

# Public Document Pack



## RUSHMOOR BOROUGH COUNCIL

### CABINET

*at the Council Offices, Farnborough on  
Tuesday, 7th February, 2023 at 7.00 pm*

To:

Cllr D.E. Clifford, Leader of the Council  
Cllr M.L. Sheehan, Deputy Leader and Operational Services Portfolio Holder  
Cllr M.J. Tennant, Deputy Leader and Major Projects and Property Portfolio Holder

Cllr J.B. Canty, Customer Experience, Digital and Transformation Portfolio Holder  
Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder  
Cllr A.R. Newell, Planning and Economy Portfolio Holder  
Cllr P.G. Taylor, Corporate Services Portfolio Holder

Enquiries regarding this agenda should be referred to Chris Todd, Democratic Support Officer, on 01252 398825 or e-mail: [chris.todd@rushmoor.gov.uk](mailto:chris.todd@rushmoor.gov.uk)

## A G E N D A

### 1. DECLARATIONS OF INTEREST –

Under the Council's Code of Conduct for Councillors, all Members are required to disclose relevant Interests in any matter to be considered at the meeting. Where the matter directly relates to a Member's Disclosable Pecuniary Interests or Other Registrable Interest, that Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation (see note below). If the matter directly relates to 'Non-Registrable Interests', the Member's participation in the meeting will depend on the nature of the matter and whether it directly relates or affects their financial interest or well-being or that of a relative, friend or close associate, applying the tests set out in the Code.

**NOTE:**

On 27th May, 2021, the Council's Corporate Governance, Audit and Standards Committee granted dispensations to Members appointed by the Council to the Board of the Rushmoor Development Partnership and as Directors of Rushmoor Homes Limited.

2. **MINUTES** – (Pages 1 - 6)

To confirm the Minutes of the meeting held on 17th January, 2023 (copy attached).

3. **COUNCIL PLAN AND RISK REGISTER QUARTERLY UPDATE OCTOBER TO DECEMBER 2022/23** – (Pages 7 - 36)

(Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder)

To consider Report No. ACE2302 (copy attached), which sets out performance monitoring information in relation to the Council Business Plan for the third quarter of 2022/23.

4. **BUSINESS RATES - DISCRETIONARY RATE RELIEF APPLICATIONS** – (Pages 37 - 60)

(Cllr Paul Taylor, Corporate Services Portfolio Holder)

To consider Report No. FIN2303 (copy attached), which gives details of three applications for discretionary rate relief.

5. **REVIEW OF TAXI LICENSING POLICY** – (Pages 61 - 218)

(Cllr Maurice Sheehan, Operational Services Portfolio Holder)

To consider Report No. OS2303 (copy attached), which sets out a refresh of the Council's Taxi Licensing Policy.

6. **REGENERATION PROGRAMME - ACQUISITION OF LAND AND PROPERTY AT BLOCK NOS. 1-4 THE MEADS AND KINGSMEAD SHOPPING CENTRE, FARNBOROUGH** – (Pages 219 - 354)

(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

To consider Report No. REG2302 (copy attached), which sets out a proposal to acquire land and property to enable the progression of regeneration in part of Farnborough town centre.

7. **REVENUE BUDGET, CAPITAL PROGRAMME AND COUNCIL TAX LEVEL** – (Pages 355 - 394)

(Cllr Paul Taylor, Corporate Services Portfolio Holder)

To consider Report No. FIN2304 (copy attached), which makes recommendations on the budget, Council Tax Requirement and proposals for budget savings for 2023/24, for submission to the Council on 23rd February, 2023.

8. **EXCLUSION OF THE PUBLIC –**

To consider resolving:

That, subject to the public interest test, the public be excluded from this meeting during the discussion of the undermentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against such item:

<b>Item No.</b>	<b>Schedule 12A Para. No.</b>	<b>Category</b>
9	3	Information relating to financial or business affairs

9. **APPLICATION FOR SECTION 49 REMISSION OF NON-DOMESTIC RATES –**  
(Pages 395 - 404)  
(Cllr Paul Taylor, Corporate Services Portfolio Holder)

To consider Exempt Report No. FIN2302 (copy attached), which gives details of an application for the remission of non-domestic rates due to hardship.

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# CABINET

Meeting held on Tuesday, 17th January, 2023 at the Council Offices, Farnborough at 7.00 pm.

## Voting Members

Cllr D.E. Clifford, Leader of the Council  
 Cllr M.L. Sheehan, Deputy Leader and Operational Services Portfolio Holder  
 Cllr M.J. Tennant, Deputy Leader and Major Projects and Property Portfolio Holder

Cllr J.B. Canty, Customer Experience, Digital and Transformation Portfolio Holder  
 Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder  
 Cllr A.R. Newell, Planning and Economy Portfolio Holder  
 Cllr P.G. Taylor, Corporate Services Portfolio Holder

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **30th January, 2023**.

### 37. **DECLARATIONS OF INTEREST –**

Having regard to the Council's Code of Conduct for Councillors, no declarations of interest were made.

### 38. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 15th November, 2022 were confirmed and signed by the Chairman.

### 39. **COUNCIL TAX SUPPORT SCHEME 2023/24 –**

(Cllr Diane Bedford, Chairman of the Council Tax Support Task and Finish Group)

The Cabinet considered Report No. FIN2301, which set out the work carried out by the Council's Council Tax Support Task and Finish Group in respect of potential changes to the Council Tax Support Scheme. The Chairman welcomed Cllr Mrs. D.B. Bedford, Chairman of the Council Tax Support Task and Finish Group, who was attending to report on the Group's recommendations.

The Council Tax Support Task and Finish Group had met on 18th August, 2022, 19th October, 2022 and 22nd November, 2022 to consider its recommendations to the Cabinet. The Group had considered the on-going impact of Covid-19 and the cost of living crisis and had paid specific attention to a number of matters during its deliberations and these were set out in paragraph 2 of the Report. Having considered all relevant factors, the Group recommended that no changes should be made to the Council Tax Support Scheme for 2022/23, except for the usual alignment with Housing Benefit rates in the calculations. This would mean that the minimum contribution would remain at 12%. Additionally, it was recommended that a fundamental review of the Scheme should be carried out in early 2023/24.

The Cabinet expressed gratitude to the Council Tax Support Task and Finish Group for its work in producing these recommendations.

### **The Cabinet**

- (i) **RECOMMENDED TO THE COUNCIL** that the current Council Tax Support Scheme for working age customers be retained for 2023/24, with the annual uplift to rates within the calculation mirroring that applied to national Housing Benefit rates; and
- (ii) **RESOLVED** that:
  - (a) the allocation of a further £20,000 for 2022/23 and 2023/23 to the Exceptional Hardship Fund from existing Council reserves, to support residents in hardship, be approved;
  - (b) the Council Tax Support Task and Finish Group be authorised to undertake a detailed review of the Council Tax Support Scheme, including the potential for the scheme to provide up to 100% support to the most vulnerable residents, to be carried out early in 2023/24 to consider the increasing cost of the scheme and its local impact on scheme recipients and other local Council Tax payers and also to consider the compatibility of the current scheme with the Government's Universal Credit Scheme; and
  - (c) the deliberations and considerations of the Council Tax Support Task and Finish Group in arriving at its recommendations, as set out in Report No. FIN2301, be noted.

40. **SUPPORTING COMMUNITIES REFRESH –**  
(Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder)

The Cabinet considered Report No. ACE2301, which set out a refresh of the Council's Supporting Communities Strategy and Action Plan.

Members were reminded that the Support Communities Strategy and Action Plan had been adopted in January, 2021 and was a collaborative approach to addressing the challenges facing local communities. It was confirmed that the purpose of the refresh was to review progress and achievements and to ensure that the strategy and its priorities were still relevant. The Supporting Communities Working Group had agreed that the four priorities of Economic Hardship, Young People (resilience and aspirations), Physical and Mental Health and Connecting Communities remained the most prevalent but had recognised the need to include the rising cost of living as a key area to address. It was also reported that there would be an increased emphasis on health and wellbeing in recognition of the wider impact this had on supporting communities.

The Cabinet expressed strong support for the Supporting Communities Strategy and Action Plan and endorsed the proposed way forward.

**The Cabinet RESOLVED** that the Supporting Communities Strategy and Action Plan refresh for 2023, as set out in Report No. ACE2301, be approved.

41. **UPDATE ON PLANNING POLICY MATTERS –**  
(Cllr Adrian Newell, Planning and Economy Portfolio Holder)

The Cabinet considered Report No. PG2304, which set out various matters relating to the work of the Council's Planning Policy team.

Members were informed that the Council has an obligation to review its Local Plan by April 2024 and that this review would need to take into account the Council's declaration of a Climate Emergency and the development of the Hampshire Local Transport Plan (LTP4). Given the significance of the Levelling Up and Regeneration Bill, which was due to become law in early 2023, it was proposed that the review would not be completed until around September, 2023. During the transitional period, the Civic Quarter Planning Application had been developed and had been supported by Hampshire County Council, which had adopted a local policy for Farnborough. The County Council was now seeking assurance that Rushmoor Borough Council supported the policy. Members were informed that the Council could provide this reassurance and help to meet its shared commitment to addressing the Climate Emergency by expressing its policy support and reviewing its Car and Cycle Parking Standards Supplementary Planning Document (SPD).

**The Cabinet RESOLVED** that

- (i) the timescales for the review of the Rushmoor Local Plan and the commitment to supporting the principles of LTP4 in the development of a future Local Plan, as set out in Report No. PG2304, be noted;
- (ii) the supporting of the principle of reallocating road space in order to enable the development of the Farnborough Civic Quarter Masterplan and the policy adopted by Hampshire County Council, as set out in the Report, be approved; and
- (iii) the undertaking of a review by the Strategic Housing and Local Plan Working Group of the Council's Car and Cycle Parking Standards SPD be approved, to reflect the priorities of LTP4, the lessons from the development of the major Town Centre Regeneration Schemes in Rushmoor and developments in mobility that were currently underway.

42. **EXCLUSION OF THE PUBLIC –**

**RESOLVED:** That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the under mentioned items to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against the items:

<b>Minute Nos.</b>	<b>Schedule 12A Para. No.</b>	<b>Category</b>
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43, 44 & 45	3	Information relating to financial or business affairs
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**THE FOLLOWING ITEMS WERE CONSIDERED  
IN THE ABSENCE OF THE PUBLIC**

43. **REPORT OF URGENCY DECISION - GRANT OF A LEASE FOR NO. 14-40 VICTORIA ROAD, ALDERSHOT –**  
(Mrs Karen Edwards, Executive Director)

The Cabinet considered a Record of Executive Decision, which set out an urgent decision made on 23rd December, 2022 by the Executive Director, in consultation with the Leader of the Council and the Major Projects and Property Portfolio Holder, to enter into an agreement for the lease of Nos. 14-40 Victoria Road, Aldershot. The reasons for urgency had been the cancellation of the December meeting of the Cabinet and the requirement for notice to be given.

**The Cabinet RESOLVED** that the action taken, as set out in the Record of Executive Decision dated 23rd December, 2022, be noted and endorsed.

44. **REPORT OF URGENCY DECISION - FARNBOROUGH LEISURE CENTRE DEMOLITION FINAL ACCOUNT SETTLEMENT AND PAYMENT –**  
(Mrs Karen Edwards, Executive Director)

The Cabinet considered a Record of Executive Decision, which set out an urgent decision made on 13th December, 2022 by the Executive Director in relation to the Farnborough Leisure Centre demolition final account settlement and payment. The reason for urgency had been to enable the payment of the December invoice in accordance with the contract arrangements and to avoid penalties.

**The Cabinet RESOLVED** that the action taken, as set out in the Record of Executive Decision dated 13th December, 2022, be noted and endorsed.

