out at paragraph 3b.7 apply.

Relevant licensable area

- 3b.6 The Council will not operate separate zones for licensing of hackney carriages and the relevant licensable area will be the whole administrative area of the Council.

Intended use of vehicles

- 3b.7 A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the administrative area of Tamworth Borough Council. Where the intention is to use a hackney carriage licensed vehicle in another council's area for private hire, then the applicant should apply to that council for an appropriate licence. 3b.9 In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a person applying for a hackney carriage licence will be required to indicate whether the vehicle will be used primarily within the administrative area of Tamworth Borough Council or outside the area. Details will be required as to the proportion of business that will be carried out both within and out of Tamworth Borough Council's administrative area. In addition, details of the location of business carried on outside the Council's area will be required. Applications received where the primary use of the vehicle is or is likely to be outside the Council's area will be refused.
- 3b.8 Full details of the Council's intended use policy for the licensing of hackney carriages is set out at **Appendix J**.

Period of licence

- 3b.9 Vehicle licences will be issued for 12 months.

Applicant

- 3b.10 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required,

satisfactory evidence must be produced to demonstrate compliance with this requirement.

Vehicles

3b.11 The Council requires all hackney carriage vehicles to comply with the following requirements:

Safety

3b.12 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.

Other Requirements

3b.13 Vehicles must not seat more than eight passengers (not including the driver). Any alterations to the manufacturer seating configuration must be inspected and certified by DVSA and:

- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels
- (b) Provide sufficient means by which any person in the carriage may communicate with the driver.
- (c) Entire external bodywork of the vehicle must be of a uniform colour. (This does not prohibit the display of advertisements as authorised by the Council.
- (d) All paintwork must be maintained in a high gloss finish of a uniform colour (but note the specific requirement at ‘c’ above) and free from dents, scratches or rust.
- (e) Have a watertight roof or covering.
- (f) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- (g) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- (h) Have seats that are properly cushioned and covered.
- (i) Have a floor provided with a proper carpet, mat, or other suitable covering.

- (j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (k) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
- (l) All seats must have unobstructed access:-
- (m) Have a three point seatbelt as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)
- (n) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.
- (o) Be maintained in a sound mechanical and structural condition at all times.
- (p) Have a spare pneumatic tyre or suitable manufacturers repair kits. Where tyres, including the spare must comply with the vehicle manufacturer's specification and any relevant legislation.
- (q) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- (r) Have provision for the legal transportation of a minimum of one wheelchair at all times.

Application process

3b.14 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3b.15 The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

3b.16 Any person wishing to licence a hackney carriage vehicle must submit:

- a completed application form;
- the appropriate licence fee;
- a valid Certificate of fitness
- a valid certificate of insurance for public hire
- all vehicles must have current Vehicle Excise Duty (Road Tax) this can be checked online

- the V5 registration certificate
- the vehicle is fitted with a taximeter in accordance with the requirements

Once all of the information has been provided it may take up to 10 working days to issue the licence.

Taximeters

3b.17 Taximeters must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

Fitness test requirements

3b.18 Fitness tests are required in accordance with the following requirements:

- Vehicles must be submitted for a fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer).
- Vehicles are tested every 6 months when under 4 years of age, and at 4 monthly intervals when over 4 years of age.
- Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.
- The vehicle must have a valid fitness test throughout the licence period.
- It is the responsibility of the proprietor to ensure the fitness test is carried out on time.

No reminders will be sent out but the due date is written on the pass certificate issued.

- If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

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V5 registration certificate

3b.19 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

3b.20 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. In such circumstances the vehicle must not be used after the expiry date until the renewal plate has been issued.

3b.21 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle not fit for the conveyance of passengers

3b.22 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Advertising

3b.23 Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix K**. This is subject to prior approval from the Council.

Closed circuit television (CCTV)

3b.24 Proprietors of hackney carriage vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to.

Trailers

3b.25 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix L** are complied with.

Ranks

3b.26 The Highways section of Staffordshire County Council will work with the hackney carriage trade, Licensing and Staffordshire Police to determine where ranks/stands ought to be situated.

3b.27 Where a driver is plying for hire and is illegally parked or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location, the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

LPG converted vehicles

3b.28 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

3b.29 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3b.30 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

3b.31 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

Hackney carriage fares

3b.32 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be notified to all hackney carriage licence holders, considered by Licensing Committee and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

Licence conditions

3b.33 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3b.34 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

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3b.35 Change of address

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

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3b.36 Retention of drivers licences

Where a Hackney Carriage is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

3b.37 Inspection

The proprietor must present their hackney carriage for inspection/testing by the Council as required per year.

3b.38 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

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3b.39 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

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3b.40 Production of documents

The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

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3b.41 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

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3b.42 Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3b.43 Ranks

Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council may appoint ranks/stands for hackney carriages. It is not a mandatory statutory requirement for the Council to do so. Before providing ranks/stands the Council will liaise with the police and the highways department of the Council.

3b.44 Fares

Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

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3b.45 Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.

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3c. PRIVATE HIRE VEHICLES

Summary

- 3c.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3c.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Tamworth Borough Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport (August 2011)
- 3c.3 The Council does not limit the number of private hire vehicle licences that it will issue.
- 3c.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

Period of licence

- 3c.5 Vehicle licences will be issued for 12 months.

Applicant

- 3c.6 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.

Vehicles

- 3c.7 The Council requires private hire vehicles to comply with the following requirements:

Safety

- 3c.8 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council's fitness test.

Other Requirements

- 3c.9 Vehicles must not seat more than eight passengers (not including the driver) and:

- Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- Provide sufficient means by which any person in the carriage may communicate with the driver;
- All paintwork must be maintained in a high gloss finish of a uniform colour and free from dents, scratches or rust;
- Have a watertight roof or covering;
- Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- Have seats that are properly cushioned and covered;
- Have a floor provided with a proper carpet, mat, or other suitable covering.
- Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- All seats must have unobstructed access:-
- All seats must have a three point seatbelt
- Have a minimum of four passenger doors including an entry/exit point for the driver.
- Be maintained in a sound mechanical and structural condition at all times.
- Have a spare pneumatic tyre, or manufacturers repair kit. All tyres, including the spare must comply with the vehicle manufacturer's specification and any relevant legislation.
- Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows:

CONTENTS	
Guidance Leaflet on First Aid	1

Sterile Elastoplast Dressings Assorted	20
Sterile Triangular Bandage - 90cm x 127 cm	2
Safety Pins	6
Sterile Lint Dressings - BPC No 8 Medium	1
Sterile Lint Dressings - BPC No 9 Large	1
Moist Cleansing Wipes	10
Scissors, Blunt Ended	1
Elastoplast Dressing Strip - 6.3cm x 15cm	1
First Aid Windscreen Sticker	1

The box must be carried in such a position as to be readily visible and available for immediate use.

Application process

- 3c.10 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 3c.11 The application process to licence a private hire vehicle is the same for a new or renewal application.
- 3c.12 Any person wishing to licence a private hire vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - a valid fitness test (in accordance with the requirements set out at paragraph 3c.13 below);
 - a valid certificate of insurance for private hire
 - Evidence that appropriate Vehicle Excise Duty (Road Tax) has been paid, e.g. email confirmation from the DVLA or Post Office receipt; (which can be checked online)
 - the V5 registration certificate. (The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.)
 - evidence of compliance with the relevant European Emission Standards as set out in paragraph 3C.8 either at the point of vehicle construction or by a subsequent adaption or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate; and
 - **Once all of the information has been provided it may take up to 10 working days to issue the licence.**

Fitness test requirements

3c.13 Fitness test are required in accordance with the following requirements:

- Vehicles must be submitted for an fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer).
- Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age.
- Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.
- The vehicle must have a valid fitness test throughout the licence period.
- It is the responsibility of the proprietor to ensure the fitness test is carried out on time. No reminders will be sent out but the due date is written on the pass certificate issued.
- If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

V5 registration certificate

3c.14 The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

3c.15 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

3c.16 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

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Vehicle not fit for the conveyance of passengers

3c.17 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Advertising

3c.18 Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix K**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

3c.19 Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to.

Trailers

3c.20 Private hire vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the conditions set out at **Appendix L** are complied with at all times.

Meters

3c.21 Private hire vehicles will not require a meter. However if a meter is fitted, it must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to

apply to the fare recorded thereon.

LPG converted vehicles

3c.22 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

3c.23 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3c.24 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

3c.25 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 3 months from the date the licence was suspended the Council will revoke the licence.

Licence conditions

3c.26 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix D**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3c.27 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

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3c.28 Inspection

The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year.

3c.29 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

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3c.30 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the

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safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

3c.31 Production of documents

The proprietor must, on request, produce for inspection the private hire vehicle licence and insurance certificate within 7 days.

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3c.32 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

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3c.33 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3c.34 Ranks/stands

A private hire vehicle must not wait on any rank/stand.

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3d. Private Hire Executive vehicles

3d.1 The Council will consider requests to licence a vehicle for Private Hire Vehicle Executive Plating. This is a licence that will allow for discreet plating but can only be used for trips of an executive nature and not for general private hire use.

3d.2 Vehicles must be pre-approved by an authorised officer and must be such, in the opinion of the licensing officer, of such quality and character to be considered an executive vehicle.

3d.3 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix E**. These conditions are in addition to any matters set out within the main body of the Policy.

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3e. PRIVATE HIRE OPERATORS

Summary

3e.1 Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

Period of licence

3e.2 Operator licences will be issued for a period of 5 years.

Application process

3e.3 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check, where appropriate) is payable at the time the application is submitted.

3e.4 The application process to licence a private hire operator is the same for a new or renewal application.

3e.5 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate);
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate

Criminal record disclosure

3e.6 In addition, all applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

3e.7 Have a satisfactory enhanced DBS check

Enquiries may be made through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from

3e.8 **N.B** For partnerships or companies, the above requirements apply to all partners and directors/company secretaries who are directly involved in the management of drivers. Where there is no direct involvement with the management of drivers, all partners and directors/company secretaries are required to provide a satisfactory basic criminal record disclosure. Applicants can apply for a basic criminal record disclosure at <https://www.gov.uk/request-copy-criminal-record>.

3e.9 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraphs 3a.4 to 3a.16 of this guidance.

3e.10 Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Operator's premises

3e.11 The Council will not grant an operator's licence unless the operator can demonstrate to the Council that they have the appropriate planning consent required to operate their business.

3e.12 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

3e.13 The Council will not grant an operator's licence to apply to any physical premises that falls out of the administrative area of Tamworth Borough Council.

3e.14 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Insurance

3e.15 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

3e.16 The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement, it must be for a minimum of £1,000,000.

Record keeping

3e.17 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer

Vehicle not fit for the conveyance of passengers

3d.18 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than by an accident that has led to the involvement of the relevant insurance company, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer

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of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Closed circuit television (CCTV)

3e.19 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so.

Licence conditions

3e.20 Applicable conditions relevant to a private hire operator licence are set out at **Appendix E**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3e.21 Contract

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not the operator provided the vehicle.

3e.22 Production of records/documents

Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.

3e.23 Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected	Driver

		necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

PART 4 – COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Summary

- 4.0 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and enforcement

- 4.1 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy. In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Tamworth Borough Council and the police.
- 4.2 The Council will work closely with other enforcement authorities, particularly Staffordshire Police when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.3 The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be suspended for a period of 7 days and/possibly face a Committee hearing. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.
- 4.4 The points list is not exhaustive and the licensing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.
- 4.5 A driver can appeal any points awarded by requesting a committee hearing.

Complaints

- 4.5 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

Part 5 - CONSULTATION

- 5.0 In determining this Guidance, the views of relevant stakeholders have been taken into consideration.
- 5.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Guidance, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.
- 5.3 The views of relevant stakeholders will be considered in any major changes to this guidance.

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PART 6 – LICENSING CONTACT DETAILS

Contact details

For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone: 01827 709674
Email: Taxi-Licensing@tamworth.gov.uk

<http://www.tamworth.gov.uk/list-licences>

Tamworth Borough Council is open
Monday - Thursday 8.45am - 5.10pm
Friday - 8.45am - 5.05pm

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

- A1.0 Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children in relation to child sexual exploitation and trafficking.

General information

- A1.1 Tamworth Borough Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the County Council and the Staffordshire Safeguarding Children Board.
- A1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Children Social Care First Response Service helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.
- A1.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background. Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- A1.4 Child sexual exploitation involves perpetrators grooming children and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.

- A1.5 Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people. In particular, drivers should ask themselves the following questions when picking up a fare:
- Does your customer appear to be under 18 years old?

- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

A1.6 If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the 'Safety of children and adults at risk' detailed in the Council's Hackney Carriage and Private Hire Licensing Guidance.

A1.7 If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns and share information with Staffordshire Police (Tel: 101) and Staffordshire Children Social Care First Response Service (Tel: 08001313126).

A1.8 If a child is in immediate danger phone 999

A1.9 Further information about Safeguarding Children can be found at:

<http://www.staffsscb.org.uk/Home.aspx>

A1.10 All drivers are expected to attend Safeguarding training and any updates provided throughout their licence period. Tamworth Borough Council provides free training in Safeguarding. Attendance of this training is voluntary at present. If any drivers decide not to volunteer for this training then it will become compulsory and a charge introduced.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE - CONDITIONS OF LICENCE

General

- B1.0 The list of conditions set out below is not finite. Additional information regarding all aspects of driver licensing is available in Tamworth Borough Council's Hackney Carriage and Private Hire Licensing Policy. The Policy must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a driver's licence are regarded as if they are conditions of the licence, whether specifically listed or referred to below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, drivers are advised that such references are not exhaustive and it is the driver's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.
- B1.1 All references to 'driver' in the conditions set out below mean a driver who holds a driver's licence issued by the Council in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation.

Fit and proper person

- B1.2 Throughout the currency of the licence, the driver must continue to be a fit and proper person to hold the licence. In this respect, the driver must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on a licensed driver.
- B1.3 In particular, during the currency of a licence, the driver must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.