45. **REGENERATION PROGRAMME - REGENERATION ACQUISITION FARNBOROUGH TOWN CENTRE –**  
(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

The Cabinet considered Exempt Report No. REG2301, which set out a proposal to progress the acquisition of land and property to enable the progression of regeneration in part of Farnborough town centre.

Members were reminded the Cabinet had resolved to undertake further negotiations to secure the best price and commercial offer and to undertake the required due diligence, legal assessment, feasibility study and business case and to prepare an initial town centre strategy. It was likely that the Cabinet and the Council would consider the final business case in February, 2023, with completion currently scheduled for April, 2023. The purpose of this Report was to update the Cabinet on the due diligence process to date and to enable a number of actions to be taken to



allow the final proposal to be progressed.

In discussing the proposals, the Cabinet expressed strong support for the suggested approach in bringing forward this important project in delivering the regeneration of Farnborough town centre.

**The Cabinet RESOLVED** that

- (i) the review of the due diligence and key points from the business case, as set out in Exempt Report No. REG2301, be approved;
- (ii) the bringing forward of the business case and decision to acquire to the Cabinet and the Council for consideration in February, 2023, as set out in the Report, be approved;
- (iii) the allocation of a budget, in the sum set out in the Report, for the mobilisation of a property management company in January, 2023 be approved, to commence the required 90-day handover prior to exchange and completion and enabling identification and resolution of any remain issues not identified as part of due diligence to date;
- (iv) the allocation of an additional budget, in the sum set out in the Report, for the completion of due diligence, be approved, noting that the costs associated with the purchase would be included in the acquisition budget;
- (v) the revised offer price and the rationale for this, as set out in the Report, be noted; and
- (vi) the issuing of a draft form of contract to the vendor be approved, detailing the timeline for exchange and completion in April, 2023.

**NOTE:** Whilst not a declarable interest under the Code of Conduct, as this decision did not directly relate to his registered disclosable pecuniary interest, nor directly relate to or affect his financial interests or well being, Cllr P.G. Taylor advised, in the interests of transparency in respect of this item, that he was currently a tenant of one of the properties within the site under discussion. He remained in the meeting during the discussion and voting thereon but elected not to vote himself.

The Meeting closed at 7.36 pm.

CLLR D.E. CLIFFORD, LEADER OF THE COUNCIL

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**CABINET**  
**7 FEBRUARY 2023**

**COUNCILLOR SUE CARTER**  
**DEMOCRACY, STRATEGY AND PARTNERSHIP**  
**PORTFOLIO HOLDER**  
**REPORT NO. ACE2302**

**KEY DECISION? NO**

**COUNCIL PLAN & RISK REGISTER**  
**QUARTERLY UPDATE OCTOBER TO DECEMBER 2022/23**

**SUMMARY AND RECOMMENDATIONS:**

This paper sets out the performance monitoring information of the Council Plan for the third quarter of 2022/23. The key activities and projects within the Council Plan aim to deliver the Council's priorities which sit under the themes of People and Place. In addition to the key projects this report includes the Council Business Performance monitoring information, which are the key indicators and service measures used by the Council to monitor how the Council runs. The report also includes an update on the Council's key strategies and plans that underpin and support the Council Plan.

Factors that could affect the future delivery of the Council Business Plan and Council Business Performance have been identified in the Council's Risk Register.

The Cabinet is asked to note:

- the progress made towards delivering the Council Business Plan
- the updates that have been made to the risk register as outlined within the report

**1. Introduction**

- 1.1 In February 2022 the Council agreed the updated three-year Council Plan with priorities which reflect the vision for Aldershot and Farnborough 2030 (Your future, your place - a vision for Aldershot and Farnborough 2030). This paper sets out performance monitoring information for the Council Plan and the Risk Register for the period October to December 2022. This report also includes an update on the Council's key strategies and plans which underpin the Council Plan.

**2. Detail**

- 2.1 Refreshed and updated annually, the Council Plan provides a focus for the Council's activities and services by setting out the short to medium-term steps needed to realise longer-term vision and aspirations. The Council Plan outlines the council's priorities the next three years and in particular the key strategic projects that will contribute to achieving the Council's vision.

2.2 The priorities which reflect the vision for Aldershot and Farnborough 2030, are set out under the two themes of People and Place:

**People** –empowering and connecting communities and enabling people to live healthy and sustainable lives and fulfil their aspirations.

**Priorities:**

- Strong communities, proud of our area
- Healthy and green lifestyles
- Opportunities for everyone – quality education and skilled local workforce

**Place** – ensuring our towns are family-friendly, safe, vibrant, and sustainable places - now and in the future.

**Priorities:**

- Housing for every stage of life
- Vibrant and distinctive town centres
- A thriving local economy - kind to the environment

### **3. Delivery of the Council Business Plan**

3.1 The Council Business Plan brings together the key activities/projects across the Council including those that sit under the Property, Major Works & Regeneration Programmes.

3.2 Annex A details the performance against the Council Business Plan for Q3. The Council Plan contains a variety of different projects across the themes of people and place. The Q3 period saw completion of the roll out of the second phase of the weekly food waste recycling collection and this project is now marked as completed. Just over 45% of the projects reported an amber status at the end of Q3. A number of these projects are reporting an amber status due to delays of between 1 – 3 months and can therefore have a reasonable level of confidence that they will be delivered in 2023.

3.3 Annex A also shows a project reporting a red status (People 4 – Develop a new leisure centre in Farnborough). This status reflected that the Council was still awaiting an outcome from the Levelling Up Fund at the end of December 2023. Confirmation that the Council's bid for £20m of funding had been successful was received on 18 January 2023 and therefore this project will be given a new RAG rating to reflect this significant announcement in Q4.

3.4 Annex B sets out the Council's Business Performance during Quarter 3. The Council Business Performance monitoring information show the key indicators and service measures used by the Council to monitor how the Council runs.

3.5 A refreshed Council Plan is scheduled for development following Council's consideration of the budget in late February 2023. It is intended that this plan will cover the period 2023 – 2026.

#### **4. Key strategies and plans update**

- 4.1 The Council Plan 2022-25 draws upon and provides a link between a number of important strategic documents which inform and underpin much of the work of the Council. These strategies and plans sit outside the normal quarterly monitoring process and therefore it is important for Cabinet to be updated on their progress, on a six-monthly basis.
- 4.2 Annex C is an update on the Council's key strategies and plans. This document includes information on those that have already been agreed or adopted (and therefore provides an update on implementation) and those that are currently being developed.

#### **5. Council's Risk Register**

- 5.1 The Council's risks continue to change significantly over what are much shorter timescales than have been seen historically. These rapid changes and uncertainty in external risks, particularly those relating to the economy and finance, continue to impact on the Council's ability to deliver the current Council Plan. This will be considered as the new Council Plan and annual business plans are developed. The detail of the risk register is presented at Annex D.
- 5.2 The new risk management system continues to provide an efficient method of identifying, recording, evaluating and providing up to date mitigation plans for key risks. Key stakeholders continue to review their risk register entries within the timescales required by the risk management policy. The new system has allowed the Council to adapt and respond quickly to emerging risks and those that have seen a significant change.
- 5.3 The development of a risk appetite policy is expected to take place during Q4 2023/24, and in doing so, provide a clearer overarching risk tolerance statement(s) to all key stakeholders, including the Council's risk managers. In addition, to ensure continual improvement and to act upon feedback from stakeholders, the full risk management policy itself will be reviewed and updated.
- 5.4 The key strategic risks within v10.0 of the Corporate risk register continue to be related to the areas that the Council can often not directly influence, including wider community risks such as health outcomes and deteriorating economic conditions. There have been no additional risks identified in this section of the risk register, but there have been updates in the plans to mitigate them.
- 5.5 The Council's standing corporate risks are generally more operational in nature and relate to the work of the Council. The only significant change has been the increase in the inherent risk score applied to the 'lack of employee alignment'. This is in response to the continuing challenging environment that the Council and the UK in general finds itself in with regards to the employment market and the appointment/retention of competent staff in key roles.
- 5.6 Two new risks have been identified in the escalated service risk section of the register, they are 'Risk to Serco contract' and 'Loss of tenant income'. These

new and emerging risks are in the early stages of review given the inherent uncertainty and so will continue to be monitored and evaluated. One escalated service risk has now been archived due to the fact that the risk is no longer relevant and appropriate permanent management controls are now in place, and that is the identification of the full extent of Asbestos risks in major projects. One risk, for Hart Shared Services, was escalated and then archived since the last Cabinet report on risk following the decision that a shared Chief Executive and management would not be pursued at this time as the business case did not deliver the level of savings expected. Cabinet is asked to note this current position and the relevant updates to the risk register. If shared services are considered in the future they will again be assessed using the Council's risk management system.

## **6. Conclusion**

6.1 Cabinet's views are sought on the performance made towards delivering the Council Business Plan during October to December 2022.

Annex A – Council Plan Quarterly Monitoring Q3 2022/23

Annex B – Council Business Performance Q3 2022/23

Annex C- Key strategies and plans update – January 2023

Annex D – Corporate Risk Register

**COUNCILLOR SUE CARTER**  
**DEMOCRACY, STRATEGY AND PARTNERSHIP PORTFOLIO HOLDER**

### **BACKGROUND DOCUMENTS:**

Council Plan April 2022 to March 2025

### **CONTACT DETAILS:**

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Roger Sanders, Corporate Risk Manager – 01252 398809,

[roger.sanders@rushmoor.gov.uk](mailto:roger.sanders@rushmoor.gov.uk)

## Council Plan Quarterly Monitoring – Q3 2022/23

Date produced: January 2023




**People** –empowering and connecting communities and enabling people to live healthy and sustainable lives and fulfil their aspirations.





Strong community,  
proud of our area

Healthy and green  
lifestyles


Opportunities for everyone  
- quality education and a  
skilled local workforce

People key activities/projects	BRAG Status	Direction of Travel	Comment
People 1 - Roll out the second phase of our weekly food waste recycling service to households with shared bins	Blue	N/A	Roll out completed in Q3.
People 2 - Help people (especially young people) into employment through training, apprenticeships and upskilling	Green	 No change	Work has continued to facilitate engagement with employers and young people to raise aspirations and help young people into employment through training, upskilling and apprenticeships. Opportunities have been made possible through Employment and Skills Plans with contractors such as Hills. Work experience placements, site tours and career talks have all taken place across several sites. The virtual offer available via the North Hants Employment Skills Zone, continues to offer support to unemployed residents and has seen an increase in sign-ups this quarter. Opportunities to connect the Hampshire Apprenticeship Hub to local businesses are ongoing, with new businesses such as the Southwood Café engaged and looking to take on local catering apprentices. A Job Fair is took place in January 2023.
People 3 - Develop a walking and cycling plan to encourage sustainable travel and to support our town centre regeneration plans	Amber	 No change	Prioritisation of routes following the consultation has now been completed with 10 cycling and 10 walking routes identified. A meeting with Stakeholders will be held in early 2023 with the adoption of the LCWIP expected in March 2023.
People 4 - Develop a new leisure centre in Farnborough	Red	 No change	Demolition complete. Project had been on hold until Levelling Up Fund outcome known (now confirmed as being successful) and wider MTFs and Capital Programme understood.