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Driver's badge and licence

- B1.4 Loss of a driver's badge must be reported immediately to the Council and the local police. An incident number must be obtained from the police and the number given to the Council. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

Insurance

- B1.5 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

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Conduct

B1.6 The driver MUST, at all times, when driving a hackney carriage or private hire vehicle:

- Wear their driver's badge around their neck using the council issued lanyard and badge holder ensuring that their photograph and licence details are visible. 2
- Be clean and respectable in their dress and person and maintain a high standard of personal hygiene. 2
- Behave in a civil and orderly manner towards all persons including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, police officers, officers and elected members of the Council. 2
- Be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers. 2
- Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle. 2
- To convey passengers, subject to any instructions given by them, to their destination by the shortest practicable route and to ensure their safety. 9
- When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage. 2
- When, having agreed or been hired to attend a specific location at an appointed time with their vehicle, unless delayed/prevented from doing so by some sufficient/reasonable cause, punctually attend at such appointed time and place. 2
- Show due consideration when driving through residential areas. 2

B1.7 The driver MUST NOT, at any time, when driving a hackney carriage or private hire vehicle:

- Use offensive, abusive, profane or insulting language or behaviour. 3
- Smoke, use or permit passengers to smoke in their vehicle. This includes e-cigarettes and vaping and any similar paraphernalia. 4
- Without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationary.) 2
- Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle. 2
- Sound their vehicle's horn to alert passengers of the vehicle's arrival. 2
- permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle. 2

<ul style="list-style-type: none"> • allow any persons to drive a vehicle unless they are authorised to do so by the proprietor and hold an appropriate license to do so. 	6
<ul style="list-style-type: none"> • leave their vehicle unattended in any street or public place or venue in contravention to parking regulations. 	2
<ul style="list-style-type: none"> • obstruct other drivers/vehicles from undertaking their normal hiring and driving activities. 	3
<p>Animals</p>	
<p>B1.8 When driving a hackney carriage or private hire vehicle, a driver must not carry any animal belonging to them, the proprietor or operator of the vehicle or in their custody whilst fare paying passengers are being conveyed in the vehicle.</p>	2
<p>B1.09 In general the transportation of animals belonging to or in the custody of any fare paying passengers is permitted at the discretion of the vehicle owner/company and if undertaken must be in the rear of the vehicle in the foot well or floor pan of the vehicle.</p>	
<p>B1.10 However, assistance dogs (unless the driver holds a medical exemption) MUST be transported when requested by a passenger. Drivers MUST NOT impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.</p>	6
<p>Medical exemption</p>	
<p>B1.11 Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, they must carry the Council issued letter confirming the exemption in the vehicle at all times. Exemption can only be granted by the authorised Medical Centre. The driver will also be issued an Exemption certificate by Tamworth Borough council that must be placed on the kerb side of the vehicle in a prominent position that can be seen by customers before entering the vehicle.</p>	2
<p>Change of particulars</p>	
<p>B1.12 The driver must notify the Council, in writing, of any change of particulars which may occur during the currency of their licence, including any change of address or change of employer/operator. Any such change must be notified within 14 days. Where a change of address occurs, the driver must also amend the address on their driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the issuing body, e.g. DVLA. Both the paper and the plastic photo card licence must be produced.</p>	2
<p>Roof signs</p>	
<p>B1.13 The driver of a hackney carriage must ensure that the roof signs are maintained and kept in such condition that the information is clearly visible to public view at all times and that the light in the sign is connected to the meter switch such that the light is switched on when the hackney carriage is available for hire and switched off when the hackney carriage is not available for hire. Drivers will have 7 days to fix LED lights.</p>	3

Passengers

B1.14 The driver must not convey or permit to be conveyed in a licensed hackney carriage or private hire vehicle a greater number of passengers than the number prescribed in the relevant vehicle licence. 6

B1.15 The driver of the licensed vehicle must only carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more. 6

Transporting children

B1.16 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

Lost property

B1.17 After fare passengers have alighted from the hackney carriage or private hire vehicle, the driver must, as soon as is practicable, search the vehicle for any property which may have been left. Where such property is found and irrespective of the value, the driver must, if it has not been claimed by or on behalf of the passenger (or their representative) who left it within 24 hours, hand it, in the case of a private hire driver to their operator or in the case of a hackney carriage driver directly to a police station as soon as is practicable.

Parking between bookings

B1.18 Where drivers are driving in the Council's area, they must as soon as they have dropped passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park. 2

Meters

B1.19 Where taximeters are fitted to vehicles, the driver must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

B1.20 The driver must ensure:

- the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; 6
- the meter is used for the whole of any journey; 6
- the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; 6
- the meter is only brought into action at the commencement of the hirer's journey; and 6
- the correct tariff for that journey is displayed. 6

<p>Fares</p>	
<p>B1.21 The driver must not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.</p>	9
<p>B1.22 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.</p>	3
<p>Identification plates</p>	
<p>B1.23 Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is being used for hackney carriage or private hire purposes.</p>	3
<p>Condition of vehicle</p>	
<p>B1.24 A driver must not drive a licensed vehicle if he has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He is advised to inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.</p>	6
<p>Accidents</p>	
<p>B1.25 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the operator or proprietor within 72 hours.</p>	3
<p>Complaints</p>	
<p>B1.26 A driver must advise passengers of their right to refer any complaint to the Council.</p>	
<p>Period of Licence</p>	
<p>B1.27 Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. Checks may include DBS, Medical and Driving Licence. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.</p>	3

HACKNEY CARRIAGE LICENCE – CONDITIONS OF LICENCE

Council's Vehicle Licensing Criteria

C1.0 All vehicles presented for licensing as hackney carriages must be purpose built wheelchair accessible London type cabs which comply with the specifications of the Public Carriage Office of the Metropolitan Police.

Conditions of Licence

C1.2 Requirements of the Hackney Carriage Byelaws, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

C1.3 Hackney Carriage Byelaws

1 Throughout these byelaws "the Council" means the Mayor Aldermen and Burgesses of the Borough of Tamworth, acting by the Council, and "the district" means the Borough of Tamworth.

2.

a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto. (Plate provided for outside and Tariff Card provided for inside).

b) A proprietor of a hackney carriage shall:

not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

3. The proprietor of a hackney carriage shall:

provide sufficient means by which any person in the carriage may communicate with the driver;

cause the roof or covering to be kept water tight;

provide any necessary windows and a means of opening and closing with not less than one window on each side;

cause the seats to be properly cushioned or covered;

cause the floor to be provided with a proper carpet, mat, or other suitable covering;

cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service;

provide means of securing luggage if the carriage is so constructed as to carry luggage;

provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;

cause the carriage to be fitted with a "TAXI" sign which shall be capable of illumination and which shall be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the Borough. For the purpose of this Byelaw "the hours of darkness" shall be the hours in which lighting up times operate in the Borough. The sign shall be attached to the roof or rack, and be of overall size not less than 9 inches long and 4 inches high and showing the work "TAXI" to the front of the carriage in letters not less than 3 inches high and of proportionate width;

cause the carriage to be fitted with an interior light of sufficient brightness to reasonably illuminate the interior of the carriage;

cause the carriage to be provided with a spare wheel and tyre in such a condition that it is readily available for use in the case of a punctured or damaged tyre or wheel together with all the necessary tools and equipment for readily effecting the replacement.

- 4 The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of

being suitably illuminated during any period of hiring;

- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. A proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
6. A proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
7. The proprietor of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
8. A proprietor of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons determined by the Council and specified on the plate attached to the outside of the carriage.
9. Every proprietor of a hackney carriage who knowingly conveys in the carriage the dead body of any person shall immediately thereafter notify the fact to the Medical Officer of Health/Consultant for Communicable Disease Control via Tamworth Borough Council.
10. The Proprietor of a hackney carriage shall not permit the exhibition of any advertisement in or upon such carriage, unless it shall have been previously approved by the Council.
11. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Where a hackney carriage furnished with a taximeter is hired by distance the proprietor shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

12.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or

suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

13. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
14. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

- C1.4 Any person contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale and in the case of a continuing offence to a further fine of two pounds for each day after written notification of the offence has been given by the Council.

Requirement of the Town Police Clauses Act 1847

Employment of Unlicensed Drivers

- C1.5 The licensee may not employ to drive the licensed vehicle any person who does not have a current hackney carriage driver's licence issued by Tamworth Borough Council.

12

Notification of Change of Address

- C1.6 The licensee shall notify the Council of any change in address during the currency of the licence and shall return the licence to the Offices of the Council for endorsement with the new particulars of address.

3

Retention of Driver's Licence by Proprietor

- C1.7 The licensee shall retain the hackney driver's licence of any person employed to drive the licensed vehicle for such time as that driver is so employed and upon termination of that employment it shall be returned to him.

Suspension of Licence

- C1.8 The proprietor shall not permit the vehicle to be used as a hackney carriage at any time whilst the licence is suspended or at any time whilst the vehicle's hackney licence plate is not displayed on the vehicle.

12

Demanding more than the Agreed Fare

C1.9 A proprietor who by prior arrangement with the hirer agrees to carry out any hiring for less than the rate of fare prescribed by the Council shall not demand more than the agreed fare.

9

Agreements to Carry Passengers a Discretionary Distance for a Fixed Sum

C1.10 If the proprietor agrees to carry a hirer a distance at the discretion of the proprietor, for a fixed sum, the proprietor is not permitted to carry the hirer for a distance less than the hirer should have been entitled to travel according to the rates prescribed by the Council, for the sum agreed.

9

Penalty for Overcharging

C1.11 Any proprietor convicted of taking from a hirer more than the rate of fare prescribed by the Council shall be liable to a penalty not exceeding level 3 on the standard scale.

9

Persons Riding with the Consent of the Hirer

C1.12 The proprietor may not allow any person to ride in the carriage without the consent of the hirer.

2

Requirements of the Local Government (Miscellaneous Provisions) Act 1976

Transfer of Vehicle

C1.13 If the licensee transfers his interest in a licensed vehicle to another person he shall within 14 days give notice in writing of the transfer to the Council, specifying the name and address of the person to whom the vehicle has been transferred.

2

Testing of the Vehicle

C1.14 The licensee shall present the licensed vehicle for testing at such time and place as may be reasonably required on up to three occasions during any period of 12 months.

Return of Vehicle Identity Plate

C1.15 On the revocation, expiry or suspension of the vehicle licence, the licence and identification plates provided by the Council shall be returned to the Council within 7 days of the receipt of the request for such return.

3

**Conditions of Licence made under Section 47
Local Government (Miscellaneous Provisions) Act 1976**

Vehicle Insurance

C1.16 The licensee shall notify the Council of any change of details of insurance cover for the vehicle during the currency of the licence.

3

C1.17 The licensee shall produce to the Council evidence of renewal and continuity of insurance cover throughout the term of the licence.

3

Accidents

C1.18 All accidents in which the vehicle is involved of any nature, whether resulting in personal injury or damage to the licensed vehicle or not, shall be notified to the Council, on the accident report form provided on request by the Council, within 72 hours of such accident.

3

Licence Plates

C1.19 The licensed vehicle shall be fitted with the Council licence plate which is to be affixed to the rear of the vehicle at or above bumper height in a vertical plane at or as close to as is practicable the centre line of the vehicle. The plate shall not be in any way obscured by the fitting of a towing bracket, tow ball or any other equipment.

3

Cleanliness and Safety of the Vehicle

C1.20 The vehicle proprietor shall

- a) Ensure that the external coachwork of the vehicle is maintained at all times in a clean condition and in good repair and free from rust.
- b) Ensure that all fire extinguishers provided in accordance with the byelaws shall be of the general purpose dry powder type with a minimum capacity of 0.9kg to BS EN3 2009.

(Note: Existing extinguishers provided on vehicles currently licensed may be continued to be carried until used or considered no longer serviceable when they must be replaced with one in accordance with the above specification).

- c) Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows:

CONTENTS	
Guidance Leaflet on First Aid	1
Sterile Elastoplast Dressings Assorted	20
Sterile Triangular Bandage - 90cm x 127 cm	2
Safety Pins	6
Sterile Lint Dressings - BPC No 8 Medium	1

Sterile Lint Dressings - BPC No 9 Large	1
Moist Cleansing Wipes	10
Scissors, Blunt Ended	1
Elastoplast Dressing Strip - 6.3cm x 15cm	1
First Aid Windscreen Sticker	1

The box must be carried in such a position as to be readily visible and available for immediate use.

Interior Identification Sign

C1.21 The licensee shall ensure that the interior notice provided by the Council on which is shown the licence number and seating capacity of the vehicle is at all times displayed in a conspicuous position inside the vehicle.

3

Citizens Band Radios etc

C1.22 The proprietor shall not permit any radio communications equipment to be fitted in the vehicle other than the apparatus which may be fitted so as to enable the vehicle driver to communicate with the vehicle operating base. In particular the vehicle may not be fitted with a Citizens Band radio and no driver may use such a radio in the licensed vehicle.

Vehicle Specification

C1.23 The licensee shall not during the currency of the licence alter the specification, design or appearance of the vehicle without the prior consent of the Council's authorised officer.

2

Convictions to Licensees

C1.24 The licensee shall notify the Council of any convictions under the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Road Traffic Acts in relation to Hackney Carriages or involving dishonesty.

6

The notification which shall be in writing shall include:

- a. Date of Conviction
- b. Court where case heard
- c. Nature of Offence
- d. Penalty imposed

and shall be given to the Council within 7 days of such conviction.

Notices

C1.25 Any notices or notifications required to be given to the Council in accordance with these conditions of licence or required by the Local (Government) Miscellaneous Provisions Act 1976 shall be in writing and handed personally to an officer of the Council at the Ground Floor Reception, Marmion House, Lichfield Street, Tamworth

B79 7BZ or left deposited in the Council's official letterbox at that address within the time stated.

Exceptional Age Policy

C1.26 Hackney Carriages vehicles licensed by Tamworth Borough Council can continue to have their licenses renewed until they reach 12 years of age from the date of registration.