<p>People 5 - Working with partners, encourage more residents to be active and have healthier lifestyles</p>	<p>Green</p>	 <p>No change</p>	<p>Continued delivery of healthy walks has continued and a public health bid currently being considered for a 2-year healthy walks co-ordinator. A mapping exercise showing green spaces and clubs in Rushmoor has been completed and shared with social prescribers. There has been an increase in health checks delivered at local community sites/partners sites, the PEBL well-being day delivered 150 blood pressure checks. Talk Mental is being gradually expanded to include a second walk in Farnborough. Roll-out of slow cookers at the Community Grub Hub to support residents with healthy and fuel-efficient means of cooking during the cost of living crisis.</p>
<p>People 6 - Support apprenticeships, research and innovation opportunities through the Aerospace Research and Innovation Centre (ARIC)</p>	<p>Amber</p>	 <p>No change</p>	<p>Farnborough Aerospace Consortium (FAC) are routinely using the facility for events and company meetings. Further work is being undertaken to develop the offer for businesses. FAC and EM3 LEP convened a second-round table on Jet Zero in December to further explore how ARIC might be used to support developments in the aviation sector. Rushmoor is working with partners on a potential bid for Future Flight funding from Innovate UK aimed at addressing skills gaps in the aviation sector.</p>

**Place** – ensuring that our towns are family friendly, safe, vibrant, and sustainable places now and in the future.



Place key activities/projects	BRAG Status	Direction of Travel	Comment
<p>Place 1a - Aldershot town centre's Union Yard regeneration scheme</p>	<p>Amber</p>	 <p>No change</p>	<p>Building works are continuing:</p> <ul style="list-style-type: none"> <li>Block E (affordable housing block) – The Metsec Steel Framing Solution (SFS) has been completed. Windows and external insulation panels have now been installed with window protection applied. External brickwork now commenced from floor 1 upwards.</li> <li>Block C and D (private rented block) – The reinforced concrete frame is now complete and the SFS installation is well advanced with windows and external insulation panels being installed.</li> <li>Block S1 &amp; S2 (student blocks) – the reinforced concrete frame is complete to Block S1 and the 4th floor slab has been poured for Block S2. Anticipate (weather</li> </ul>



			permitting) that the superstructure should be complete by February 2023.
Place 1b - Update the facilities at the crematorium in Aldershot	Green	 No change	The in-house refurbishment approach has been agreed and the project team are pushing forward with planning and further cost analysis. Work to understand options and operational implications associated with setting up a temporary facility during construction works is underway.
Place 2 - Progress the regeneration of Farnborough town centre, including the civic quarter	Amber	 No change	Outline planning application submitted on 25/02/2022. Further work around highways, ecology and design code is underway. The impact of the above is that the planning determination and decision is likely to be delayed until February 2023.
Place 3 - Develop Southwood Country Park, including providing a new visitor centre and improving its access, environment and facilities	Amber	 No change	Café and Visitor Centre (VC) are on track to be completed in January, this includes landscaping around the café and outside seating area. A soft launch of the VC and the completed playground took place on the 10th December with the Mayor in attendance for ribbon cutting. The uncontrolled crossing on Ively road is dependent on Esso removing their compound, which has been delayed to the spring. Therefore, implementation of the uncontrolled crossing is likely to be early summer. In the meantime, ESSO is providing temporary traffic lights. The dog wash facility will be completed early 2023.
Place 4 - Support the creation of quality, new homes (Rushmoor Homes)	Green	 No change	Planning permission for 69 Victoria Rd and 9a Wellington were granted during Q3. Tenders are expected to be returned for both schemes in mid-January and final approvals to proceed sought from RHL Board and agreement to borrowing from Rushmoor. 69 Victoria Rd will be the first new build scheme undertaken by Rushmoor Homes Limited (RHL) and so will mark a significant milestone for the company. 235 High St has been purchased and design of the site of 235/237 High St is underway. Works to 57 Cambridge Rd are underway and expected to complete at the end of March with a letting in April. Five projects have been submitted for pre-application comments and are expected to be submitted in the next quarter. The review of the Business Plan has been completed and will be considered by the RHL Board on 16 January and the submitted to the Council.
Place 5 - Progress an aerospace heritage project	Amber	 No change	The Farnborough Heritage Trails were launched at the FAST Museum in early December 2022. Two trails have been completed with a further three to be developed with volunteers in spring 2023. Alternative approaches to take forward a further piece of work on the heritage sector are still being sought.
Place 6 - Continue progress towards our goal of becoming a carbon neutral council by 2030 through reducing emissions in our facilities and operations	Green	 Improvement	The Council's operational Carbon Footprint 21/22 is being recalculated. This is near completion and is due to be concluded in early 2023. Once the Carbon Footprint is complete, a target setting exercise can be undertaken to see the potential routes to carbon neutrality, which will inform and prioritise the deliverables in the revised Climate Change Action Plan.

			<p>The Repair Café led by volunteers opened 17<sup>h</sup> December. The 'Eco-Schools' scheme run with Winchester Science Centre has been extended to a further 2 schools (and continuing in the current 2 schools).</p>
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# Council Business Performance

Quarter 3 2022/23

## Points to note

- Although there appears to be a drop in customer contact during Q3 compared to last quarter (Q2) and Q3 last year, this small drop can be attributed to high customer contact during Q2 (due to customers seeking help with claiming their Council Tax Energy Rebate and the cost of living food voucher scheme) and during Q3 last year (due to the introduction of food waste and bi-weekly waste collections).
- Q3 Council Tax collection rates are marginally higher than in 2020/21 and 2021/22.
- There has been an increase in FOI response times in Q3 compared with Q2 and action is being taken to ensure that this figure increases further.
- There are currently 1,835 households in the housing allocation pool which is the highest number in over 11 years.
- During Q3 there was a significant increase in those placed in B&B, this was due to temperatures dropping below zero and Rushmoor entering severe weather protocol which requires all people sleeping rough to be placed in accommodation for the duration of the severe weather.

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### Key to Direction of Travel (DoT) arrows





Numbers have increased	Numbers have decreased	Numbers have increased and performance has decreased	Numbers have increased and performance has increased	Numbers have decreased and performance has decreased	Numbers have decreased and performance has increased
					

### Council wide indicators



#### Corporate complaints

Number of complaints				% of complaints responded within policy time			
<b>6</b>				<b>100%</b>			
DoT from last quarter (5)		DoT from this quarter last year (4)		DoT from last quarter (60%)		DoT from this quarter last year (25%)	
Comment: During Q3 all complaints were responded within policy time.							

#### Health and safety

Violence at work data - incidents				Rushmoor work related accident / incident data			
<b>6</b>				<b>5</b>			
DoT from last quarter (9)		DoT from this quarter last year (6)		DoT from last quarter (2)		DoT from this quarter last year (3)	

#### Paying externally issued invoices

% of invoices paid on time (within 30 days)	DoT from last quarter		DoT from this quarter last year	
<b>94.70%</b>		(93.89%)		(98.62%)

### Absence rate

Working days lost due to sickness per FTE			Working days lost to short-term sickness per FTE				
<b>1.06</b>			<b>0.9</b>				
DoT from last quarter	↑	DoT from this quarter last year	↓	DoT from last quarter	↑		DoT from this quarter last year
<p>Comment: There were 66 sickness episode in Q3 and 218 working days lost. The most common reason for sickness episodes was Cold, Cough, Flu. The most common reason for days lost was Covid. <b>Note: Long term sickness is 20 days or more in a row (four weeks)</b></p>							

### Workforce data

Starters and leavers		Turnover			% of employees non-white (22.6% non-white groups in 2021 Census)				
Starters	<b>13</b>	<b>3.3%</b>			<b>5.5%</b>				
Leavers	<b>9</b>	DoT from last quarter (6.3%)	↓	DoT from this quarter last year (2.8%)	↑	DoT from last quarter (5.2%)	↑	DoT from this quarter last year (4.9%)	↑

### Freedom of information requests

Number of requests received				% responded to on time (one month behind)			
<b>108</b>				<b>50%</b>			
DoT from last quarter (131)	↓	DoT from this quarter last year (141)	↓	DoT from last quarter (37%)	↑	DoT from this quarter last year (73%)	↓
<p>Comment: There has been an increase in response times in Q3 compared with Q2 and are hoping that the response times are starting to improve and action is being taken to increase the response rates.</p>							

## Corporate customer contact indicators

### Walk-in customers

<b>Number of walk-in customers</b>				<p><b>Comment:</b> During Q3 2883 customers presented at reception, this is down from Q2 22/23 by 20%. Q2 saw a large number of customers accessing reception due to cost of the cost of living vouchers.</p> <p>Non Rushmoor enquiries remain steady at 19% with residents looking for service with Citizens Advice, Hampshire County Council or other authorities. 8% were collecting or dropping off paperwork. A further 15% were corporate visitors attending meetings, interviews, or arriving contractors.</p> <p>The services with the highest demand are Benefits, Housing and Council Tax.</p>																								
<b>2,883</b>																												
DoT from last quarter <b>(3,608)</b>	↓	DoT from this quarter last year <b>(2,182)</b>	↑																									
<p><b>Number of walk-in customers each quarter</b></p> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Year</th> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>2019/20</td> <td>4432</td> <td>9242</td> <td>7742</td> <td>6856</td> </tr> <tr> <td>2020/21</td> <td>0</td> <td>781</td> <td>249</td> <td>0</td> </tr> <tr> <td>2021/22</td> <td>1435</td> <td>1961</td> <td>2182</td> <td>2960</td> </tr> <tr> <td>2022/23</td> <td>32...</td> <td>3,608</td> <td>2883</td> <td></td> </tr> </tbody> </table>					Year	Q1	Q2	Q3	Q4	2019/20	4432	9242	7742	6856	2020/21	0	781	249	0	2021/22	1435	1961	2182	2960	2022/23	32...	3,608	2883
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2020/21	0	781	249	0																								
2021/22	1435	1961	2182	2960																								
2022/23	32...	3,608	2883																									



### Calls to customer services

Number of calls		Average wait time				Call abandoned rate				Average call handle time					
<b>15,121</b>		<b>1 minute 18 seconds</b>				<b>6.2%</b>				<b>4 minutes 24 seconds</b>					
DoT from last quarter <b>(19,441)</b>	↓	DoT from this quarter last year <b>(15,604)</b>	↓	DoT from last quarter <b>(1 minute 36 seconds)</b>	↓	DoT from this quarter last year <b>(30 seconds)</b>	↑	DoT from last quarter <b>(10.8%)</b>	↓	DoT from this quarter last year <b>(2.6%)</b>	↑	DoT from last quarter <b>(4 min 43 secs)</b>	↓	DoT from this quarter last year <b>(3 min 24 secs)</b>	↑
<p><b>Comment:</b> In the last quarter, the Customer Services have been offered 15,121 calls and answered 14,192 calls. This is a decrease of 3% on the same period this year. Abandoned rate ran at 6.2%. The same period last year saw the introduction of food waste and bi-weekly waste collections, however we have not seen a huge drop in the volume of calls received into the Customer Services.</p>															



### Demand via other access channels

Number of emails				Number of enquires via app				Number of enquires via webforms			
<b>4,658</b>				<b>580</b>				<b>773</b>			
DoT from last quarter <b>(5,438)</b>	↓	DoT from this quarter last year <b>(5,333)</b>	↓	DoT from last quarter <b>(1,156)</b>	↓	DoT from this quarter last year <b>(870)</b>	↓	DoT from last quarter <b>(887)</b>	↓	DoT from this quarter last year <b>(903)</b>	↓
<p><b>Comment:</b> Of the web forms 719 were for Council Tax and 54 were for Environmental Health</p>											

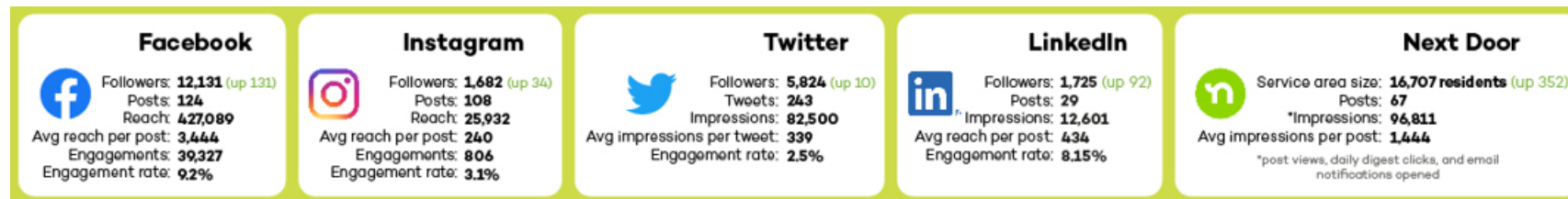
## Overall digital uptake

% of transactions through digital services versus other channels	DoT from last quarter	DoT from this quarter last year
<b>73% of 7,662 transactions</b>	 (72% of 7,744 transactions)	 (76% of 9,678 transactions)





## Website

Website session				Top three pages visited			
<b>134,235</b>				1. Bin collection day finder (35,513) 2. Crematorium diary (7,012) 3. Council tax (6,667)			
DoT from last quarter (204,184)		DoT from this quarter last year (203,783)					
Comment: We have had a reduction in the number of sessions reported on our website. This reduction started during Q3 2021/22 and is related to the work we have done to comply with the <a href="#">Privacy and Electronic Communications Regulations</a> . These regulations mean that we needed to be clearer to our customers about what cookies are being set on our website and allow our customers to 'opt-in' to be able to share their usage statistics. We are currently monitoring how much this is impacting the statistics we provide.							

## Social media

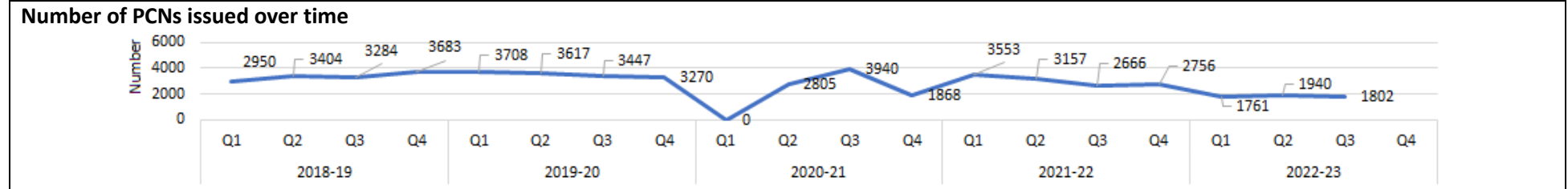


## Print media

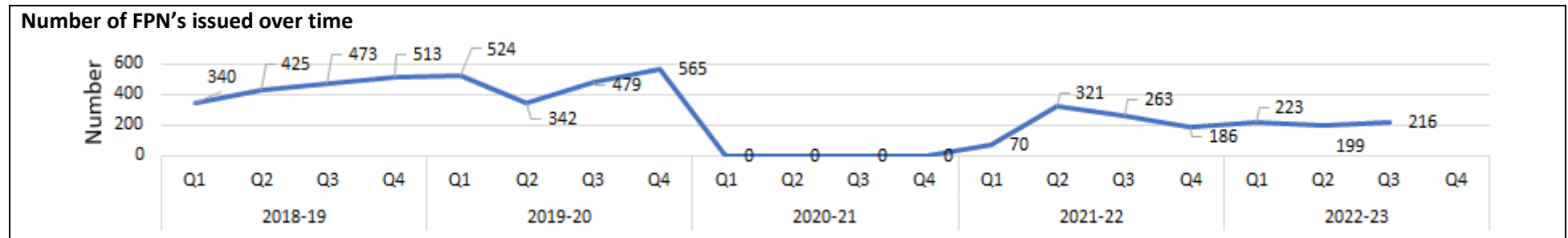
Press releases				Media enquires			
<b>2</b>				<b>14</b>			
DoT from last quarter (10)		DoT from this quarter last year (12)		DoT from last quarter (13)		DoT from this quarter last year (22)	

## Key Service Indicators

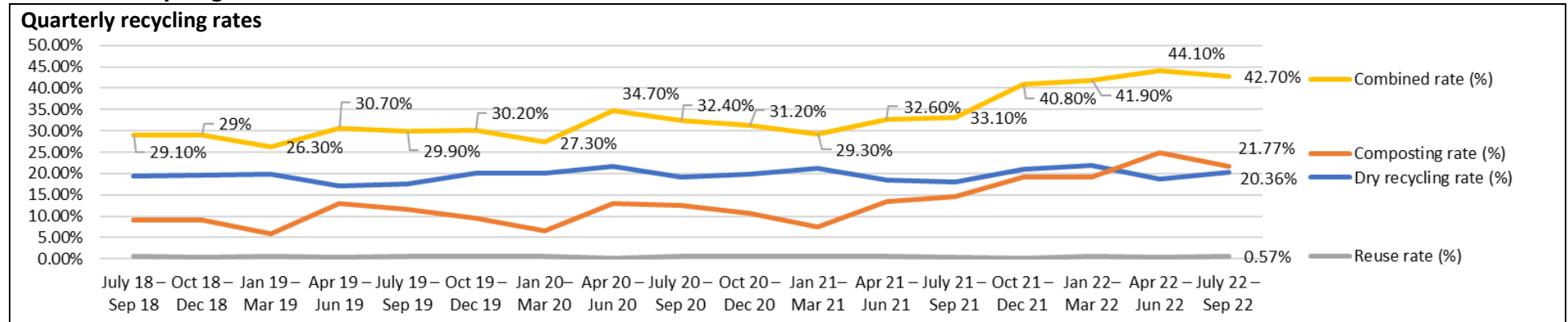
### Penalty Charge Notices (PCNs)



### Fixed Penalty Charge Notices (FPN's) Issued by East Hants District Council for litter and dog fouling



### Waste and recycling





Number of missed bins				Recycling rates - % reused, recycled and composted (one quarter behind)				Residual waste – kg per household (one quarter behind)			
<b>167</b>				<b>42.7%</b> <b>(Estimate for Q3 – 43.5%)</b>				<b>105.42</b>			
DoT from last quarter (142)	↑	DoT from this quarter last year (213)	↓	DoT from last quarter (44.1%)	↓	DoT from this quarter last year (32.6%)	↑	DoT from last quarter (107.83)	↓	DoT from this quarter last year (144.42)	↓

### Homelessness

Number of Homelessness enquires				Number placed in B&Bs				B&B costs - gross			
<b>334</b>				<b>46</b>				<b>£36,326 estimate</b>			
DoT from last quarter (364)	↓	DoT from this quarter last year (216)	↑	DoT from last quarter (24)	↑	DoT from this quarter last year (25)	↑	DoT from last quarter (£33,351)	↑	DoT from this quarter last year (£59,998)	↓
<p>Comment: During December temperatures dropped below zero and Rushmoor entered severe weather protocol which required all people sleeping rough to be placed in accommodation for the duration of the severe weather. This accounts for the significant increase in placements in the quarter.</p>											

### Housing Allocation Pool

Number added to pool this quarter				Number housed this quarter				Total number in the Housing Allocation pool			
<b>155</b>				<b>33</b>				<b>1,835</b>			
DoT from last quarter (162)	↓	DoT from this quarter last year (69)	↑	DoT from last quarter (34)	↓	DoT from this quarter last year (72)	↓	DoT from last quarter (1,680)	↑	DoT from this quarter last year (1,518)	↑
<p>Comment: 33 tenancies started and 50 properties have nominations but not yet housed. There are currently 1835 applicants registered for social housing this is the highest figure in 11 years. The increase in demand is linked to the cost-of-living crisis, the sharp increase in private sector rents and the limited supply of affordable private sector accommodation.</p>											

### Gross affordable housing completions

Number of completions this quarter (target 450 completions over any three year period)	Number
<b>34</b> (year to date figure: 88)	
<p>Comment: If units are delivered as planned in Q4 the total for the year should be 182, which will just be over the target of 450 for three years.</p>	

### Planning applications

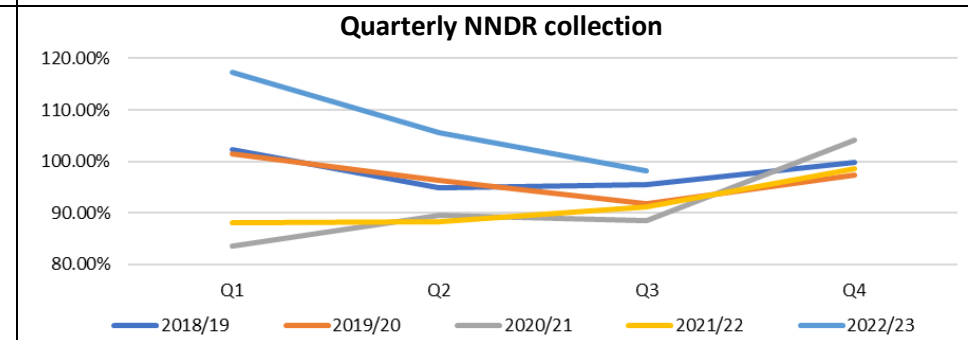
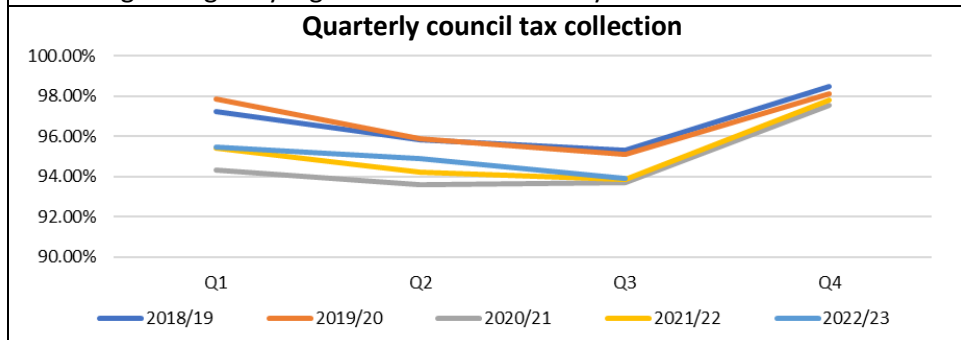
Number of planning applications this quarter				Major and small scale major Applications determined within 13 weeks (target 60%)	Minor (Non householder) Applications determined within 8 weeks (target 65%)	'Other' (Including Householder) Applications determined within 8 weeks (target 80%)
<b>241</b>						
DoT from last quarter (236)	↑	DoT from this quarter last year (281)	↓	100%*	100%**	87.7%
Comment: * The two cases were determined outside the statutory period but both subject to agreed extensions of time and therefore recorded as in time. ** 10 of 24 cases were determined outside the statutory period but all were subject to agreed extensions of time and therefore recorded as in time.						