C1.27 If the licence holder wishes to continue to renew the vehicle licence after its standard working life then application can be made for an annual extension to the licence as follows:

- a. The owner of a hackney carriage or private hire vehicle whose vehicle is approaching 12 years or 8 years of age respectively will be required to notify the Licensing Authority in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by twelve months in accordance with the Exceptional Vehicle Age Policy.
- b. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least six months prior to submitting a renewal application, that he intends to seek a further extension to the operating life of the vehicle.
- c. The examination and inspection of any vehicle in accordance with this policy shall take place on the second scheduled test date preceding the renewal date for the vehicle's licence. This applies to initial requests for consideration under this policy and all subsequent requests.
- d. The criteria detailed below are in addition to all current vehicle test criteria requirements.
- e. The Licensing Authority's test station shall be authorised to examine and approve the vehicle's mechanical condition in accordance with this policy.
- f. A duly authorised officer of the Licensing Authority or its nominee will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

C1.28 Criteria

- a) The vehicle must have a full, unbroken, continuous history of testing for its Certificate of Fitness
- b) In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last three fitness tests on first submission in the twelve months preceding the second scheduled test date.
- c) The bodywork of the vehicle must be in near perfect condition with no substantial dents, damage or corrosion being evident.

- d) Paintwork should be unblemished and have a good overall colour match.
- e) The interior and exterior trim must be complete.
- f) All interior fittings must be in place and working.
- g) No excessive loose wiring should be evident hanging from the dashboard.
- h) All carpets, where provided, must be in a clean well-fitted and secure state with no unduly worn areas.
- i) The boot and luggage compartment must be clean, uncluttered and watertight.
- j) There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.

DRAFT

PRIVATE HIRE VEHICLE LICENCE - CONDITIONS OF LICENCE

General

D1.0 The list of conditions set out below is not finite. Additional information regarding all aspects of private hire licensing is available in the Council's Hackney Carriage and Private Hire Licensing Policy and this must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a private hire licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, proprietors are advised that such references are not exhaustive and it is the proprietor's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

Test requirements

D1.2 All vehicles must meet the Council's safety and fitness test requirements. Where a vehicle is the subject of any test during the application process or during the currency of any licence and it is determined that the vehicle is not fit for the purpose of conveying passengers the proprietor must notify the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence.

LPG converted vehicles

D1.3 The proprietor must notify the Council, within 7 days, of any LPG conversion and provide the LPG Association Conversion certificate.

External vehicle licence plates

D1.4 The external plates (front and rear) identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be:

- securely fixed to the outside front and rear of the vehicle in a conspicuous position;
- maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times;
- displayed at all times and in such a manner as to be easily removable by an authorised officer of the Council or a police officer;
- returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.

D1.5 **AND** at no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.

D1.6 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.

3

6

3

Internal signage		
D1.7	Tariff Card	
	The tariff card must be displayed in a prominent position so that it can be easily viewed by passengers.	2
D1.8	Interior markings	
	The proprietor must clearly mark and maintain inside the vehicle, in such a position as to be clearly visible at all times a no smoking sign.	
D1.9	In addition a drivers badge must displayed in a prominent position so that it can be easily viewed by passengers.	3
Advertising		
D1.10	Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.	
D1.11	Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.	
D1.12	Reflective material must not be used.	
D1.13	Advertising signs must not be illuminated.	
D1.14	Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle in such a position as not to obscure Council issued plates and all other required signs.	
D1.15	Advertisements must comply with the relevant conditions set out in the Council's Policy.	
D1.16	Private hire vehicles are prohibited from displaying the words 'taxi' or 'cab' in the singular or plural or the word 'hire' unless the word 'hire' forms part of the relevant company name or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.	
Closed circuit television (CCTV)		
D1.17	Proprietors wishing to install closed circuit television (CCTV) in their private hire vehicle, must notify the Council, in writing, of their intention to do so.	
D1.18	The CCTV system must be installed in accordance with the appropriate legal framework.	
Trailers		
D1.19	Proprietors must ensure any trailer:	
	<ul style="list-style-type: none"> • is inspected annually with the vehicle to which it relates; • has a plate that relates to the towing vehicle(s); and • complies with the relevant conditions set out in the Council's Policy. 	

Meters

D1.20 Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply:

6

- When the machinery of the meter is in action there must be recorded on the face of the meter in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance.
- The meter must be so placed that all the letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures must be capable of being illuminated during any period of hiring.
- The meter must be set to reflect the current table of fares approved by the Council, or to an alternative table of fares that is in all cases lower than the Council approved table. Where the meter is set to an alternative table that table must be prominently displayed in addition to the approved table. A lesser fare than that shown on the taximeter at the end of a journey may be charged.
- When hired, a meter must be used for the whole of any journey.

Signs

D1.21 Private hire vehicles must not display a roof sign.

D1.22 All vehicles must display Council issued signs (side plates) on the upper portion of the rear driver door and the rear passenger door of the vehicle using the adhesive backed signs provided. These signs will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. The use of magnetic panels is prohibited. The removal of the signs is prohibited whilst the vehicle is licensed by Tamworth Borough Council. In the event that a side plate is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement sign.

3

Change of proprietor/address

D1.23 Any change in the proprietor of a private hire vehicle or the proprietor's address must be notified to the Council, in writing, during the period of the licence within 7 days of such change taking place by the proprietor.

3

Fitness Test

D1.24 The vehicle must have a valid fitness test throughout the licence period.

Insurance

D1.25 Satisfactory evidence must be produced that there is in force, for the use of the vehicle, a policy of insurance covering the carriage of passengers for hire or reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

3

<p>D1.26 The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or a police officer at all reasonable times, when so required.</p>	3
<p>Vehicle Excise Duty (Road Tax)</p>	
<p>D1.27 The vehicle must have valid Road Tax throughout the licence period.</p>	6
<p>Alterations to vehicles</p>	
<p>D1.28 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the written approval of the Council.</p>	2
<p>Damage to vehicles</p>	
<p>D1.29 Notification must be given by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to the vehicle that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.</p>	3
<p>Inspection/examination</p>	
<p>D1.30 The proprietor must permit any authorised officer of the Council or any police officer, at all reasonable times, to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection/examination or to an officer of the Council or police officer within 5 days.</p>	3 & Sus
<p>Convictions</p>	
<p>D1.31 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if:</p>	6
<ul style="list-style-type: none"> • They receive any warnings, cautions, fixed penalties or driving endorsements; • Are arrested (whether or not charged with an offence); • Are charged with any criminal offence; • Are convicted of any criminal offence; or • Allegations are made of their involvement in criminal activity. 	
<p>Exceptional Age Policy</p>	
<p>D1.32 Private Hire vehicles licensed by Tamworth Borough Council can continue to have their licenses renewed until they reach 8 years of age from the date of registration</p>	
<p>D1.33 If the licence holder wishes to continue to renew the vehicle licence after its standard working life then application can be made for an annual extension to the licence as follows:</p>	
<ol style="list-style-type: none"> a. The owner of a private hire vehicle whose vehicle is approaching 12 years or 8 years of age respectively will be required to notify the Licensing Authority in writing at the time of making an application for the grant of a licence that they 	

wish to extend the operating life of their existing vehicle by twelve months in accordance with the Exceptional Vehicle Age Policy.

- b. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least six months prior to submitting a renewal application, that he intends to seek a further extension to the operating life of the vehicle.
- c. The examination and inspection of any vehicle in accordance with this policy shall take place on the second scheduled test date preceding the renewal date for the vehicle's licence. This applies to initial requests for consideration under this policy and all subsequent requests.
- d. The criteria detailed below are in addition to all current vehicle test criteria requirements.
- e. The Licensing Authority's test station shall be authorised to examine and approve the vehicle's mechanical condition in accordance with this policy.
- f. A duly authorised officer of the Licensing Authority or its nominee will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

D1.34 Criteria

- a) The vehicle must have a full, unbroken, continuous history of testing for its Certificate of Fitness
- b) In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last three fitness tests on first submission in the twelve months preceding the second scheduled test date.
- c) The bodywork of the vehicle must be in near perfect condition with no substantial dents, damage or corrosion being evident.
- d) Paintwork should be unblemished and have a good overall colour match.
- e) The interior and exterior trim must be complete.
- f) All interior fittings must be in place and working.
- g) No excessive loose wiring should be evident hanging from the dashboard.
- h) All carpets, where provided, must be in a clean well-fitted and secure state with no unduly worn areas.
- i) The boot and luggage compartment must be clean, uncluttered and watertight.
- j) There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.

Private Hire Vehicle – Executive Vehicle Supplementary conditions of Licence

Introduction

- E1.1 The Private Hire Vehicle Executive Licence, is granted subject to complying with the following conditions of licence in addition to the standard private hire vehicle conditions.
- E1.2 The 'Licence Holder' is the proprietor of the vehicle.
- E1.3 All references to the "Council" in these conditions mean Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ.

Type of Work

- E1.4 Once a vehicle has been licenced as a Private Hire Executive Licence the vehicle can only be used for work of an Executive nature and not for day to day local usage. The proprietor must be able to produce, when requested by the Licensing Office, information on bookings taken. The Licensing Officer will have the right to remove the Executive Licence and revert it to a normal Private Hire Licence if booking information is supplied on request or it is not felt that at least 90% of work undertaken is of an executive nature.

Vehicle Type

- E1.5 Only vehicles pre-approved by the Licensing Officer will be accepted as executive vehicles.
- E1.6 Executive Vehicles must be, in the opinion of the licensing officer, of such quality and character as to be considered as an executive vehicle.

Seating

- E1.7 Vehicles will be licensed for a maximum of 8 passengers only, regardless of the number of seats available within the vehicle. Proprietors of such vehicles must sign a declaration that they are aware that their vehicle is only licensed for 8 passengers and agree to ensure that no more than 8 people are carried under any circumstances.
- E1.8 Seating must have adequate dimensions and leg room in the opinion of the licensing officer.
- E1.9 On L-shaped seats, only one seat on the right angled corner will be accepted.

Vehicle Testing

- E1.10 All Executive Vehicles under the age of 4 years will attend two vehicle compliance checks per year and one licensing officer check.
- E1.11 All Executive Vehicles over the age of 4 years will attend three vehicle compliance

checks per year and one licensing officer check.

E1.12 Vehicle compliance checks will take place at Tamworth Borough Council's approved garage.

E1.13 Failure of any of these checks will mean an immediate suspension of the private hire executive vehicles licence, until repairs can be made, the test has been re-taken and the vehicle has been found to be satisfactory.

E1.14 In addition to this, all proprietors should undertake their own documented monthly checks to the council's specification.

E1.15 Stretched limousines must have Individual Vehicle Approval (IVA) (<https://www.gov.uk/vehicle-approval/individual-vehicle-approval>) to be registered and licensed. For those built before 29 July 2011 a Certificate of Fitness (COIF) is accepted.

E1.16 Stretched limousines are still required to undertake the Council's fitness tests. In the event that a stretched limousine cannot be tested at the Council's appointed vehicle testing station then they may be tested at a suitable testing station authorised beforehand by Tamworth Borough Council. A separate inspection form provided by Tamworth Borough Council must be completed by the testing station completing the test.

Electrical Equipment

E1.17 If applicable, the controls for any driver screen and/or sunroof should be isolated, so the driver alone may operate them

Provisions of Alcohol

E1.18 Alcoholic drinks provided in the vehicle shall be under the terms of any legislative requirements relating to the sale and supply of alcohol. No persons under 18 years of age shall be permitted to drink alcohol within the vehicle

Spares and Repairs

E1.19 A spare tyre, of an approved type only, and the appropriate tools to make the repair (or an approved repair kit) must be carried, or a contract be in place with a repairer / recovery company who can supply such parts immediately in the event of a flat tyre.

Licence Plates

E1.20 All Private hire Executive Vehicles must at all times display the square licence badge in the internal left corner of the vehicles front windscreen. The rectangular licence plate shall be attached to the backing plate supplied by the Council and position either above or below the rear vehicle registration number plate, or as determined by an authorised officer.

E1.21 The licence plates must not be obstructed from view, inside or outside the vehicle, at any time.

E1.22 The interior licence plate should be produced on demand by an authorised officer

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Revocation and Modification of Conditions

E1.23 The Council reserves the right (as its own behest and at any time) to revoke, vary, or modify any of these conditions and/or to make sure additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

E1.24 The following sections of the general private hire vehicle conditions ONLY are suspended for Executive Vehicles:

- Type size and Design
- Testing of Vehicles
- Minibus Type Vehicles
- Advertising Signs
- Licence Plates and Identification Signs
- Exception Vehicle Age Policy

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PRIVATE HIRE OPERATOR LICENCE - CONDITIONS OF LICENCE

Guidance for Applicants

- F1.0 The proprietor must ensure that at all times a list is maintained of all licensed drivers on 55 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the Local Authority shall not issue an operators licence unless satisfied that the applicant is a fit and proper person to hold a licence.

Submission of Police Record

- F1.1 The applicant is required to submit with any application for grant or renewal of the licence the record of convictions, if any, obtained from the Police under the Subject Access provisions of Data Protection Act 1998.
- F1.2 The envelope containing the reply from the Police must be brought, unopened to the Tamworth Borough Council Offices at Marmion House, Lichfield Street, Tamworth and opened in the presence of a member of the licensing staff.
- F1.3 Should any record reveal unspent convictions involving drug offences, dishonesty, sexual offences or violence, and should the applicant wish the application to proceed, the circumstances will be reported to the Council's Licensing Committee for a decision on the application to be made. The applicant or personal representative of the applicant will be entitled to appear before the Committee and speak in support of the application.

Knowledge of Legislation

- F1.4 New applicants for operator's licences should, on interview, be able to demonstrate a knowledge of the legislation and the restrictions under which private hire vehicles must be operated.

Consent Requirements

- F1.5 The applicant should be able to show that either:
- a. Planning permission has been granted for the operating base

or

 - b. That having regard to the premises and the mode of operation that planning permission is not required

or

 - c. That a formal application has been submitted for planning permission. If a business is operated without the appropriate planning permission in defiance of any planning enforcement notice, then this would be regarded as evidence that the licensee should not be considered a fit and proper person to hold a licence for those premises, and refusal or revocation would ensue.

- d. If the operating premises specified in the application are owned by the Council, the permission of the department responsible for the letting or leasing of the property should be obtained prior to submission of the application

Duration of Licence

F1.16 Licences are issued for a period of five years.

Conditions to Private Hire Operators Licences

Change of Address

F1.17 The licensee shall notify the Council of any change of home or business address, within 7 days of any such change.

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F1.18 Record of Bookings

F1.19 The licensee shall ensure that the following details of bookings shall be entered in a record book, or loose leaf file system or electronic system) prior to the commencement of the journey in respect of which the booking was made.