### Planning Appeals

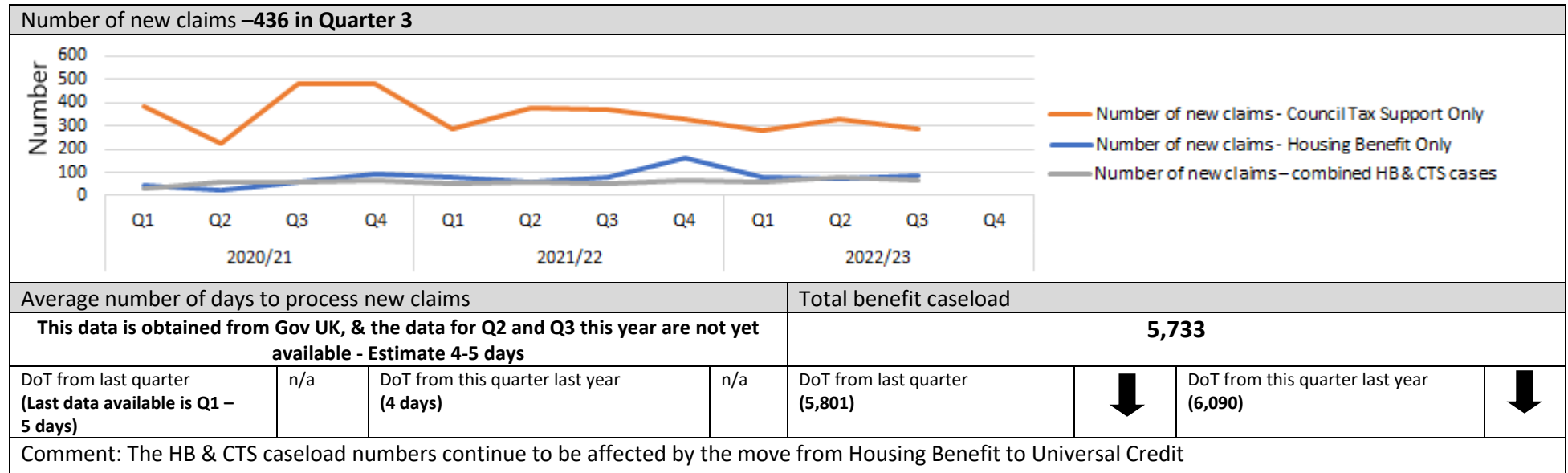
Number of planning appeals submitted	Number of appeals allowed	% of appeals allowed (target 40%)
<b>1</b>	<b>0</b> (3 decision this quarter)	<b>0%</b>
Details of Planning appeals allowed: no planning appeals were allowed this quarter		

### Taxation

% of Council Tax collected				% of Business Rates collected			
<b>93.92%</b>				<b>98.25%</b>			
DoT from last quarter (94.91%)	↓	DoT from this quarter last year (93.85%)	↑	DoT from last quarter (105.61%)	↓	DoT from this quarter last year (91.12%)	↑
Comment: Collection rate is down on last quarter by 1% and around 1.2% down on same period pre-covid, but rates do tend to dip slightly in December – although marginally higher than this time last year.				Comment: NNDR collection rate has started to level out but up on previous years collection rate			



### Benefits



### Electoral Registration

% of registered properties (properties minus 'true' voids)	DoT from last quarter	DoT from this quarter last year
<b>88.3%</b>	↑ (86.3%)	↑ (88%)



## Key strategies and plans update – January 2022

The Council Plan 2022-25 draws upon and provides a link between a number of important strategic documents which inform and underpin much of the Council's work. These strategies and plans sit outside the normal quarterly monitoring process and therefore it is important for Cabinet to be updated on their progress, at least on an annual basis.

This update on the Council's key strategies and plans, this includes those that have already been agreed or adopted and those that are currently being developed.

### Strategies and Plans

- **Climate Change Action Plan 2020-2030**

The original Action Plan 2020-2030 was approved in November 2020 and since that time 10 actions have been completed and a further 32 actions commenced. The Council has also received its Carbon Footprint which it is using to inform a review of the Action Plan which is currently underway. The revised Action Plan will focus on priorities to assist the council to meet its climate change targets.

- **Supporting Communities Strategy and Action Plan**

The Cabinet approved the Supporting Communities Strategy and Action Plan for 2021-23 in January 2021. This sets out the Council's approach, alongside key partners, to tackle inequality and deprivation and improve the well-being, strength and resilience of the community.

The Plan is undergoing a refresh to reflect issues around Cost of Living and this refresh will be considered by Cabinet in January 2023. An update on the delivery of the Action Plan was presented to the Overview and Scrutiny Committee in December 2022.

- **Equality, Diversity and Inclusion Action Plan**

The Equality, Diversity and Inclusion Action Plan was approved by Cabinet in April 2021. The Action Plan set out the proposed action to be taken by the Council on a phased basis over three years, in response to the Equalities Peer Challenge.

Whilst good progress has been made since the approval of the Equality, Diversity and Inclusion Action Plan, work to implement actions from the plan has slowed due to resource pressures, including responses to Afghan and Ukrainian resettlement.

The Equalities and Diversity Action Plan had envisaged a number of actions being underpinned by Census Data and recent months have seen the publication of this data and this information will provide a foundation for the next phase of work.

- **The Local Plan**

The council adopted the Rushmoor Local Plan on 21 February 2019. The plan provides the overarching spatial strategy for Rushmoor, guiding the location, scale and type of future development to 2032, as well as providing detailed development

management policies. A report to Cabinet in January highlighted the recent publication on consultation to changes to the National Planning Policy Framework and implications for the timescales for Local Plans. These mean that it is likely the Council will need to proceed under the current system and that this work will need to start earlier than envisaged. This is currently being worked through and will be the subject of a report to Cabinet in the coming months.

- **Strategic Economic Framework**

The Strategic Economic Framework (SEF) was approved by Cabinet in April 2022. The Strategic Economic Framework seeks to grow and sustain Rushmoor's strong, resilient economy recognising however that people and businesses have been impacted by the pandemic and need support to recover.

The Strategic Economic Framework has been used to inform the Shared Prosperity Fund Investment Plan (see below). Actions in the Framework are being delivered including business support provision and regular business surveys to help ensure that the Framework is responsive to business needs.

- **Joint Municipal Waste Strategy**

The Joint Municipal Waste Management Strategy was adopted by Cabinet in February 2022. The new strategy has been developed collaboratively with Hampshire local authorities to reflect local and national changes since 2012 and to ensure the Project Integra Partnership is working to meet the requirements of the Environment Bill. It aims to deliver waste collection, treatment and disposal options that are best value financially, whilst minimising environmental impact. The Strategy will be implemented by a revised Inter Authority Agreement and new financial arrangement. The inter-authority agreement is being amended by HCC following feedback from partner authorities and is due for approval in late Spring or early Summer.

- **Procurement Strategy**

The Procurement Strategy 2020-2024 was adopted by the Cabinet in August 2020. The Procurement Strategy clearly defines the Council's strategic objectives and builds upon the National Procurement Strategy, and also incorporates legislation and best practice. The strategy is expected to be refreshed in late 2023 to reflect new procurement rules.

- **The People Strategy**

The People Strategy was approved by Cabinet in January 2021. It aims to ensure that the council has the right people with the right skills, attitude and behaviours going forward to deliver its priorities and turn ambitions into reality. The People Strategy aims to ensure that the council has the right people with the right skills, attitude and behaviours going forward to deliver its priorities and turn ambitions into reality. Good progress continues to be made in all 4 key areas against set out, and evolving priorities including:

- **A positive culture enabling high performance:** Launching an optional 360 feedback exercise to all staff as part of this year's development review process and guest issue. On receiving the report from the LGA Comms health check, a communications survey was designed and created based on recommendations to understand staff communication preferences, further work on an internal communications plan has now started. Work has also started to support a New Ways of Working project with our Housing team, including facilitation of Reflective Practice group sessions.
- **People are developed to realise their potential:** Development days for CMT/Service Managers have continued, building relationships and ways of working. Development through Action Learning sets has continued, with a new set planned for 2023. Development of My Learning e-learning platform continued, with new modules launched including Prevent (safeguarding) and updates to Information Governance and Information Security modules. The Council has also continued to support staff with professional development using funds from the apprenticeship levy.
- **The Council is an employer of choice:** Exploratory work has started to look at how to attract a younger demographic, including attending Careers Fairs with local colleges. This has also included looking at the approach to recruitment and selection – reviewing branding and advertising routes to attract a more diverse range of candidates. The apprenticeship pay has also been reviewed to attract candidates and remain competitive in current market. Following the success of cohort 1, a further Kickstart Placement cohort was set up and completed. Work was undertaken to review our Inclusion policy, including a planned launch of Menopause Guidance in 2023.
- **Engaged people who feel valued and supported:** A Wellbeing week took place in September including a focus on support available for those experiencing the menopause alongside an evolving library of online resources. Work as continued to encourage employee voice and feedback through virtual and in person staff sessions. Throughout the quarter HR/OD advice, guidance and project support has been given. Contributions were made to the Cyber Security peer review, highlighting the important role learning and development plays. Several teams took part in a Staff Showcase highlighting the work individuals and teams do to keep providing important services to people that live and work in the borough.

- **Green Infrastructure Strategy**

The Cabinet adopted the Green Infrastructure Strategy on the 5 July 2022. The Green Infrastructure Strategy is evidence-based and shows how the Council will deliver commitments both in the Local Plan and in the Council's Plan 2022 to 2025. It provides a comprehensive review of the green infrastructure in and around the borough; identifies its strengths and weaknesses, as well as the opportunities and threats it faces. The strategy identifies 12 projects the council will work on over the next ten years to enhance it. Work has now commenced on the initial project regarding the Canopy Cover for the Borough.

- **Farnborough Town Centre Strategy**

The Cabinet adopted the Farnborough Town Centre Strategy on the 5 July 2022. As with most town centres across the country, Farnborough faces challenges which have accelerated following the pandemic and particularly through the lockdowns. The strategy is a high-level strategy which sets the overall direction of travel and work required to secure a sustainable and vibrant town centre for Farnborough through five key themes.

- **UK Shared Prosperity Fund Investment Plan**

The UK Shared Prosperity Fund was announced in April 2022 and an Investment Plan detailing how Rushmoor Borough Council was submitted to Government by 1 August 2022. PPAB were briefed on the approach to develop the Investment Plan on 8 June 2022 and a draft of the plan went to Cabinet on 5 July 2022.

Funding was confirmed by Government in December 2022 and the funding for 2022/23 is expected imminently.

- **Cultural Strategy**

The draft Rushmoor Cultural Strategy and was approved by the Cultural Compact on 27 June 2022 and endorsed by Rushmoor Borough Council's Cabinet in October 2022. In taking the Cultural Strategy forward the Council will be working closely with Hampshire Cultural Trust, Arts Council England, Hampshire County Council and other public and private sector partners through a Cultural Compact (partnership) tasked with delivering the vision and the action plan.

The Rushmoor Cultural Strategy aims to maximise the role of the arts and culture in Rushmoor and reflects opportunities presented by the diversity and distinctiveness of the borough's places, communities and heritage.

The Cultural Strategy will now be supported by a Cultural Development Manager funded by the Arts Council and employed by Hampshire Cultural Trust. A number of organisations who will help the delivery of the strategy were successful in obtaining National Portfolio Status funding from the Arts Council announced at the end of November including Hampshire Cultural Trust

### Strategies and plans in development

- **Aldershot Town Centre Strategy**

A revised Aldershot Town Centre Strategy is due to go to Cabinet in spring/summer 2023.

- **Communications and Engagement Strategy**



The LGA's Health Check report was received in June 2022 and the relevant recommendations will be incorporated into a Communications Plan for 2022/23.

- **Customer, Digital & Technology Strategy**

The Customer, Digital & Technology (CDT) Strategy, will set out a direction of travel for the future, with a clear focus on how the Council can help people access the services they need, meet customers expectations through modern processes, cultures, business models whilst taking advantage of new digital technologies.

At present, priority is being given to the Council's medium term financial strategy and the outcomes based budgeting proposals. Work on CDT strategy will recommence once the outcomes are formalised and resources identified.

- **Car Parking Strategy**

The Council has been served with notice to end the agency agreement for on-street parking functions on behalf of Hampshire County Council. This work will be transferring back to HCC ready for the start of the 2023/24 financial year. Work is underway to plan for the transition of this work, including impacts on staff, contracts and the implications for the Council's off-street car parks. A new strategy will be developed to manage the Council's car parks once the work to transfer on-street parking functions has been successfully completed.