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- a) Name of the hirer
- b) Time and date of hiring
- c) Pick up point
- d) Destination of passenger(s)
- e) Councils' licence plate number of the vehicle used for the booking.
- f) Council's identification badge number of driver undertaking the booking
- g) If at the time of booking a quotation has been given for the fare to be charged, the amount of that quotation.

Record of Vehicles

F1.20 The licensee shall ensure that the following details be recorded for each vehicle operated:

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- a) Vehicle registration mark
- b) Council's licence plate number
- c) Name and address of proprietor of the vehicle.
- d) Date of expiry of the Private Hire or Hackney Carriage licence.
- e) Expiry date of the insurance certificate or cover note for the vehicle together with details of the type of cover provided ie for public or private hire.

Record of Drivers		
F1.21	The licensee shall ensure that the following details be recorded for each driver used in connection with the business: <ul style="list-style-type: none"> a) The driver's name b) The driver's Council identification badge number c) The date of expiry of the driver's Hackney Carriage or Private Hire driver's licence issued by the Council. 	2
Complaints Register		
F1.22	The licensee shall ensure that a complaints record book be kept in which are recorded the following details: <ul style="list-style-type: none"> a) Date of complaint b) Date and time of incident complained of c) Name and, if known, address of complainant d) Nature of complaint e) Licence number of vehicle if subject of complaint f) Licence number of driver if subject of complaint g) Any action taken by the operator in respect of the complaint 	2
F1.23	All records required to be kept by conditions 2,3,4 and 5 above shall be made available for inspection by any authorised officer of the Council or any police constable and, if not immediately available for inspection at the operator's premises must, within 72 hours of the making of such a request, be produced for inspection.	3
F1.24	The licensee must ensure, that when bookings are accepted and a pick-up or response time given to a hirer, that the appropriate vehicle be despatched to fulfil that booking so as to arrive punctually unless such vehicle is delayed due to unforeseen circumstances beyond the control of the operator.	2
F1.25	Any lost property returned to the operator shall, if it cannot be returned to it's rightful owner within 48 hours, be handed over to the Tamworth Police at Tamworth Police Station, Spinning School Lane, Tamworth.	
F1.26	The licensee shall ensure that any waiting/booking rooms provided for customers are kept clean and in good repair.	2
F1.27	The licensee, if convicted of any offence during the currency of the licence, must disclose any such conviction to the Council within 7 days of conviction. The disclosure must include the date of conviction, the Court	6

where the hearing took place, details of the offence and the penalty imposed.

F1.28 The licensee shall ensure that any records required to be kept in accordance with these conditions of licence are kept and made available for inspection for a minimum period of 6 months from the date of the last entry in the record book or file.

F1.29 The licensee shall retain a certified copy of the private hire driver's licence of any driver used about his business, for as long as that driver is so used and shall make such licences available for inspection at all reasonable times at the request of any authorised officer of the Council of any police constable.

F1.30 If an operator accrues 12 points in a 12 month period they will be put in front of committee for a hearing.

F1.31 An operator can appeal the awarding of any points by asking for a committee hearing.

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PLYING FOR HIRE

G1.0 Only licensed hackney carriages are permitted to ply for hire. It is **ILLEGAL** for a private hire vehicle to ply for hire. This means:

- a) Private hire vehicles **MUST NOT** carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
- b) All private hire vehicle journeys **MUST** be pre-booked through a licensed private hire operator.
- c) All bookings **MUST** be made by prospective passengers themselves directly with a private hire operator who will despatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager, to make a booking on their behalf but this third party **MUST NOT** be the private hire vehicle driver.
- d) A driver of a private hire vehicle is **NOT** permitted to make the booking on behalf of a prospective passenger.
- e) Private hire operators **MUST NOT** accept any booking made by a driver on behalf of a passenger.
- f) Private hire vehicle drivers are **NOT** permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers **MUST NOT** physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
- g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
- h) Private hire vehicles **MUST NOT** wait at any taxi rank/stand.
- i) Private hire vehicle **MUST NOT** be hailed in the street.

G1.1 Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

Introduction

- H1.1 The purpose of this appendix is to provide additional guidance to assist determine whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle drivers and/or an operator licence as it relates specifically to convictions and cautions.
- H1.2 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.
- H1.3 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- H1.4 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

Legislation

- H1.5 Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 sets out that the Council must not grant a driver's licence or an operator's licence unless they are satisfied that the person is a **fit and proper person** to hold such a licence.
- H1.6 Sections 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a driver's licence if they have, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- H1.7 Sections 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew an operator's licence if they have committed any offence under, or failed to comply with, the provisions of Part II of the Act; where any conduct appears to render the operator unfit to hold a licence; any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or any other reasonable cause.
- H1.8 Therefore, the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper; the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Defining a 'fit and proper person'

- H1.9 There is no legal definition as to what definitively constitutes a 'fit and proper person'.

However, because of the potentially vulnerability of the passengers that drivers and operators may come into contact with, e.g. elderly people, unaccompanied children, the disabled, those who may have consumed excessive quantities of alcohol, lone females and foreign visitors, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council.

H1.10 In essence, a fit and proper person will be:

- Honesty and trustworthy - drivers and operators have, for example, access to a large amount of personal information that could be misused and significant opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars.
- Not abusive, violent or threatening – abusive, violent or threatening behaviour is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- A competent and safe driver - they are expected to be professional drivers and must be fully aware of all road traffic legislation, conditions attached to their driving licence, the safety of their passengers and the safety of their vehicles at all times; passengers rely on their driver to get them to their destination safely and using the most direct route, therefore, a good knowledge of the area that they are working in is also appropriate.
- Able to communicate effectively with passengers – in the main this means able to read, speak, write and understand English.
- In good physical and mental health – to ensure they do not put passengers at risk through, for example, suffering a heart attack whilst conveying passengers.

The Council's approach when considering convictions

H1.11 The disclosure of any convictions or cautions will not necessarily mean an applicant is not a fit and proper person and, therefore, automatically prevented from being issued a licence. However, the Council will have regard to all convictions, spent or live, and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Behaviour towards Council Officers.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

H1.12 **AND** to guide the Council's consideration, the implications of the answer to the following question will also be applied:

- Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?

H1.13 If the Council has any doubts as to the fitness of an applicant/existing licenced driver, then an application must be refused or licence suspended/revoked until those doubts can be effectively allayed through the provision of further adequate evidence.

H1.14 If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing Committee for a decision as to whether the licence ought to be suspended until such an appeal is heard.

Patterns of behaviour

H1.15 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence or to suspending and/or revoking an existing licence.

H1.16 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence holder to be a fit and proper person to hold a licence and will give significant consideration to refusing to grant a licence or to suspending/revoking an existing licence.

Rehabilitation periods

H1.17 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

H1.18 A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a fit and proper person to hold a licence. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or	Never spent

a public protection sentence**	
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years*
Penalty points for a road traffic offence	3 years
Driving disqualification**	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

* Where a driving licence is revoked/refused on medical grounds by the DVLA (or other body), the Council will not grant a licence until medical proof of acceptable physical and mental fitness is provided.

**'Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

H1.19 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence or revoke or suspend an existing licence until the applicant is in a position to satisfy them.

H1.20 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/licence holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence holder in order to assist the Council to determine whether an applicant/existing licence holder is a fit and proper person or not. The rehabilitation periods will not be considered in isolation.

H1.21 The Council will not grant a licence to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

Licensing offences

H1.22 In addition to the consideration of rehabilitation periods, where an existing licence holder is found guilty of hackney carriage or private hire related offences such as, but not restricted to, plying for hire, over-charging, refusing to carry disabled persons or multiple breaches of licence conditions, licence holders will be referred to the Licensing Panel and/or the Licensing and Safety Sub-committee with a view to determining whether the licence ought to be suspended and/or revoked.

H1.23 The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be suspended for a period of 7 days and possibly face a Committee hearing. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.

H1.24 The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.

H.1.25 A driver can appeal any points awarded by requesting a committee hearing.

Right of appeal

H1.26 Any applicant refused a driver's or operator's licence on the grounds that they are not a fit and proper person to hold such a licence, or who has had their licence suspended or revoked or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision.

Conclusion

H1.27 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a hackney carriage or private hire driver's licence. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence. It is this Councils

policy to consider the protection of the public above all else by ensuring all licensed drivers are honest, will not be a threat to the public, in good health, are safe and competent drivers and are able to maintain their vehicles to a safe standard. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

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ADDITIONAL MEDICAL FITNESS GUIDANCE

11.0 The following conditions are a bar to the grant of a licence:

A. Epileptic Attack

Applicants must have been free of epileptic seizures for at least ten years and not have taken anti-epileptic medication during this ten year period.

B. Insulin Treated Diabetes

Applicants for a private hire or hackney carriage driver licence will be required to satisfy the Council that they meet the medical requirements which would allow a C1 (small lorry) Group 2 licence to be issued. If found to be suffering from Diabetes Mellitus, the applicant must provide a medical report from a hospital consultant specialising in diabetes confirming:

the applicant has been undergoing insulin treatment for over four (4) weeks;

during the 12 months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,

the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

they will comply with the directions for treatment given to him/her by the doctor supervising that treatment;

immediately report to the Council in writing, any change in diabetic condition; and

provide to the Council as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

C. Eyesight

I. Applicants must be able to read in good daylight a number plate at 20.5 metres, (67 feet), and if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye; and visual acuity of a least 6/12 in the worst eye; and if these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.

II. A licence will also be refused or revoked if an applicant has uncontrolled diplopia, (double vision), or does not have a normal binocular field of vision.

D. Other Medical Conditions

In addition to those medical conditions covered by legislation, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:

- Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty;
- A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met;
- Suffering from or receiving medication for angina or heart failure;
- Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over;
- A stroke or TIA within the last 12 months;
- Unexplained loss of consciousness within the past 5 years;
- Meniere's or other conditions causing disabling vertigo, within the past 1 year, and with a liability to reoccur;
- Recent severe head injury with serious continuing after effects, or major brain surgery;
- Parkinson's disease, multiple sclerosis or other 'chronic' neurological disorders likely to affect limb power or co-ordination;
- Suffering from psychotic illness in the past 3 years, or suffering from dementia;
- Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years;
- Insuperable difficulty in communicating by telephone in an emergency;
- Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle;
- If major psycho tropic or neuroleptic is being taken;
- Any malignant condition within the last 2 years likely to metastasise to brain or lung or malignant melanoma

INTENDED USE AND LICENSING OF HACKNEY CARRIAGES

Reasons for Policy

- J1.0 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

Applications for the grant of a new hackney carriage licence

- J1.2 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence for which application is being made.
- J1.3 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Tamworth Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.
- J1.4 Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Applications for the renewal of a hackney carriage licence

- J1.5 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence for which application is being made.
- J1.6 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Tamworth Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- J1.7 Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Transfer of ownership – when a licensed vehicle is transferred from one person to another

- J1.8 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register

the new proprietor: see R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB 583.

- J1.9 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.
- J1.10 The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the administrative area of Tamworth Borough Council. In addition, where the transferee resides outside the administrative area of Tamworth Borough Council, the transferee will be required to keep records of all pickups on the Tamworth Borough Council approved record sheets and these records shall be made available for inspection upon request. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information or to keep the records, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.
- J1.11 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence in respect of the vehicle being transferred.
- J1.12 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the administrative area of Tamworth Borough Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Tamworth Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.
- J1.13 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court referred to in paragraph 1.0 above, unless precautionary steps are taken. The paragraphs in this section are intended to put the Council in a position to respond responsibly to the transfer of a Tamworth hackney carriage into the name of someone who operates outside the administrative area of Tamworth Borough Council or remotely from it.
- J1.14 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Tamworth Borough Council, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of Tamworth Borough Council, and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

Change of vehicle – when a proprietor replaces a licensed vehicle

J1.15 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of Tamworth Borough Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Revocation of licence

J1.16 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of Tamworth Borough Council but is subsequently found not to be plying for hire to a material extent in the administrative area of Tamworth Borough Council and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

Exceptional circumstances

J1.17 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the administrative area of Tamworth Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- K1.0 Advertisements will not be permitted by Tamworth Borough Council if, in Tamworth Borough Council's reasonable opinion, the advertisement falls within any of the following categories:
- a. does not comply with the law or incites someone to break the law;
 - b. does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
 - c. is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference;
 - d. depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context (**NB** whilst the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable);
 - e. depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
 - f. relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
 - g. depicts direct or immediate violence to anyone shown in the advertisement;
 - h. condones or provokes anti-social behaviour;
 - i. contains images or messages, which relate to matters of public controversy and sensitivity;
 - j. refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Tamworth Borough Council;
 - k. contains negative references to Tamworth Borough Council's services or those services provided or regulated by other local authorities;
 - l. relates to a political party or parties or a political cause;
 - m. relates to or advertises alcohol or tobacco;
 - n. in the case of digital media, poses a health and safety risk as a result of flickering or other visual imagery

CONDITIONS APPLICABLE TO THE USE OF TRAILERS

- L1.1 The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
- L1.2 The licensed towing vehicle's insurance must cover the towing of a trailer.
- L1.3 Trailers must not be left unattended anywhere on the highway.
- L1.4 The speed restrictions applicable to trailers must be observed at all times.
- L1.5 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- L1.6 The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- L1.7 The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- L1.8 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
- L1.9 Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
- L1.10 An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
- L1.11 Un-braked trailers shall be less than 750 KGs gross weight.
- L1.12 Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- L1.13 The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- L1.14 A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- L1.15 The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- L1.16 The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- L1.17 The maximum length for braked twin axle trailers is 5.54 metres.

L1.18 The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.

L1.19 The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

DRAFT

DRESS CONDITIONS

M1.1 Drivers shall, as a minimum, wear a shirt or “T” shirt or blouse and tailored shorts (not denim), trousers, skirt. Denim jeans are acceptable as long as they meet all the other conditions.

M1.2 The shirt, “T” shirt or blouse shall cover the shoulders and be capable of being worn inside the shorts, trousers or skirt. Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button. “T” shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-

- a. Manufacturer and/or
- b. Operator/Proprietor and/or
- c. The name of the driver.

M1.3 “Tailored” In respect of shorts and trousers shall be defined as having a fly fastening. In respect of shorts, trousers and skirts be capable of being worn with a belt on the waist. In addition, shorts, trousers and skirts shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt tracksuits, denim shorts and denim jackets are not permitted.

M1.4 For safety reasons footwear for all female drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt mules or beach flip flops shall not be permitted.

M1.5 All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.

M1.6 Drivers shall not wear any item of clothing or apparel which exhibits any of the following:

- Sports teams of any description
- Offensive language
- References to drunkenness or the use of recreational drugs
- Anything racist, sexist, discriminatory or otherwise offensive
- Any advertising that does not conform to the relevant codes of advertising practice.

M1.7 To be clear examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

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Clarifications following Licensing Committee 22 November 2018

Questions on points

Q1 Why are some things that are classed as high only awarded 3 points and low 9 points?

A1 The document used on the night had reformatted and points did not align correctly. All points allocated do reflect the high medium and low.

Q2 What is the period for the accumulation of points?

A2 4.3 and H1.23 of the policy states the points are accumulated over a 3 year period, points drop off on their 3rd anniversary. The accumulation of 12 points hits the trigger. Any further points in the 3 year period automatically trigger a hearing. Operators are 12 points over a 12 month period.

Q3 It was stated that someone is in front of committee for smoking on 1st occasion, is this correct?

A3 At present, it is 3 times in a 3 year period. Smoking has been awarded 4 points to ensure 3 times reaches committee as is the case now. Please note smokers also get a fixed penalty notice. Please also note that this condition also includes e cigs and vaping which to date are not illegal but do breach conditions.

Q4 Should high risk breaches i.e. 6 and above go straight in front of committee?

A4 Certain things that would go in front of committee now have already been allocated 12 points. The system still allows for the discretion of the officer to place anyone in front of committee at any time as shown at 4.4 and H1.24 of the policy.

Q5 Do we want low risk 1 and 2 points?

A5 Yes, this is the main reason the scheme has been introduced so that people who do lots of little things wrong, mainly administration breaches, could get some sort of punishment. On review we have removed any awards of 1 point to drivers.

Q6 Should it be reviewed every 6 months or 12 months?

A7 We are happy to review at any interval

Q7 Would it be better just to have 3 6 9 and 12?

A8 Without the lower score of 2 it could result in too much work for officers producing reports for committee and extra time taken up by committee dealing with what could be seen as trivial matters which is not the idea of the scheme.

Q8 Can something go to committee without reaching 12 points?

A8. Paragraphs 4.4 and H1.24 of the policy states it can.

Q9 It is possible to commit numerous offences of low risk score and not be in front of committee. Would it be better if the maximum number of breaches was 4?

A9 As previously stated this could result in people in front of committee for 4 relevantly minor issues. This is not the aim of the scheme.

Q10 Should drivers be in front of committee if they breach conditions on 3 or 4 occasions?

A10 As previously advised the answer to this is no, however, following member comments, the scheme has been amended that if anyone breaches the exact same condition on 3 occasions, which could be only 6 points, they would be put in front of committee.

Q11 Document cannot be approved as not clear. Can some “what if” scenarios be produced?

A11 Yes

Q12 Could there be legal implications if we get this wrong?

A12 This system is open and transparent unlike the current system and has gone through a consultation with Councillor and the Taxi Trade alike. Subject to it's approval, it is less likely to attract legal action.

Q13, Q14 and Q15 are all about having have 4 bands of 3 6 9 12?

A13, A14, and A15. It is not the idea of the scheme to create extra work, it is to improve the minor issues.

Q16 Can produce a model with scenarios?

A16 as per Q11 the answer is yes.

Questions on Conditions

Q1 What is the idea of the dress code, should we dictate what people wear?

A1 The idea of the dress code is to ensure people to do not get a bad impression of Tamworth. At present the conditions state “Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.” This is very open to interpretation. The dress code produced at Annex M is an attempt to provide clarity. It is not draconian. It is acceptable to wear a t-shirt, jeans and trainers as long as clean in good condition. In hot conditions it allows for shorts to be worn and open

shoes as long as fit around the heel. The vast majority of drivers do conform to these conditions already but not all.

Q2 In terms of wheelchair exemption, should they be allowed?

A2 Section 166 of the Equality Act 2010 which came into force in October 2010 states that drivers who drive a wheelchair accessible taxi can apply for an exemption on medical and physical grounds.

Q3 Would someone get an exemption if pregnant?

A3 They would have to get the exemption through the procedure in place.

Q4 Are exemptions permanent?

A4 Yes if the exemption provided by their GP does not state a timeframe for review. This will be reviewable when our own medical practice provided the exemption.

Q5 Is para 3a55 a typo?

A5 Agreed and amended.

Q6 Dress code – we do not want to be seen as the fashion police and safety is more of an issue?

A6 Safety would always take a priority. As stated the code is to clarify what is acceptable as clean and respectable. For an example if a driver was wearing their teams football top, they would say it is clean and respectable whilst a customer who supports a different team may not think the same. The code provides simple and easy guidelines to follow without being draconian. In terms of safety it reduces the risk of drivers wearing such items as flip flops which could risk safety.

Q7 It is good that the statement includes personal hygiene but is it not subjective to decide on these levels and what is considered as high?

A7 It can be considered to be subjective but if not mentioned then we have no way of enforcing any standard. Something like strong or offensive body odour is unlikely to be accepted by any customer.

Q8 Who sets conditions for issuing licences?

A8 Despite many campaigns, there are no central guidelines for these licences. The conditions have been developed over many years from “Council requirements”, legislation and government produced guidelines. Local Councils have the final say on all conditions, as long as they are not illegal to introduce.

Q9 Who sets the fitness standards?

A9 For vehicles, the fitness standards are the standard MOT and also extra checks that particular to taxis/ph vehicles and also anything that has been set in the

conditions of the policy. For drivers, there are stricter legal guidelines in terms of right to work, medical condition and criminal history.

Q10 Assistance dogs why is there an exemption?

A10 Once again the legislation allows for it as long as there is a certifiable medical reason for it. Again this is something we want our nominated medical practitioner to decide on.

Q11 Dress code what are the standards?

A11 The proposed standards are at **Annex M** of the policy (**Appendix D of this report**). With only some slight amendments to remove gender issues they are a direct copy of Cannock Council.

Q12 Should there be short term exemptions?

A12 At present we are bound by what the GP says with no control over the duration.

Q13 Do they go to own GP for exemptions?

A13 Yes they do. This is why we have no control over the exemptions. The Governments view is that it would be fairer and more objective if medical assessments are undertaken by professionals who are specifically trained and independent of the applicant. Our proposal seeks to undertake this view.

Q14 Do they provide proof?

A14 They do provide proof from their GP. Many people are aware a lot of GPs are under pressure to see patients and do not have the time or expertise to make this decision.

Q15 The question was asked about the number of taxis that an operator can run from a private residence. It was stated that one operator was operating at 6 taxis from his private residence. It was suggested a limit be applied?

A15 We are well aware of this issue however the facts are not quite true. To start the operator is only operating 3 vehicles from the premises, his own taxi, his mother and his father. He also runs a business where he hires out taxis to other drivers but not operated by him. A limit could be set but it would not necessarily solve the problem. There is no law in regard to the parking of vehicles, including taxis in a residential area. If the operator wanted he could open an office elsewhere but still park the taxis in the same street as now. The only way this issue can be avoided is if a residents parking scheme is put in place that only allows residents to park. This would effectively limit the number of vehicles to each residence, but this would affect others in the street as well. The complaint is not about numbers as opposed to not wanting taxis parked in their street.

Q16 The existing conditions show first aid kit and carrying children numerous times. Can they be shown once?

A16 There are different sections for different licences. We do ensure that the information is correct in each section.

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DRIVERS POINTS TABLE

C1.5	The licensee may not employ to drive the licensed vehicle any person who does not have a current hackney carriage driver's licence issued by Tamworth Borough Council.	12	
C1.8	The proprietor shall not permit the vehicle to be used as a hackney carriage at any time whilst the licence is suspended or at any time whilst the vehicle's hackney licence plate is not displayed on the vehicle.	12	
E1.18	Executive vehicles: Alcoholic drinks provided in the vehicle shall be under the terms of any legislative requirements relating to the sale and supply of alcohol. No persons under 18 years of age shall be permitted to drink alcohol within the vehicle	12	
3a.54	Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes.	12	
3a.61	Drivers of hackney carriages must not charge more than is permitted under the current table of fares.	9	
3b.44	Fares Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.	9	
3b.45	Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.	9	
B1.9	The driver must convey passengers, subject to any instructions given by them, to their destination by the shortest practicable route and to ensure their safety.	9	
B1.2	The driver must not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.	9	
C1.9	A proprietor who by prior arrangement with the hirer agrees to carry out any hiring for less than the rate of fare prescribed by the Council shall not demand more than the agreed fare.	9	
C1.10	If the proprietor agrees to carry a hirer a distance at the discretion of the proprietor, for a fixed sum, the proprietor is not permitted to carry the hirer for a distance less than the hirer should have been entitled to travel according to the rates prescribed by the Council, for the sum agreed.	9	
C1.11	Any proprietor convicted of taking from a hirer more than the rate of fare prescribed by the Council shall be liable to a penalty not exceeding level 3 on the standard scale.	9	
3a.53	Drivers must not unnecessarily prolong a journey, in distance or in time.	6	
3a.55	Once a vehicle is licensed is classed at licenced at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.	6	

DRIVERS POINTS TABLE

3a.56	Touting: A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.	6	
3a.57	Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at Appendix G and is based on relevant legislation and case law.	6	
3a.60	Refusing to convey passengers A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse.	6	
3a.62	Unauthorised drivers Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	6	
3b.18 / 3c.13	With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for to the Council a fitness test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.	6	
B1 Page 188	In particular, during the currency of a licence, the driver must notify the Council, in writing, within 72 hours, if: They receive any warnings, cautions, fixed penalties or driving endorsements; Are arrested (whether or not charged with an offence); Are charged with any criminal offence; Are convicted of any criminal offence; or Allegations are made of their involvement in criminal activity.	6	
B1.5	It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.	6	
B1.7	The driver MUST NOT allow any persons to drive a vehicle unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	6	
B1.10	Assistance dogs (unless the driver holds a medical exemption) MUST be transported when requested by a passenger. Drivers MUST NOT impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.	6	
B1.14	The driver must not convey or permit to be conveyed in a licensed hackney carriage or private hire vehicle a greater number of passengers than the number prescribed in the relevant vehicle licence.	6	
B1.15	The driver of the licensed vehicle must only carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more.	6	
B1.20	The driver must ensure: the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; the meter is used for the whole of any journey; the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; the meter is only brought into action at the commencement of the hirer's journey; and the correct tariff for that journey is displayed.	6	

DRIVERS POINTS TABLE

B1.24	A driver must not drive a licensed vehicle if he has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He is advised to inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.	6	
C1.24	The licensee shall notify the Council of any convictions under the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Road Traffic Acts in relation to Hackney Carriages or involving dishonesty. The notification which shall be in writing shall include: a. Date of Conviction b. Court where case heard c. Nature of Offence d. Penalty imposed and shall be given to the Council within 7 days of such conviction.	6	
D1.5	At no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.	6	
D1.20	Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply: The driver must ensure: the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; the meter is used for the whole of any journey; the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; the meter is only brought into action at the commencement of the hirer's journey; and the correct tariff for that journey is displayed.	6	
D1.31	The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if: They receive any warnings, cautions, fixed penalties or driving endorsements; Are arrested (whether or not charged with an offence); They receive any warnings, cautions, fixed penalties or driving endorsements; Are charged with any criminal offence; Are convicted of any criminal offence; or Allegations are made of their involvement in criminal activity.	6	
E1.4	Once a vehicle has been licenced as a Private Hire Executive Licence the vehicle can only be used for work of an Executive nature and not for day to day local usage. The proprietor must be able to produce, when requested by the Licensing Office, information on bookings taken. The Licensing Officer will have the right to remove the Executive Licence and revert it to a normal Private Hire Licence if booking information is supplied on request or it is not felt that at least 90% of work undertaken is of an executive nature.	6	
G1.0	Only licensed hackney carriages are permitted to ply for hire. A private hire vehicle can not ply for hire	6	
D1.27	The vehicle must have valid Road Tax throughout the licence period.	6	
3a.59	Smoking in vehicles Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia.	4	
B1.7	The driver MUST NOT Smoke, use or permit passengers to smoke in their vehicle. This includes e-cigarettes and vaping and any similar paraphernalia.	4	

DRIVERS POINTS TABLE

3a.15 / B1.27	Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.	3	
3a.50 / D1.9	Driver's badges and licences The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public.	3	
3a.52	On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.	3	
3a.60	Refusing to convey passengers A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with a reasonable excuse.	3	
3a.64	Unattended vehicles Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, where or in contravention to parking regulations.	3	on rank
3a.69	Obstruction Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.	3	
3b.39 / 3c.30	The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.	3	
3b.41 / 3c.32 / C1.15	Return of identification plate Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.	3	
3c.31	Production of documents The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.	3	
3c.34	A private hire vehicle must not wait on any rank/stand.	3	
3e.17	Executive Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer	3	
B1.7	The driver must not obstruct other drivers/vehicles from undertaking their normal hiring and driving activities.	3	
B1.13	The driver of a hackney carriage must ensure that the roof signs are maintained and kept in such condition that the information is clearly visible to public view at all times and that the light in the sign is connected to the meter switch such that the light is switched on when the hackney carriage is available for hire and switched off when the hackney carriage is not available for hire. Drivers will have 7 days to fix LED lights.	3	
B1.22	The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.	3	