- **Housing and Homelessness Strategy**

The Housing and Homelessness Strategy provides a comprehensive review of provision in the Borough and provides details of the Council's policies and action plan to address those key issues going forward. The existing plan runs until 2022 therefore a new plan is currently being developed.

Consultation to gain input from residents on strategic housing priorities was carried out from Thursday 19 May until the Friday 24 June 2022. There were 365 responses. The outcomes from the consultation were reported to Strategic Housing Local Plan Group and PPAB in July and then further meetings were held to consider the key themes and objectives in November 22.

The drafts are being updated in the light of the comments from these groups and it is anticipated that a further draft will be circulated to PPAB members prior to its consideration by SHLP Group in spring 2023.



Rushmoor Borough Council - Corporate Risk Register v10.0 25/01/23 (CABINET)

Risk Title	Risk Owner	Risk Type	Risk Description & Potential Outcomes	Inherent Risk Score	Inherent Risk Rating	Existing Controls / Mitigation	Residual Risk Score	Residual Risk Rating	Additional Mitigation Planned	Target Risk Score	Target Risk Rating
<b>Strategic Risks (ST) - Total 8 (+/- 0)</b>											
Financial sustainability of public sector partners	Paul Shackley	ST	<p>The financial sustainability of a wide group of public sector partners is negatively impacted, resulting in reduced service provision by all. In this scenario, the range and quality of services available to residents could be affected.</p> <p>This could have negative repercussions for health, education, community outcomes and economic outcomes identified in the Council Business Plan</p> <p>It is possible that the Council would be expected to meet some of this 'gap' in provision thus exposing the Council to potential financial and reputational risk</p>	12	High	<p>Close partnership working at a senior officer and political level with the Council's public sector partners.</p> <p>Members and Officers are well briefed on potential implications/risks arising from decisions taken by other public sector partners</p>	8	High	Continued horizon scanning/monitoring of the broader policy context	6	Medium
Deteriorating economic conditions	Tim Mills	ST	<p>Adverse changes to the economy could result in the loss of major employers within the Borough and/or impacts on particular sectors of the economy. This could result in increasing levels of unemployment and higher levels of deprivation and inequality.</p> <p>Impact of rising inflation on the cost of living, supply chain issues, mismatch of labour supply and fuel shortages have slowed growth and are limiting the strength of the recovery, including on the high street.</p> <p>Changes of this nature have potential implications for the Council in terms of increased demand for services and adverse financial impact.</p> <p>There is also a reputational risk if the Council is not seen to be adequately responding to economic changes or shocks.</p>	12	High	<p>Partnership working with other organisations around support for the economy and local businesses.</p> <p>Engagement with Ward Councillors.</p> <p>Maintaining an understanding of local economic conditions – tracking economic indicators at a local level.</p> <p>Ensuring that key issues/ events are escalated to CMT/ ELT at the appropriate time.</p> <p>Strategic Economic Framework agreed in April 2022.</p>	12	High	<p>Revised package of business support being delivered from September 2022 onwards: Invest to grow Incuive enterprise support SeedL - training LoCase - Low Carbon funding</p> <p>Regular business surveys to understand business needs.</p> <p>Business support element of UKSPF.</p> <p>Strategic Economic Framework implementation.</p>	6	Medium
Securing infrastructure investment	Karen Edwards	ST	<p>Inability to attract infrastructure investment through the public and private sector to support priorities and projects identified in the Council Business Plan.</p> <p>In particular, failure to secure investment in the area could lead to a decrease in Rushmoor's competitiveness and attractiveness and put at risk the stated aim for a "thriving Rushmoor economy, vibrant town centres and strong communities who are proud of the area"</p>	12	High	<p>Work with public and private sector infrastructure providers and funders.</p> <p>Horizon scanning in relation to the levelling up agenda and its implications for Rushmoor.</p> <p>Horizon scanning by Policy Team for future funding opportunities</p>	6	Medium	<p>Engage effectively with the 'County Deal' processes and other opportunities to access Government funding, including UK Shared Prosperity Fund and the Levelling Up Fund.</p> <p>Continue to secure support from local stakeholders for projects - including residents, HCC and MP.</p>	6	Medium
Decline in the retail sector/town centre uses and subsequent impact on town centres	Tim Mills	ST	<p>Economic and social changes have a significant negative impact on Farnborough and Aldershot Town Centres and therefore reduce the ability to deliver the Council Plan priority of delivering vibrant town centres. This could result in empty retail units, a loss of facilities and amenities for residents and a possible increase in crime and anti-social behaviour.</p> <p>A decline in retail will also have an impact on Business Rates income for the Council.</p> <p>Changes to Permitted Development undermine Town Centre regeneration</p>	9	High	<p>Programmes of town centre regeneration in both Aldershot and Farnborough which give consideration to future economic and social trends.</p> <p>Dedicated resource within economy team, working with retail sector and other town centre uses e.g. culture and arts.</p> <p>Activity in both town centres to maintain/increase footfall.</p>	6	Medium	<p>Review of engagement with and ongoing provision of business support to Town Centre businesses.</p> <p>Role of the Aldershot Town Centre Task Force being reviewed.</p> <p>Article 4 confirmed however since this time SoS has requested additional justification and consideration of modification.</p> <p>Work with police to tackle increased or perceived increase in ASB/Crime particularly in Aldershot</p>	6	Medium
Poor Health Outcomes within Borough (e.g. obesity, mental health etc)	Rachel Barker	ST	<p>Rushmoor has areas where there are health inequalities and health deprivation. Additional stress and burden on local services – including partner agencies.</p> <p>Aging population. Areas of deprivation have poorer health outcomes and higher demands associated.</p> <p>Diabetes, highest smoking rate in Hampshire, high instance of obesity and inactive adults.</p> <p>Mental Health and wellbeing – lack of funding available at local level</p>	12	High	<p>Supporting Communities Strategy and Action Plan adopted</p> <p>Joint working with partners, particularly with the ICS, HCC and the PCNs with a range of initiatives and plans in place. or being developed.</p> <p>Projects to increase activity and inclusion in the Borough.</p> <p>Identified as a priority for the Council. Executive Director is a member of the ICS Board.</p>	6	Medium	<p>Review approach to resourcing (in conjunction with partners, in particular the ICS and HCC) and then overall approach to delivering the Council's ambitions</p> <p>Development of long-term plans</p>	6	Medium

<p>Poor Educational Attainment - Secondary Schools</p>	Rachel Barker	ST	<p>Educational attainment at secondary education level continues to present challenges. This may have an impact on deprivation, unemployment etc. Impact on the area's local reputation. May impact on service demand.</p>	9	High	<p>HCC responsible for Education. RBC supporting role - Priorities set out in the Supporting Communities Action Plan – focus on increasing aspirations.</p> <p>Joint work on supporting families with Hampshire Children's Services</p> <p>Educational Improvement Group established under the Overview and Scrutiny Committee</p>	6	Medium	<p>Ongoing dialogue with headteachers of key educational establishments e.g. Farnborough 6th Form.</p> <p>Engaging with young people relating to skills, development and opportunities.</p>	6	Medium
<p>Changing external policy context</p>	Rachel Barker	ST	<p>Significant fast track change which can have significant impact on services, levels of available resources or the Council's financial position all of which could adversely impact on the Council's ability to deliver its priorities.</p> <p>The long-term economic picture remains uncertain.</p> <p>Reputational risk if the Council is unable to sufficiently adapt to the changing environment.</p>	12	High	<p>Service level risk assessments to consider impacts of potential policy changes on individual Council services.</p> <p>Policy and Communications service to support ELT and CMT with 'horizon scanning' which will assist the Council in identifying and where possible responding to some changes.</p>	6	Medium	<p>Continued engagement with Government officials.</p>	6	Medium
<p>Demographic change</p>	Rachel Barker	ST	<p>Changes in Rushmoor's demography could impact on services required or expected by residents as well as how they engage with the economy or society more generally.</p> <p>Any sudden shifts in demography may not be visible to the Council for a period of time which could result in services not being delivered effectively or efficiently and could impact on the Council's ability to deliver its aim of having strong communities who are proud of their area.</p>	6	Medium	<p>Community engagement work may identify some changes ahead of them being reported in data sets.</p> <p>Review and analyse publicly available datasets, alongside those held by the Council.</p> <p>Work with partners to understand trends that exist at a larger geography and potential implications (e.g. aging populations)</p>	6	Medium	<p>Review census information and share widely across the Council and with partners so that trends and their implications are understood – ongoing as Census data is published</p>	6	Medium

**Standing Corporate Risks (SC) - Total 16 (+/- 0) 2 not suitable for Public Register, 2 Redacted**

<p>Financial Sustainability</p>	Simon Little	SC	<p>Government funding declines putting financial sustainability at risk</p> <p>Business Rates base reduces due to lower economic activity</p> <p>Council cannot afford to deliver services on current cost configuration</p> <p>Lack of engagement from officers and members with the financial challenge</p> <p>Savings Programme does not deliver required savings</p> <p>Poor decision making on financial commitments</p> <p>Decisions taken in isolation and do not form part of wider strategy</p> <p>Council does not have adequate reserves to mitigate financial risks</p> <p>June 2022 - Inflationary pressures and increase in PWLB/Other LA interest rates places additional pressure on the Council's finances in 2022/23. Little prospect of Government support</p> <p>October 2022 - Impact from mini-budget in September 2022 has pushed short and long-term interest rates up by 1%. Inflation at 9.9%. Government committed to financial envelope of CSR so looking for Govt.</p> <p>January 2023 - After a period of instability in Central Government, the current administration has put controlling inflation and Deficit at heart of it's policies, although decisions on funding and deferring some of the difficult decisions on local authority funding has "kicked the can down the road"</p>	16	High	<p>MTFS (February 2022) indicates scale of funding gap with regular updates to ELT and Cabinet</p> <p>Positive level of balances (CIPFA FR Index)</p> <p>Revised Savings Programme (CREP) already commenced with ELT sponsorship</p> <p>Council Tax increase maximised for 2022/23 and assumed in MTFS</p> <p>CREP identified a number of savings opportunities</p> <p>Further challenge through STP budget setting process</p> <p>Provisional Local Government Finance Settlement for 2022/23 - rollover with additional funding</p> <p>£1m Challenge with engagement from SMEs</p> <p>Balances and Reserves Strategy 2023/24 to consider how reserve balances will be maintained at adequate level.</p> <p>June 2022 - Cabinet report on High Risk budgets being considered on July 5th.</p> <p>October 2022 - MTFS Update due at Cabinet in Nov 2022 with scenarios and credible plan. Review of in-year savings/STP to have a single, consistent savings approach.</p> <p>Nov-22 Council-wide Outcome Based Budgeting (OBB) exercise undertaken, Dec-22 proposals collated &amp; validated - savings identified of circa £2.5m.</p> <p>Noc-22 Cabinet decision to only fund projects through capital receipts and grants and only borrow for committed has reduced the interest costs for future years as well as reducing the capital programme</p> <p>Review of Minimum Revenue Provision (MRP) required in future years undertaken (partially due to the above), resulting in a lower charge to the General Fund</p> <p>January 2023 - Financial Settlement issued before Christmas provided some greater funding for 2023/24 and indicates that 2024/25 will not be cuts, however 2025/26 onwards is indicating only 1% p.a. in overall funding (a real terms cut).</p>	12	High	<p>Delivery of £3m of savings/cost reduction by 2023/24 critical</p> <p>Reserves held for risk (Commercial Property) and long-term liabilities (Pension)</p> <p>Asset disposals for commercial property where cost of holding is high</p> <p>Review of service delivery options</p> <p>Review of Capital expenditure plans</p> <p>Capitalisation direction could be sought</p> <p>S114 notice consideration</p> <p>Future of NHB Consultation</p> <p>Transitional arrangements likely</p> <p>Reprioritisation of resources to ensure financial sustainability can be maintained.</p> <p>June 2022 - Further work planned for P1 Budget Monitoring and additional savings to be identified to mitigate risk</p> <p>October 2022 - Review of emerging Capital Programme to ensure revenue budget is not disturbed by future capital commitments.</p> <p>January 2023 - after Financial Settlement, the Outcome Budgeting programme has identified £2.4m of additional savings against a budget gap of a range £2.0m to £2.5m</p>	9	High
<p>Threat of Cybercrime &amp; Data Loss</p>	Nick Harding	SC	<p>Threat of outside malicious forces attempting to breach RBC's network.</p> <p>Breach could lead to data loss, loss of service(s) &amp; potential unknown financial loss and possible enforcement action by the ICO.</p> <p>Inability to operate in whole or in part until the breach is addressed</p> <p>Inability to source goods and services to manage IT estate due to pressure on world wide supply chain which could result in unsupported infrastructure/ software or inability to move forward</p> <p>End user / Insider risk of inadvertent actions that could result in cyber issue</p> <p>Non-managed IT presents a greater risk of data loss and fraudulent access without appropriate access and duties segregated</p>	16	High	<p>Redacted. Full remediation plan in place – details are not included in this register due to their sensitive nature.</p>	12	High	<p>Redacted. Full remediation plan in place – details are not included in this register due to their sensitive nature.</p>	12	High
<p>Major Data Breach – non-technical (human and physical)</p>	Nick Harding	SC	<p>Loss/accidental destruction of/ alteration of/unauthorised access to personal data caused by ineffective processes or lack of training or understanding of training. Shared office space. Home working/hybrid working has additional risks.</p>	12	High	<p>Mandatory training for all; encouraging breach reporting and continuing communication on training and lessons learned from data breaches that have occurred. Access controls – council offices/systems/archive management.</p> <p>LGA Peer Review undertaken in November 2022 to raise awareness - report from LGA expected Q1 2023.</p>	8	High	<p>Corporately follow-up to ensure staff are up to date with the mandatory training</p> <p>Consider corporately centralising application admin function and associated resources into IT to avoid operational of staff outside of IT violating Segregation of Duties (SoD) otherwise an increased risk of data loss and/or fraudulent access</p>	8	High