DRIVERS POINTS TABLE

B1.25	The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the operator or proprietor within 72 hours.	3	
C1.16	The licensee shall notify the Council of any change of details of insurance cover for the vehicle during the currency of the licence.	3	
C1.17	The licensee shall produce to the Council evidence of renewal and continuity of insurance cover throughout the term of the licence.	3	
C1.18	All accidents in which the vehicle is involved of any nature, whether resulting in personal injury or damage to the licensed vehicle or not, shall be notified to the Council, on the accident report form provided on request by the Council, within 72 hours of such accident.	3	
C1.19	The licensed vehicle shall be fitted with the Council licence plate which is to be affixed to the rear of the vehicle at or above bumper height in a vertical plane at or as close to as is practicable the centre line of the vehicle. The plate shall not be in any way obscured by the fitting of a towing bracket, tow ball or any other equipment.	3	
Page 191 D1.4	The rear external plate identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be: securely fixed to the outside of the vehicle in a conspicuous position; maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times; returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.	3	
D1.6	Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.	3	
D1.22	All vehicles must display Council issued signs (side plates) on the upper portion of the rear driver door and the rear passenger door of the vehicle using the adhesive backed signs provided. These signs will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. The use of magnetic panels is prohibited. The removal of the signs is prohibited whilst the vehicle is licensed by Tamworth Borough Council. In the event that a side plate is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement sign.	3	
D1.23 / 3b.35	any change in the proprietor of a private hire vehicle or the proprietor's address must be notified to the Council, in writing, during the period of the licence within 7 days of such change taking place by the proprietor.	3	

DRIVERS POINTS TABLE

D1.25	Satisfactory evidence must be produced that there is in force, for the use of the vehicle, a policy of insurance covering the carriage of passengers for hire or reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.	3	
D1.26	The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or a police officer at all reasonable times, when so required.	3	
D1.29	Notification must be given by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to the vehicle that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.	3	
D1.30	The proprietor must permit any authorised officer of the Council or any police officer, at all reasonable times, to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection/examination or to an officer of the Council or police officer within 5 days.	3	& sus
E1.19	A spare tyre, of an approved type only, and the appropriate tools to make the repair (or an approved repair kit) must be carried, or a contract be in place with a repairer / recovery company who can supply such parts immediately in the event of a flat tyre.	3	
E1.21	The licence plates must not be obstructed from view, inside or outside the vehicle, at any time.	3	
E1.22	The interior licence plate should be produced on demand by an authorised officer	3	
3a.49	The driver must, on request, produce for inspection their driver's licence forthwith or within 5 days to the Council's offices.	3	& sus
3b.40	Production of documents The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.	3	
B1.7	The driver MUST NOT Use offensive, abusive, profane or insulting language or behaviour	3	
B1.23	Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is being used for hackney carriage or private hire purposes.	3	
C1.6	The licensee shall notify the Council of any change in address during the currency of the licence and shall return the licence to the Offices of the Council for endorsement with the new particulars of address.	3	
3a.50 / B1.6	Driver's badges and licences There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible	2	
3a.62	Persons riding without consent Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.	2	
3a.64	Unattended vehicles Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, where or in contravention to parking regulations.	2	not on rank
3b.38	The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.	2	

DRIVERS POINTS TABLE

3c.27	Change of proprietor The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.	2	
3c.29	The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.	2	
3e.22	Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.	2	
B1.6	The driver must take all reasonable steps to assist passengers when they are entering or alighting from the vehicle.	2	
B1.6	The driver must when, having agreed or been hired to attend a specific location at an appointed time with their vehicle, unless delayed/prevented from doing so by some sufficient/reasonable cause, punctually attend at such appointed time and place.	2	
B1.6	The driver must show due consideration when driving through residential areas.	2	
B1.7	The driver must not without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationary.)	2	
B1.7	The driver must not Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle.	2	
B1.7	The driver must not sound their vehicle's horn to alert passengers of the vehicle's arrival.	2	
B1.7	The driver must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.	2	
B1.7	The driver must not leave their vehicle unattended in any street or public place or venue in contravention to parking regulations.	2	
B1.8	When driving a hackney carriage or private hire vehicle, a driver must not carry any animal belonging to them, the proprietor or operator of the vehicle or in their custody whilst fare paying passengers are being conveyed in the vehicle.	2	
B1.11	Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, they must carry the Council issued letter confirming the exemption in the vehicle at all times. Exemption can only be granted by the authorised Medical Centre. The driver will also be issued an Exemption certificate by Tamworth Borough council that must be placed on the kerb side of the vehicle in a prominent position that can be seen by customers before entering the vehicle.	2	

DRIVERS POINTS TABLE

B1.12	The driver must notify the Council, in writing, of any change of particulars which may occur during the currency of their licence, including any change of address or change of employer/operator. Any such change must be notified within 14 days. Where a change of address occurs, the driver must also amend the address on their driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the issuing body, e.g. DVLA. Both the paper and the plastic photo card licence must be produced.	2	
B1.18	Where drivers are driving in the Council's area, they must as soon as they have dropped passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park.	2	
C1.12	The proprietor may not allow any person to ride in the carriage without the consent of the hirer.	2	
C1.23	The licensee shall not during the currency of the licence alter the specification, design or appearance of the vehicle without the prior consent of the Council's authorised officer.	2	
D1.7	The tariff card must be displayed in a prominent position so that it can be easily viewed by passengers.	2	
D1.28	No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the written approval of the Council.	2	
K1.1	Advertisements that do not conform to Tamworth Borough Council standards.	2	
L1.1	The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.	2	
M1.1	Not following dress conditions	2	
3b.34	Change of proprietor The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.	2	
B1.6	The driver must be clean and respectable in their dress and person and maintain a high standard of personal hygiene.	2	
B1.6	The driver must be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers.	2	
B1.6	The driver must when requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage.	2	
C1.13	If the licensee transfers his interest in a licensed vehicle to another person he shall within 14 days give notice in writing of the transfer to the Council, specifying the name and address of the person to whom the vehicle has been transferred.	2	

OPERATOR POINTS TABLE

	If an operator accrues 12 points in a 12 month period they will be put in front of committee for a hearing.		
F1.17	The licensee shall notify the Council of any change of home or business address, within 7 days of any such change.	2	
F1.19	<p>The licensee shall ensure that the following details of bookings shall be entered in a record book, or loose leaf file system or electronic system) prior to the commencement of the journey in respect of which the booking was made.</p> <ul style="list-style-type: none"> a) Name of the hirer b) Time and date of hiring c) Pick up point d) Destination of passenger(s) e) Councils' licence plate number of the vehicle used for the booking. f) Council's identification badge number of driver undertaking the booking g) If at the time of booking a quotation has been given for the fare to be charged, the amount of that quotation. 	1	
Page 195 F1.	<p>The licensee shall ensure that the following details be recorded for each vehicle operated:</p> <ul style="list-style-type: none"> a) Vehicle registration mark b) Council's licence plate number c) Name and address of proprietor of the vehicle. d) Date of expiry of the Private Hire or Hackney Carriage licence. e) Expiry date of the insurance certificate or cover note for the vehicle together with details of the type of cover provided ie for public or private hire. 	1	
F1.21	<p>The licensee shall ensure that the following details be recorded for each driver used in connection with the business:</p> <ul style="list-style-type: none"> a) The driver's name b) The driver's Council identification badge number c) The date of expiry of the driver's Hackney Carriage or Private Hire driver's licence issued by the Council. 	1	
F1.22	<p>The licensee shall ensure that a complaints record book be kept in which are recorded the following details:</p> <ul style="list-style-type: none"> a) Date of complaint b) Date and time of incident complained of c) Name and, if known, address of complainant d) Nature of complaint e) Licence number of vehicle if subject of complaint f) Licence number of driver if subject of complaint g) Any action taken by the operator in respect of the complaint 	1	

OPERATOR POINTS TABLE

F1.23	All records required to be kept by conditions shall be made available for inspection by any authorised officer of the Council or any police constable and, if not immediately available for inspection at the operator's premises must, within 72 hours of the making of such a request, be produced for inspection.	3	
F1.24	The licensee must ensure, that when bookings are accepted and a pick-up or response time given to a hirer, that the appropriate vehicle be despatched to fulfil that booking so as to arrive punctually unless such vehicle is delayed due to unforeseen circumstances beyond the control of the operator.	1	
F1.26	The licensee shall ensure that any waiting/booking rooms provided for customers are kept clean and in good repair.	1	
F1.27	The licensee, if convicted of any offence during the currency of the licence, must disclose any such conviction to the Council within 7 days of conviction. The disclosure must include the date of conviction, the Court where the hearing took place, details of the offence and the penalty imposed.	6	
F1.28	The licensee shall ensure that any records required to be kept in accordance with these conditions of licence are kept and made available for inspection for a minimum period of 6 months from the date of the last entry in the record book or file.	1	

Equality Impact Assessment – Taxi Licensing Policy

Is this a new or existing policy?	NEW	EXS	existing
1. Briefly describe the aims, objectives and purpose of the policy?	<p>Tamworth Borough Council seeks to promote the following objectives that impact on these trades:-</p> <ul style="list-style-type: none"> (i) the protection of the public; (ii) the establishment of professional and respected hackney carriage and private hire trades; (iii) access to an efficient and effective public transport service; and (iv) the protection of the environment. <p>A council policy to guide the authority when making decisions on its licensing function and to promote the objectives of protecting the public, protection of the environment and promoting an efficient public transport system</p>		
2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?	No		
3. Who is intended to benefit from this policy and in what way?	The public, decision makers (ie police, members, council officers, the taxi and private hire trade) and the environment		
4. What are the desired outcomes from this policy?	Improvement in driver behaviour; transparency in Tamworth Borough Council decision making		
5. What factors/ forces could contribute/ detract from the outcomes?	Unfair application of policy		
6. Who are the main stakeholders in relation to the policy?	Tamworth Borough Council is the lead and accountable authority		
7. Which individuals/ groups have been/ will be consulted with on this policy?	Taxi trade; elected members		
8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?		N	Drivers/operators are required to speak, read and write in English. This can be corrected by individuals learning the necessary skills
9. Are there concerns that the policy/ procedure/		N	None – open to all

practice <u>could</u> have a differential impact due to gender?			
10. Are there concerns that the policy <u>could</u> have a differential impact due to them being transgender or transsexual?		N	None – open to all
11. Are there concerns that the policy <u>could</u> have a differential impact due to disability?		N	Information is on the Tamworth Borough Council website, available in hard copy on request; Failure to meet Group 2 medical standard Illiteracy but considered justifiable in being able to find locations and write receipts
12. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?		N	None – open to all
13. Are there concerns that the policy <u>could</u> have a differential impact due to age?		N	Annual medical for those over 65. No under 18s eligible to apply to drive. Both of these are statutory requirements
14. Are there concerns that the policy <u>could</u> have a differential impact due to religious belief?		N	None but full face photos are required for the drivers licence and this could impact on women from the Islamic faith
15. Are there concerns that the policy <u>could</u> have a differential impact on Gypsies/ Travellers?		N	None, open to applications from all
16. Are there concerns that the policy <u>could</u> have a differential impact due to dependant/caring responsibilities?		N	None
17. Are there concerns that the policy <u>could</u> have a differential impact due to them having an offending past?		N	Government guidelines are followed and each application is treated on its own merits
18. Are there concerns that the policy <u>could</u> have an impact on children or vulnerable adults?		N	Those with severe difficulties would be unable to pass the knowledge test. Those with mild learning difficulties would not be affected.
19. Does any of the differential impact identified cut across the		N	None – open to all

equality strands (e.g. elder BME groups)?			
20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?		N	No adverse impact
21. Can this adverse impact be justified: <ul style="list-style-type: none"> • on the grounds of promoting equality of opportunity for one group? • For any other reason? 		N	None, no adverse impact
22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?		N	Not at present but if the situation changes then a further review is required
23. As a result of this EIA should this policy be recommended for implementation in it's current state?	Y		Any comments received may have an impact on the current findings, and this equality impact assessment will be reassessed in the light of the comments received.

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THURSDAY, 21 FEBRUARY 2019

REPORT OF THE PORTFOLIO HOLDER FOR CULTURE AND OPERATIONAL SERVICES AND THE LEADER OF THE COUNCIL**AMINGTON COMMUNITY WOODLAND****EXEMPT INFORMATION**

None

PURPOSE

To update Cabinet on the progress of the Amington Community Woodland Project. Request Cabinet approve the plan for the project and delegate approval for procurement of a Landscape Architect and professional team to the Assistant Director Operations and Leisure in consultation with the Portfolio Holder for Culture and Operational Services. Cabinet to approve delegation of the final plan sign-off to the Portfolio Holder for Culture and Operational Services.

RECOMMENDATIONS

It is recommended that:

1. Cabinet endorse the programme management approach as detailed in Appendix 3
2. Cabinet endorse the draft Project Initiation Document (Appendix 1) and reporting lines for the Amington Community Woodland Project.
3. Cabinet approve commencement of the Amington Community Woodland Project, as per the project plan (Appendix 2).
4. Cabinet endorse the design principles and consultation programme set out in the report.
5. Cabinet approve the list of services required from an appointed Landscape Architect and associated professional team, as detailed in Appendix 4.
6. Cabinet authorise the commencement of the procurement process for the Landscape Architect and professional team and delegate responsibility for the appointment to the Assistant Director Operations and Leisure in consultation with the Portfolio Holder for Culture and Operational Services to appoint.
7. The 2018/19 approved Capital Programme be increased by a total of £305k being:
 - Additional £115k for the Amington Community Woodlands scheme to reflect the additional external funding secured through the “Small Habitats Grant”
 - Additional £150k for the Amington Community Woodlands scheme to reflect the revised phasing of the project funded through Section 106 agreement.
 - Additional £40k for the Community Woodland Cycleway scheme to reflect the additional Section 106 contributions to fund the scheme.
8. Cabinet give delegated authority to the Assistant Director Operations and Leisure in consultation with the Portfolio Holder for Culture and Operational Services to:
 - a. agree the final design for the hard and soft landscaping works

- b. prepare and endorse the contract briefs to be used as part of future procurement of contractors to implement the elements of the scheme;
- c. Commence the procurement processes
- d. Award the contracts to the successful tenderers.

EXECUTIVE SUMMARY

Background

The Amington Community Woodland Project is part of an overall group of projects (see Appendix 3) to redevelop parts of the former Tamworth golf course. The Golf Course masterplan was finalised in 2014 after extensive consultation with the public over options to redevelop the site. In 2016 planning permission was granted for the development of up to 1100 homes, a new primary school, new public open space and a local centre. The Community Woodland, part of the open space network on the site, consists of 8Ha of the former golf course, set aside for the creation of an open space. The project will design and create a new open space with a mosaic of habitats to increase biodiversity and green connectivity in the area as well as space for informal recreation, health and wellbeing. Existing woodland areas will be improved, new woodland planted, meadows created as well as other biodiversity improvements such as bulb planting, bat and bird boxes. Access will be improved through the site with a network of footpaths, connecting with the wider housing development. Walking routes will be created through the site with interpretation and benches.

Funding for the creation and maintenance of the new site is predominantly via a s106 agreement of £500,000.00 which was secured as part of the original consent for the redevelopment of the land. Tranche one (£250,000.00) has been received by the council with the final tranche being due in 2021. There is a separate agreement to transfer £200,000.00 to the council for the construction of the main footpath through the site, linking the north and south of the site.

Small Habitats Grants Programme

TBC has recently been successful in being awarded £115,000.00 of grant funding from the European Union European Structural and Investment Funds 'Small Habitats Grants Programme' managed by Solihull Council. The fund is primarily to increase biodiversity in the GBSLEP area, through habitat improvements. The extra funding will enable the capital element of the project to be started in 2019 with a completion date of October 2020. The injection of external funding will also enable more money to be used for the maintenance of the site in the longer term as well as a part-time ranger to work with volunteers on community projects.

TBC will be entering into a contract with Solihull MBC (as managing authority) in March 2019 to deliver the first phase of the Community Woodland. Funds will be transferred to TBC upon confirmation of defrayed expenditure from TBC.

Programme and Project Plan

There are a number of workstreams associated with the redevelopment of the former golf course. A programme approach is proposed to ensure that the linkages and opportunities each project present are fully maximised. It is proposed that the Executive Leadership team act as the programme board. Individual Project Initiation Documents will be compiled for each project and presented to the programme Board (ELT) for approval.

A project team has been established for the Community Woodland project with a reporting structure to the Assistant Director Operations and Leisure and ultimately the Executive Leadership Team. The soft landscaping element of the project has a number of distinct phases:

Stage one: February – March 2019

Preparatory work with the project team on a number of themes including writing a tender for the procurement of a Landscape Architect (LA) and professional team.

The LA will carry out the following work: Design and produce consultation documents; work up final plan drawings based on consultation results; prepare a tender package for contractor procurement; Management of appointed contractor; Project/site management including Health and Safety when a landscape contractor is on site. Please see Appendix 4 for more details.

Stage two: April – August 2019

The LA will work with TBC and consultation groups to develop the final scheme for the site and will put together tender documents for the appointment of a main contractor to construct the final scheme. It is anticipated the LA will act as project manager for the creation of the final scheme. This stage will include consultation with groups on the plan; see the section on consultation and engagement below for more details.

Stage three: August – November 2019

TBC will work with the LA to develop a full tender package for the construction of the community woodland. Tendering will be for a main contractor to carry out the hard and soft landscaping for the site with a start date for planting to be in the winter of 2019/20.

Stage four: November 2019 – March 2020

Hard and Soft landscaping of the site. Project management by TBC and the LA. Continued liaison with consultation groups. It is anticipated that practical completion for the site will be mid 2020 with a period of defects liability and final completion at least 12months after practical completion.

Please see Appendix 2 for the full project plan.

In addition, the hard landscaping (the main footpath) through the site has been designed and it is intended to construct in spring 2019 in advance of the soft landscaping.

Design Principles

The size of the site is approximately 8Ha and currently comprises amenity grassland, rough grassland, scrub, parkland, semi-natural broadleaved woodland and tall ruderal habitats. Landscape proposals will include new and retained amenity grassland, meadow grassland, scrub, improving existing woodland, new woodland and orchard planting. A network of footpaths will also be installed. Site proposals will be put together to maximise the biodiversity improvements to the site, as most have been assessed as poor at present. The site design will also have a network of footpaths to enable users to access the different areas and habitats. A key design principle will be to integrate the site with the surrounding housing development. TBC are working with the housing developer to ensure that as far as possible the site is integrated with new housing.

Consultation and Engagement

Consultation on proposals will be carried out with targeted groups. Groups identified are:

- Wildlife volunteers on the nearby Hodge Lane Nature Reserve
- TBC ward members
- Residents of the new housing development
- Existing residents adjacent to the former golf course
- Staffordshire Wildlife Trust
- Tame Valley Wetlands

Focussing consultation towards specific groups will enable more meaningful one to one engagement to be carried out with people who will be users of the open space once completed. It will also be a starting point for developing a volunteer group to work on the site in the future.

Consultation will focus on awareness raising of the project so far and what can be influenced.

Tender approvals

The total capital cost of the site development is anticipated to be circa £495,000.00 and will be split into three main contracts:

LA tender will be circa £35,000.00 and will be procured via In-tend system. Approval to appoint is sought by the AD Operations and Leisure.

Soft landscape contractor tender will be circa £260,000.00 for works associated with the woodland design (not including the main footpath running through the site). To be procured through the In-Tend system. Approval to appoint is sought by the AD Operations and Leisure.

Hard landscape contractor tender will be circa £200,000 for the main footpath. Approval to appoint is sought by the AD Operations and Leisure.

Maintenance:

Landscape maintenance and management for initial 3-5 years for habitat establishment will be circa £100,000.00. this may be included in the soft landscaping contract or undertaken by the Council. A decision on this will be taken once the design is complete and prior to tendering for the works. Using the main contractor that carried out the construction of the site or an approved sub-contractor will ensure that the various habitats are established and biodiversity gains are maximised. To be procured through the In-Tend system.

Long-term maintenance of the site will be carried out by TBC grounds maintenance and possibly volunteers and a site ranger. Maintenance will be carried out in accordance with a site management plan and will utilise the remaining s106 monies.

Key outputs of the Amington Community Woodland Project:

- New public open space, accessible to all
- Biodiversity improvements to the site both short and long term
- A new public open space in the east of the borough, highlighted as lacking in quality open space in the 2011 open space review.
- An accessible open space for wildlife and residents to benefit from.

OPTIONS CONSIDERED

Leave the site as it is. This option is not favoured as there is currently no public access to the site and it still has the layout of the former golf course. Much of the site has little or no biodiversity value. If the site is not developed the Council would not be fulfilling its obligations as contained in the Section 106 agreement.

RESOURCE IMPLICATIONS

The site benefits from a s106 obligation of £500k for the creation and maintenance of a community woodland (£250,000 has already been received) and £200k for the implementation of the main footpath (expected to be received by the end of February 2019). In addition TBC have secured £115k from the Small Habitats Grant Programme, which is primarily focussed on biodiversity and access improvements.

The table below details the revised budget provisions as outlined in the report.

	2018/19	2019/20	2020/21	2021/22	2022/23	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Current Budgets						
Community Woodland						
Cycleway	160	-	-	-	-	160

Amington Community Woodland	50	50	50	50	50	250
Total	210	50	50	50	50	410

Funded By

Section 106	210	50	50	50	50	410
Total	210	50	50	50	50	410

Revised Budgets

Community Woodland Cycleway	200	-	-	-	-	200
Amington Community Woodland	315	50	-	-	-	365
Total	515	50	-	-	-	565

Funded By

Section 106	400	50	-	-	-	450
Small Habitats Grants Programme	115	-	-	-	-	115
Total	515	50	-	-	-	565

It should be noted that any unspent monies in relation to the main footpath (Community Woodland Cycleway) will need to be returned to the developer.

LEGAL/RISK IMPLICATIONS BACKGROUND

The second payment of £250,000 is not received. Should this second payment not be received then the project scope would need to be reduced or the project split into 2 phases.

EQUALITIES IMPLICATIONS

The site will be designed to increase accessibility. Paths will be created through the site for multi-use (e.g. walking/cycling/pushchairs/wheelchairs). There are steep gradients in some parts of the site but as much as possible access will be created that is inclusive. The site will be publicly accessible 24hrs a day, 7 days a week.

SUSTAINABILITY IMPLICATIONS

The community woodland has been designed to be a long term management and improvement project for the council. The council has a track record of successfully recruiting volunteers to help manage and improve sites in the borough. It is anticipated that a volunteer group will be set up on the site to manage and improve the site for wildlife and biodiversity once the main construction phase is complete.

BACKGROUND INFORMATION

REPORT AUTHOR

Corinne O'Hare x278

LIST OF BACKGROUND PAPERS

Decision to dispose of Golf Course Asset made by Cabinet on 27th November 2014.

<http://democracy.tamworth.gov.uk/ieListDocuments.aspx?CId=120&MId=656&Ver=4>

Tamworth Borough Council Local Plan:

https://www.tamworth.gov.uk/sites/default/files/planning_docs/Local-Plan-2006-2031.pdf

APPENDICES

1. Project Initiation Document
2. Project Plan
3. Project organisational chart
4. List of services to be provided by the Landscape Architect

Project Initiation Documentation

Project Name:	Amington Community Woodland		
Date:	18/11/18	Release:	
Author:	Corinne O'Hare		
Owner:	Amington Community Woodland Project Team		
Client:	Amington Programme Board		
Document Number:			

Note: This document is only valid on the day it was printed

Revision History

Date of next revision:

Revision Date	Previous Revision Date	Summary of Changes	Changes Marked
Nov 18	N/A	PID creation	N/A

Approvals

This document requires the following approvals. A signed copy should be placed in the project files.

Name	Signature	Title	Date of Issue	Version
Matt Bowers		Assistant Director, Growth and Regeneration		
Sarah McGrandle		Assistant Director, Ops and Leisure		

Distribution

This document has been distributed to:

Name	Title	Date of Issue	Version

Overview

Purpose

The purpose of the Project Initiation Documentation is to define the project, in order to form the basis for its management and an assessment of its overall success. The Project Initiation Documentation gives the direction and scope of the project and (along with the Stage Plan) forms the 'contract' between the Project Manager and the Project Board.

The three primary uses of the Project Initiation Documentation are to:

- Ensure that the project has a sound basis before asking the Project Board to make any major commitment to the project
- Act as a base document against which the Project Board and Project Manager can assess progress, issues and ongoing viability questions
- Provide a single source of reference about the project so that people joining the 'temporary organisation' can quickly and easily find out what the project is about, and how it is being managed.

The Project Initiation Documentation is ongoing in that it should always reflect the current status, plans and controls of the project. Its component products will need to be updated and re-baselined, as necessary, at the end of each stage, to reflect the current status of its constituent parts.

The version of the Project Initiation Documentation that was used to gain authorisation for the project is preserved as the basis against which performance will later be assessed when closing the project.

Contents

The Project Initiation Documentation should cover the following topics.

Project Definition	5
Project Approach	6
Business Case.....	6
Project Management Team Structure	6
Role Descriptions	7
Quality Management Strategy	7
Configuration Management Strategy	7
Risk Management Strategy.....	8
Communication Management Strategy	8
Project Plan	8
Project Controls.....	8

Advice

The Project Initiation Documentation is derived from the Project Brief and discussions with user, business and suppliers for input on methods, standards and controls.

The Project Initiation Documentation could be a single document; an index for a collection of documents; a document with cross references to a number of other documents; a collection of information in a project management tool.

The following quality criteria should be observed:

- The Project Initiation Documentation correctly represents the project
- It shows a viable, achievable project that is in line with corporate strategy or overall programme needs
- The project management team structure is complete, with names and titles. All the roles have been considered and are backed up by agreed role descriptions. The relationships and lines of authority are clear. If necessary, the project management team structure says to whom the Project Board reports
- It clearly shows a control, reporting and direction regime that can be implemented, appropriate to the scale, risk and importance of the

<Amington Community Woodland>

- project to corporate or programme management
- The controls cover the needs of the Project Board, Project Manager and Team Managers and satisfy any delegated assurance requirements
 - It is clear who will administer each control
 - The project objectives, approach and strategies are consistent with the organisation's corporate visions, and the project controls are adequate to ensure that the project remains compliant with such strategy
 - Consideration has been given to the format of the Project Initiation Documentation. For small projects a single document is appropriate. For large projects it is more appropriate for the Project Initiation Documentation to be a collection of stand-alone documents. The volatility of each element of the Project Initiation Documentation should be used to assess whether it should be stand-alone, e.g. elements that are likely to change frequently are best separated out.
-

DRAFT

<Amington Community Woodland>

Project Definition

The Amington Community Woodland project aims to create an accessible community open space for both existing and new residents in the Amington area and a destination for residents from the whole of Tamworth Borough.

The newly created open space will include a mosaic of habitats to increase biodiversity in the area whilst creating spaces for people to use for informal sport, recreation, health and wellbeing. The space will also be used as a volunteer and educational resource.

Background

The 7.5Ha site was originally part of the Amington Colliery pit mound and was transformed into a golf course in the 1970's. The 60Ha golf course closed in 2014 and was sold to Redrow homes for redevelopment. A comprehensive masterplan for the site was put together with community consultation, alongside the development of circa 1100 houses. The masterplan includes 25Ha of green infrastructure across the whole site, with the community woodland element (to be developed by TBC) being approximately 7.5Ha.

Proposals for the community woodland include a dual pedestrian/cycleway through the site, linking in with existing and new paths to the north and south. More informal paths will lead users around the site and to viewpoints over surrounding countryside. Biodiversity will be increased with the planting of native trees, wildflowers meadows and a community orchard.

Policy HG2 (Sustainable Urban Extensions) in the Local Plan 2006-2031 specifies that new public open space should be provided on the former golf course site. In addition Policy EN3 supports proposals for the creation of a new multifunctional park on the eastern side of the town.

Project objectives

(Covering time, cost, quality, scope, risk and benefit performance goals)

The project objectives are:

- To create an accessible open space to the east of Tamworth
- To increase biodiversity by creating a mosaic of different habitats including native woodland, hedgerows, wildflower meadow areas and grassland
- To increase community involvement in the site through volunteer and educational activities.
- To increase the opportunities for Tamworth (and in particular Amington) residents to take part in informal sport and recreation, to increase their health and wellbeing

The project will utilise s106 funding and external grant monies (where applicable/appropriate) to design and deliver the community woodland. It is envisaged that a design and specification for the woodland will be drawn up using a qualified landscape architect.

The overall budget from s106 monies for the entire project is £700k (not including any external funding). Through the design and tendering process it is envisaged that the budget will be separated into three distinct parts with indicative costs:

- | | |
|--|-------|
| 1. Surfaced pedestrian/cycleway through the site | £200k |
| 2. Design and creation of the community woodland | £250k |
| 3. Maintenance of the open space and a part time ranger to facilitate educational and volunteer activities | £250k |

Scope

The scope of the project will be to create a community woodland and open space on land as specified in the latest Amington Golf Course Masterplan (see attached document). The project will improve the existing vegetation and create a mosaic of habitats for the benefit of wildlife

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and residents of Tamworth. The section 106 agreement specified that the contributions should be spent on creating a surfaced footpath/cycleway through the site and design, creation and maintenance of the community woodland.