Management of external debt - Interest rate/refinancing risk, access to capital finance	Simon Little	SC	<p>Council debt portfolio (£100m as at 26/08/2022) cannot be refinanced at affordable interest rates/within resources set aside in MTFS</p> <p>Volatility in capital/money markets due to political uncertainty</p> <p>Contraction of inter-authority lending market</p> <p>Ability to manage debt portfolio significant resource and skill requirement</p> <p>Changes to PWLB Lending Terms announced 25/11/2020 by Government with further clarification in August 2021</p> <p>Council is unable to access PWLB borrowing due to non-compliance with lending rules</p> <p>Council does not consider refinancing or interest rate risk on debt portfolio</p> <p>PWLB rates increase more than Arlingclose forecasts due to economic pressures</p> <p>Increase in BoE base rate in September 2022 to 2.25% - likely to increase further (Arlingclose estimates, 2.75%)</p> <p>Following the mini-budget on 23/09/2022 cost of UK Gilts has increased by around 1% which in turn feeds through into PWLB rates. Cost of borrowing likely to be 4% to 5% over coming months.</p> <p>Lack of clarity on Council's capital expenditure plans may lead to sub-optimal borrowing decision making</p> <p>Asset Management Plan does not provide clear indication of asset holding period making TM decision making more difficult</p> <p>PWLB rates have been increasing since January 2022 and are above MTFS forecasts</p> <p>May 2022 – provisions in the Levelling Up and Regeneration Bill propose ministerial intervention powers on capital finance</p>	12	High	<p>Continual monitoring of debt position and market interest rates</p> <p>Engagement with Arlingclose (Council's Treasury advisors)</p> <p>Treasury Management Strategy sets borrowing limits and interest rate exposure limits</p> <p>External borrowing - refinancing risk mitigated through planned move to longer term borrowing</p> <p>PWLB Lending terms - compliance through TMS and Capital Strategy for 2022/23</p> <p>Lending from other LAs is available but rates have increased from 0.10% to &gt;4.0%.</p> <p>Arlingclose advise sought and gained</p> <p>Continual review of debt portfolio and refinancing opportunities as part of BAU</p> <p>Development of Asset Management plans including asset disposal to inform debt position</p> <p>MTFS (February 2022) included forecast of higher interest rates on debt</p> <p>Improved cashflow forecasting/future borrowing need tied to Union Yard contract sums</p> <p>Proactive monitoring of metrics to ensure financial risk is mitigated/contained</p> <p>Nov-22 decision by Cabinet to only fund new capital projects by use of capital receipts and other external funding (grants/s106) with no borrowing partially mitigates increase in interest rates</p> <p>Schedule of potential disposals created to fund capital projects</p>	9	High	<p>Utilising revenue savings of capital receipts to repay debt</p> <p>Further budget and efficiency savings to offset increased borrowing costs</p> <p>Reduce borrowing for future schemes (i.e. risk on existing debt is high so can't take on additional debt)</p> <p>S151 leading management of capital programme to focus on peak debt, affordability and revenue impact of borrowing</p> <p>Target risk likely to remain high given current borrowing level and forecasts</p> <p>Divestment of commercial property assets</p>	4	Medium
PCI DSS compliance	Simon Little	SC	Redacted. Council is not currently fully compliant with PCI DSS.	12	High	Redacted. Full remediation plan in place – details are not included in this register due to their sensitive nature.	8	High	Redacted. Full remediation plan in place – details are not included in this register due to their sensitive nature.	4	Medium
Lack of employee alignment, engagement and development will reduce organisational performance	Belinda Tam	SC	A high performing organisation requires employees to be engaged, aligned and developed – significant risk of performance targets not being achieved if these areas are not developed. Increased risk of inability to recruit - and retain.	16	High	<p>Developmental activities:</p> <ul style="list-style-type: none"> <li>•Annual Development Reviews May-Aug, with learning needs feeding into the corporate Learning and Development plan, and individual service L&amp;D needs/CPD identified</li> <li>•My Learning e-platform for compliance and developmental training, with reminders when training due</li> <li>•Bespoke leadership development, ongoing internal communications via Staff Live, Yammer, People Portal, email, team meetings, 121s</li> </ul> <p>Regular and ongoing engagement activities e.g. around savings/transformation and other priority areas. Regular review of people engagement opportunities and attract, recruit and retention policies.</p>	8	High	Review of People Strategy, Pay and Reward Policy (2023)	4	Medium
Insufficient funding to proceed with projects	Karen Edwards	SC	<p>The Council cannot commit to fund the programme of projects, within the regeneration and property programme.</p> <p>Failure to deliver the schemes as a result of a lack of funding and team resources will not meet the overarching strategy objective as stated in the Council Business Plan to deliver additional income or capital and regenerate our town centres.</p>	16	High	<p>Secured some external grant funding to assist with bridging funding gaps.</p> <p>Review of capital and investment position overall and mindful of CIPFA consultation on debt funding.</p> <p>Ensuring finance colleagues are kept up to date with both current / forecast project spending and potential sales of assets.</p> <p>A programme is being drafted to manage the wider financing needs and timing of receipts.</p>	9	High	<p>Seek additional grant funding to mitigate the risk to the Council.</p> <p>Obtain detailed expert advice and carry out due diligence on major projects and capital commitments.</p> <p>Consider joint ventures and other methods of delivery in order to share the risk/reward.</p> <p>Continue to review financial position in order to determine capacity to support regeneration and property projects.</p> <p>Review opportunities for receipts in the context of income received from these assets. Expedite actions to enable disposal of identified assets.</p> <p>Work with members to establish priorities for commitment of available funding against regeneration programme</p>	4	Medium

<p>External Audit opinion</p>	<p>Simon Little</p>	<p>SC</p>	<p>Inability to publish Statement of Accounts by statutory deadline Council is not able to secure an unqualified opinion of the financial statements Significant governance issues across the authority results in a qualified ViM opinion National position shows 76 audit opinions from 2019/20 audit have not yet been finalised (Q2 2021) 90% of audit opinions for 2020/21 were not provided by the statutory date (Sept 2021) Inadequate record keeping or documentation to support key financial statements and accounting judgements External auditor recommendations are not considered by the Council Council cannot complete Annual Statement of Accounts by statutory deadline  Council cannot amend draft Statement of Accounts due to lack of suitably qualified/experienced staff and loss of staff through absence Property unable to find records or respond adequately to EY queries may lead to a limitation of scope opinion or a qualified opinion Council does not prioritise asset valuation work or responding to audit queries leading to EY to lose confidence in the authority.</p>	<p>8</p>	<p>High</p>	<p>Finance Manager in post and leading on Statement of Accounts production and liaison with EY Continued effort to recruit Capital Accountant and Principal Accountant (T&amp;T) to provide adequately resourced, qualified, experienced team FIP restructure identifies resource requirements within finance Review of Integra over longer-term to produce accounting information PSAA aware of local audit performance but remains difficult to address supply-side issues Audit opinion fatigue - gap between audit is required to ensure learning from previous year can be actioned Statutory deadlines extended for next 2 audit periods Delay in implementation of new Accounting Standards Jan-22 Trainee Capital Accountant &amp; Junior Service Accountant recruited, which will boost teams resources to produce SoA and answer EY queries in a timely manner  Property, Insurance &amp; Finance information with respect to properties is now aligned &amp; information now freely passes between property &amp; finance team</p>	<p>6</p>	<p>Medium</p>	<p>Improved working/information sharing between finance and property given focus on PPE valuations Increase awareness at HoS and SM level around service responsibilities for final accounts Impact from 2019/20 onto 2020/21 and 2021/22 process EY Resourcing not improved No real prospect of significant improvement over short-term. Significant risk that 2020/21 audit opinion is not available Autumn 2022 with 2021/22 audit opinion being received after statutory deadline  Planned implementation of Fixed Asset Module (FAM) within Integra should reduce pressure on staff surrounding changes to assets held by the Council (although short-term resource pressure will increase)</p>	<p>4</p>	<p>Medium</p>
<p>Loss of Accommodation/ Building (temporary &amp; permanent)</p>	<p>Nick Harding</p>	<p>SC</p>	<p>The councils main building may be lost to natural causes, unforeseeable events of crisis, outside malicious forces or fire  The loss of the building would prevent the council operating at 100% capacity until such time as a secondary building(s) could be set up for officers to work  The financial costs would be extreme, albeit partially if not wholly covered by insurance policies  There is a risk of loss of life for any officers or member of public who may be in the building at the time of said event(s)</p>	<p>8</p>	<p>High</p>	<p>Business continuity plan &amp; IT Disaster recovery plans in place  Contract with Daisy Recovery Services Ltd in place.  Multiple copies of BC/DR Plans have been disseminated also available on Resilience Direct  Fire risk assessments undertaken regularly  Building condition survey undertaken with recommendation</p>	<p>6</p>	<p>Medium</p>	<p>Business continuity plan and IT Disaster recovery plan to be tested – NS/RS/AM  Review BC plans following improvements made due to Covid-19 – NS/AM/RS - 2023  Condition survey review complete</p>	<p>6</p>	<p>Medium</p>
<p>Climate Change – Failure to deliver ambition for a carbon neutral Council by 2030.</p>	<p>Rachel Barker</p>	<p>SC</p>	<p>Risk of not delivering high profile organisational objective due to insufficient resources or lack of support because of other priorities</p>	<p>9</p>	<p>High</p>	<p>Development of a plan and assessing resourcing requirements. This is kept under review  Allocation of ringfenced resource  Driven by Cabinet Member and Working Group</p>	<p>6</p>	<p>Medium</p>	<p>Focus on the issues that make the most difference by identifying priority areas.  Develop arrangements to deliver projects with partners.  Incorporate projects within Service Business Plans as part of the Review of the Climate Change Action Plan.</p>	<p>6</p>	<p>Medium</p>
<p>Governance and Decision Making – Not meeting statutory deadlines. Legal challenge to a high profile, or regeneration related, or high value decision made by the Cabinet, Committees or under delegated powers.</p>	<p>Ian Harrison</p>	<p>SC</p>	<p>Risk of non-compliance with legal requirements. Financial loss from costs of defending, or costs of halting development works. Reputational risk Risk of delay in delivering key organisational objectives.</p>	<p>9</p>	<p>High</p>	<p>Governance Group meets weekly to consider more complex decision-making matters including Interests and Member engagement. Delegated decision making is monitored by the Governance Group. Strengthening of the governance arrangements with improvements to understanding, learning and development for Members on the CGAS committee. Independent Person recruited as a member of CGAS, offering independent oversight, particularly from an audit perspective. Constitution kept under review in liaison with a subgroup of CGAS (the Constitution working group). Training on decision making provided to CMT/Service Managers. There is a guidance note for Executive Decision Making. Timetables and reminders for deadlines provided by meeting administrators. Senior Managers to deliver Corporate Induction on Constitution for staff. Training and development of CGAS members provided as part of annual suite of training.</p>	<p>6</p>	<p>Medium</p>	<p>Continue to integrate risk management in corporate governance arrangements - continual improvement.  Ensure horizon scanning continues within sector.</p>	<p>6</p>	<p>Medium</p>
<p>Regeneration of town centres does not deliver economic, community and financial benefits - see major projects</p>	<p>Karen Edwards</p>	<p>SC</p>	<p>Anticipated project expenditure of circa £300m expected to require RBC borrowing / rental guarantees / external funding to fulfil. High levels of public and political interest in both town centre major projects. Reputation for delivery will be tested. High intensity of resource required with many interdependent parts - leisure, civic, public realm, retail, hotel, highways etc Publicly, politically and financially RBC's regeneration interventions are deemed a failure negatively impacting the Council.</p>	<p>9</p>	<p>High</p>	<p>JV Partnership with Hill Group (Rushmoor Development Partnership) - share risk/reward approach  Comprehensive regeneration programme governance process implemented. (Board meets 6-weekly)  Regular Cabinet and Member reporting  External due diligence engaged  External grant funding secured  Wider Town Centre Strategy for Farnborough completed and adopted by Cabinet in Summer 2022</p>	<p>4</p>	<p>Medium</p>	<p>Further public/market engagement planned.  Programme / scheme viability to be reviewed regularly.  Seek further external grant funding to reduce Council financial exposure - LEP / Homes England / High Street Fund etc.</p>	<p>4</p>	<p>Medium</p>