Risks

Project not delivered – section 106 money is specifically for design, delivery and maintenance of a footpath/cycleway and the community woodland. There is a potential that if the money cannot be evidenced that it has been spent on this it may have to be returned to the developer.

Money not spent in accordance with financial procedures - the project will conform to both TBC and if applicable EU financial regulations.

Benefits

- Creation of a new open space to the east of the borough, highlighted as deficient in the 2011 open space review, the Local Plan 2006-2031 and Infrastructure Delivery Plan.
- 7.5 Ha increase in accessible open space for the borough with opportunities for informal sports and recreation.
- Improvement of biodiversity on the site with the creation and maintenance of a mosaic of habitats.

Project Approach

(To define the choice of solution that will be used in the project to deliver the business option selected from the Business Case, taking into consideration the operational environment into which the solution must fit)

The project will be based on the 2015 masterplan and latest masterplan iteration from the 2018 planning application for the footpath/cycleway. A landscape architect will be commissioned to create a layout for the site (based on constraints and consultation feedback) and will draw up a detailed specification to enable TBC to go out to competitive tender for contractors. At tender stage it will be decided whether to tender the hard and soft landscaping separately or as one contract.

After the contract default period TBC will assume responsibility for maintenance of the site.

Consideration will need to be given as to how the community will be involved in the design, implementation and maintenance. There may be a need to bring in resource to facilitate this work, possibly on a long term basis which would be paid for from the project cost, such as a Ranger. This could be delivered in a number of ways such as utilising existing partnerships such as Wild About Tamworth, use of own staff etc.

Business Case

(Describing the justification for the project based on estimated costs, risks and benefits)

The business case for this project has been previously considered as part of the sale of the golf course and masterplanning of the entire site in 2014/15. As part of the masterplanning the council committed to utilising section 106 contributions from the development to create and manage the community woodland for the benefit of residents in Tamworth.

Project Management Team Structure

(A chart showing who will be involved with the project)

Project Sponsor – Sarah McGrandle

Project Manager – Corinne O'Hare

The programme Board: Executive Leadership Team

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The project board:

Sarah McGrandle

Matt Bowers

Working project group:

Corinne O'Hare

Shelley Pattison

David Hunter

Ester Bramble

James Hazlehurst

Karen Moss

Ian Owen

Mark Greaves

Barbara Cox (as required)

Role Descriptions

(For the project management team and any other key resources)

Day to day project management will be carried out by the Project Manager. Specific roles for members of the project group will be determined as the project progresses. It is envisaged that project members will have responsibility for specific parts of the project, depending on their speciality.

Quality Management Strategy

(Describing the quality techniques and standards to be applied, and the responsibilities for achieving the required quality levels)

A number of industry engineering / environmental / maintenance requirements will need to be met during the project and these will be detailed in the action plan that forms part of the Master Plan document to ensure legal compliance and quality standards are met and can be maintained in the future.

Design and specification, including 15 year maintenance plan will be undertaken by a qualified Landscape architect.

If external contractors are required to implement then they will be procured through the Councils InTend system and an appropriate contract will be put in place to ensure quality standards are met (e.g. construction standards).

Plants and trees will be purchased from approved supplier and will be specified at tender stage.

Configuration Management Strategy

(Describing how and by whom the project's products will be controlled and protected)

The Management Strategy will be controlled by the project working group and over seen by the Governance group. Progression and implementation will be authorised at TBC Cabinet level.

Risk Management Strategy

(Describing the specific risk management techniques and standards to be applied, and the responsibilities for achieving an effective risk management procedure)

A Risk Assessment template will be formed on the project and completed, monitored and updated by the working group. This document will be reported to the Governance group. It will show the risks associated and the remedial actions to be taken against each identified risk.

Current risks should be identified at the next project meeting and a risk register developed.

Communication Management Strategy

(To define the parties interested in the project and the means and frequency of communication between them and the project)

A number of key groups and organisations will be consulted with throughout the project:

- Tamworth Borough Council (both internal departments and members)
- Redrow Homes
- Community – new residents to the development, existing residents in the vicinity and residents of the wider town.
- Wildlife Trust
- Hodge Lane LNR volunteers

Project Plan

(Describing how and when the project's objectives are to be achieved, by showing the major products, activities and resources required on the project. It provides a baseline against which to monitor the project's progress stage by stage)

The obligation to create a community woodland has no time limit but for the purpose of preparing this project it is split into three distinct phases:

Phase 1 – Design, consultation and tendering. October 2018 – September 2019

Phase 2 – Construction of the main footpath/cycleway and ancillary paths through the site. Planting of woodland areas, hedgerows, wildflower meadow areas, orchards and specimen trees. October 2019 – November 2020

Phase 3 – Maintenance of the site and educational and volunteer activities with a ranger. September 2020 onwards (minimum 15 year maintenance)

Project Controls

(Summarizing the project-level controls such as stage boundaries, agreed tolerances, monitoring and reporting)

The timing of the three phases of the project are indicative at this stage. As the project outputs are mainly hard and soft landscaping timings will ultimately be agreed between contractors and TBC and will need to fall within optimum construction/planting times. The soft landscaping must be predominantly carried out in the winter, therefore if the planting season in 2019/20 is missed it will require waiting until the autumn/winter of 2020 to be completed.

Monitoring of the project will be carried out by the project manager and sponsor and

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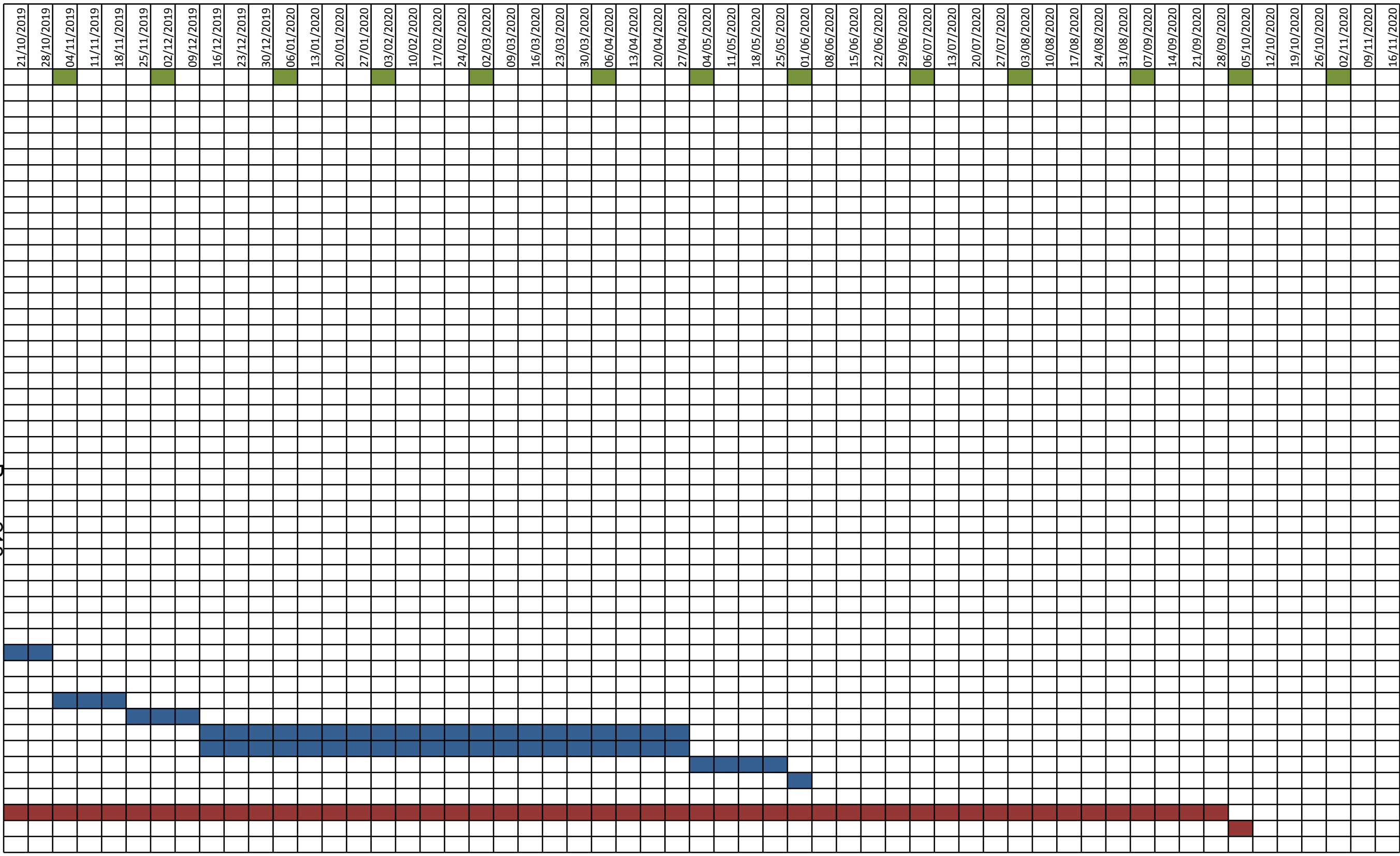
will be reported to cabinet.

Definitions

Open Space – All space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, which can offer opportunities for sport and recreation. They can also act as a haven for wildlife and are usually attractive.

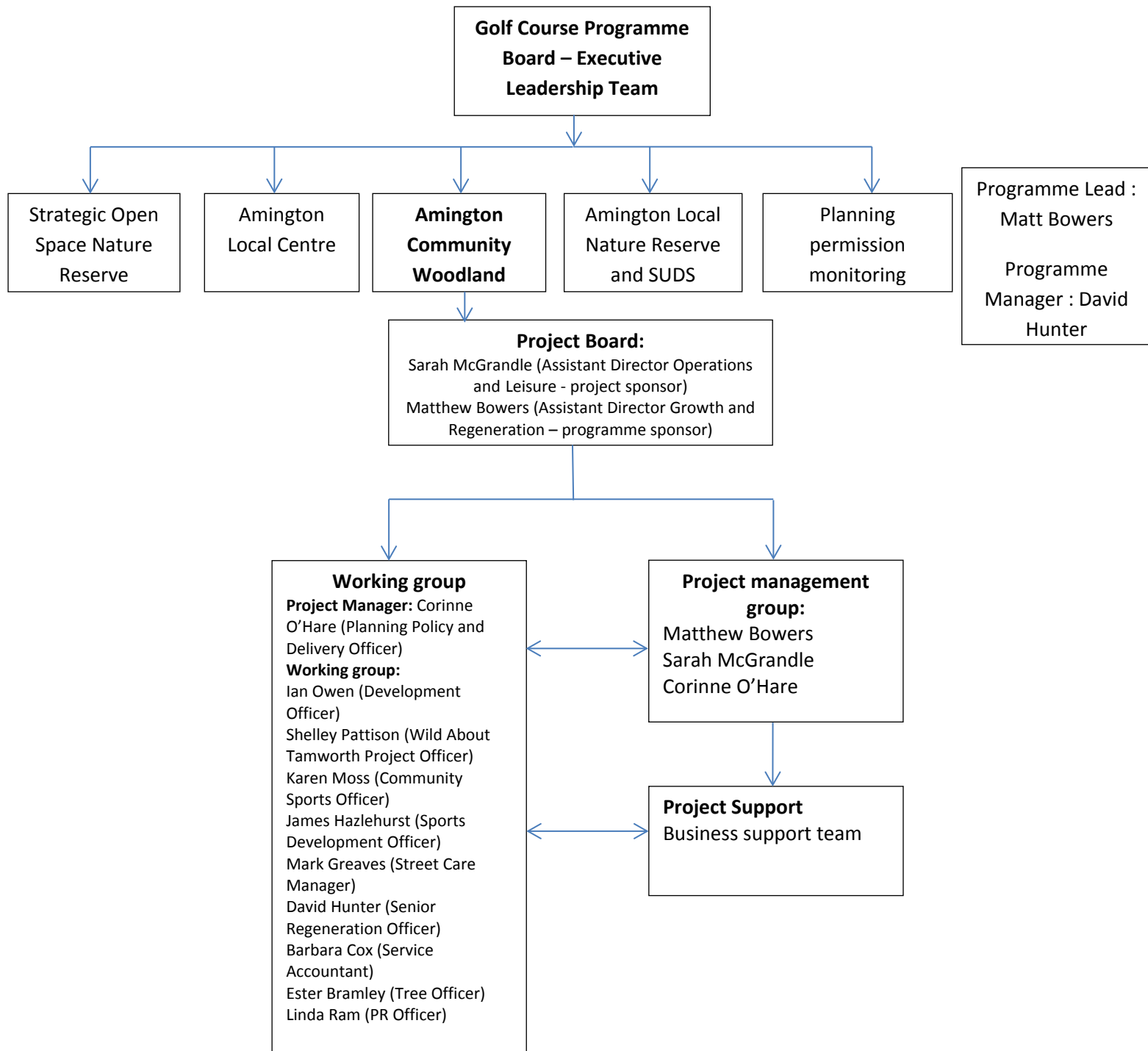
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Project organisation chart



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List of services Landscape Architect (and any associated professional team) will be providing TBC:

- Produce materials including sketches and a leaflet of the site for consultation
- Following feedback from consultation finalise the site plan for approval by TBC
- Prepare the tender package for the main landscape contractor procurement (in conjunction with TBC). This should include (as a minimum):
 - Final landscape drawings at appropriate scales
 - Detailed specification and drawings for each element of the design
 - Detailed Bill of Quantities for the scheme
 - Full liaison with TBC to ensure compliance with TBC and EU procurement rules
 - Contract preparation and administration (JCLI or similar)
 - Management of appointed contractor
- Responsibility for compliance with relevant Health and Safety Regulations on site for the duration of the project, through complying with the Health and Safety at Work Act (HASAW Act) and/or the Construction (Design and Management) Regulations 2015 (CDM Regs) as appropriate.

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