<b>Union Street, Aldershot - Major Project</b>	Karen Edwards	SC	Anticipated project expenditure of circa £40m expected to require RBC borrowing / rental guarantees / external funding to fulfil.  High levels of public and political interest in scheme.  Reputation for delivery will be tested, particularly as the Council is undertaking development of the scheme. Financial modelling builds in assumptions relating to income that are yet to be secured by way of pre-lets.  Publicly, politically and financially RBC's regeneration intervention is deemed a failure negatively impacting the Council.	6	Medium	External grant funding secured (£6.5m) Comprehensive regeneration project governance process implemented. (Board meets 2 monthly) Regular Cabinet and Member reporting. External due diligence engaged. Employers agent appointed to review and approve costs and specifications. Commercial advisors appointed to develop leasing strategy for commercial element of scheme Additional resource appointed (Development Manager) to oversee the scheme Entered into main JCT Design and Build contract with Hill Partnerships at end of October 2021.	4	Medium	Engage commercial advisors to assist with pre-let opportunities  Identify and appoint an Estate Management company.  Identify a management company to oversee student element of the scheme on behalf of the Council.  Rushmoor Homes Limited to purchase the market rent units from RBC.  Consider funding profile in order to best manage risk exposure  Engaging the market to confirm end user for the affordable housing element of the scheme.	2	Low
<b>Civic Quarter, Farnborough - Major Project</b>	Karen Edwards	SC	Anticipated project expenditure of circa £250m expected to require RBC borrowing / rental guarantees / external funding to fulfil. High levels of public and political interest in scheme.  Reputation for delivery will be tested.  Publicly, politically and financially RBC's regeneration intervention is deemed a failure negatively impacting the Council.	6	Medium	JV Partnership with Hill Group (Rushmoor Development Partnership) - share risk/reward approach Comprehensive regeneration project governance process implemented. (Board meets monthly) Regular Cabinet and Member reporting. External due diligence engaged. Public engagement undertaken in September 2021. Planning application submitted in March 2022 in order to establish development parameters for the site.  Further consultation undertaken December 2022 on proposed amendments to the submitted planning application to address stakeholder concerns	4	Medium	Programme / scheme viability to be reviewed regularly.  Seek further external grant funding to reduce RBC exposure - LEP / Homes England / High Street Fund	2	Low
<b>Escalated Service Risks (ES) - Total 8 (+/-0 Total, 2 Removed 2 New) 2 Redacted</b>											
<b>Loss of tenants/ income *NEW*</b>	Nick Harding	ES	Redacted. Current tenants in the council offices may wish to not use the council offices as office accommodation post pandemic and improvements in hybrid working which may cause a loss of income to the council.	12	High	Redacted. Ongoing communications with the council tenants.	12	High	Marketing planned to identify new tenants.	9	High
<b>Escalating building costs as well as materials and skilled labour shortages will increase costs and cause delays to projects</b>	Karen Edwards	ES	Data on building material costs indicates there will be significant cost inflation on building materials. There are also reports of delays from supply chains being disrupted through logistical issues and, as building projects recommence or begin after Covid related delays, shortages of key skills in the construction industry.	16	High	Specialist construction advisors have been engaged to support the projects and this includes cost consultants  While cost pressures remain these are abating but unlikely to see reductions to previous levels	12	High	Advise members of the emerging issue and impact upon delivery Look at alternative design and delivery options Review the criticality of timelines Agree increases in budget and borrowing	8	High
<b>Failure to reprovide temporary accommodation</b>	Tim Mills	ES	Failure to reprovide temporary accommodation leads to increased street homelessness with significant impact on Town Centres, much poorer outcomes for homeless people, increased costs for the Council through use of Bed and Breakfast and reputational damage due to impacts on individuals and towns. The economic climate causes increased demand and potential losses of landlords.	12	High	Temporary Accommodation project seeking to identify, purchase and repurpose accommodation to replace North Lane Lodge and Clayton Court. Partner to provide turnkey solution identified and in place. Working with Mears and others to continue market search.	9	High	Implementation of a suitable property to replace NLL is progressing. Extended timescales with Grainger beyond end 2023 for at least one of the buildings.	4	Medium
<b>Reduced Income from Property Portfolio</b>	Tim Mills	ES	Significant loss of income from the Council's property portfolio arising from a variety of reasons including but not limited to Covid, deteriorating economic conditions, downturn in the property market and changing consumer or business habits.	9	High	Establishment of a Property Investment Advisory Group (PIAG) to monitor performance and advise on necessary actions alongside the appointment of LSH Investment Management (LSHIM) to asset manage part of the portfolio and support current in- house skill, knowledge and capacity. Also, the establishment of a Commercial Property Reserve to act as a buffer for any significant in year loss of income.	6	Medium	Managing income through payment plans, where necessary. Increased emphasis by the service in managing debts. Working with tenants directly and with LSHIM to identify issues and actions and reporting to PIAG. Implementation of asset management system under way. Identifying additional resource to underpin this important source of income by working on options to re-occupy vacant properties and identifying funds for improving the properties for quicker lettings and reducing the rent-free periods. Evaluating opportunities to create additional income to support the Council's financial position and bring forward where possible. This includes repurposing existing assets and adopting an agreed commercial approach to new ground leases. Production of Asset Management Plan to enable 7 year forecasting including ensuring all reviews etc. are undertaken pro-actively and increased focus on debt management	6	Medium

<p>Inaccurate reporting of financial position</p>	<p>Simon Little</p>	<p>ES</p>	<p>Financial reports to Cabinet provide inaccurate financial information leading to poor decision making Budget holders provide finance with either inaccurate forecasts or unrealistic estimates of future expenditure and income Budget holders do not engage with finance Budget holders unaware of budget and spend position Inflationary pressures not fully identified Remote working/working from home may make budget monitoring more difficult Financial information held in Integra is not reviewed by budget holders Basis of forecasts/estimates does not take into account relevant financial information Decisions are made on income/expenditure that Finance are not made aware of Decisions are made on incorrect assumptions Decisions are taken on an ad-hoc basis without understanding or consideration of wider financial position</p>	<p>6</p>	<p>Medium</p>	<p>Financial Regulations Budget monitoring process and quarterly reporting BH access to Integra Finance team is almost at full complement enabling full review of transactions and support to BH Head of Finance provides additional High-Risk financial information to HoS OBB process resulted in budget training to staff outside the Finance Team</p>	<p>6</p>	<p>Medium</p>	<p>Improvement plans (see above) to Integra to provide user friendly/budget holder focussed reporting  Further training on Integra use and budget training planned High-risk reporting through ELT and CMT Finance Improvement Plan Wider discussion on Corporate Priorities Enforcement of budget monitoring processes Follow-through of revised budget monitoring process (as per April 2022 Cabinet Report)</p>	<p>4</p>	<p>Medium</p>
<p>Financial System</p>	<p>Simon Little</p>	<p>ES</p>	<p>Integra Financial System is not able to support Council requirements Lack of knowledge and skills within Finance and IT Patch Management of Integra weak leading to unsupported release Lack of development of Integra system within RBC means not fit for purpose Poor engagement from RBC HoS/SM/BH Link to risk - inaccurate financial reporting Reliance on external support from CAPITA may be weakened with focus on CENTROS Alternative financial records are maintained by services bypassing Integra Current version of Integration due to be unsupported by Capita from 01/04/2024</p>	<p>9</p>	<p>High</p>	<p>Finance and IT are able to maintain current system Systems Accountant in post since August 2022 Project team established to review options. Capita conducting a BPR in October 2022  Systems Accountant is reviewing access, procedures and associated documentation and the Chart of Accounts - all to improve the finance system  Training given to staff outside of Finance throughout the OBB process (see above) and further training is planned.  Systems Accountant &amp; two IT members booked onto a Capita training session for System administration. Finance &amp; IT staff booked onto a Capita course for Integra's new reporting tool (which allows drill down) Xquery which will allow reports to support the Council services to be written</p>	<p>4</p>	<p>Medium</p>	<p>Business Process Review with Capita likely to provide roadmap Additional resources bid or wider support from Digital Team Training and Development of existing team and IT staff to provide more detailed knowledge  Further improvement of the system assigning dashboards to HoS/budget managers to assist management of budgets</p>	<p>4</p>	<p>Medium</p>
<p>Changing priorities and outcomes from either RDP partner</p>	<p>Karen Edwards</p>	<p>ES</p>	<p>RBC and Hill Investment Partnership each represent 50% of the Rushmoor Development Partnership. Decisions must be unanimous, any inability to arrive at a decision results in deadlock and delay. Decisions are often time sensitive, any tension/disagreement/conflict may cause delays. The Council sees no return on its investment in the RDP if shared outcomes and values cannot be agreed or conflict is not resolved and fails to deliver on its regeneration aspirations.</p>	<p>9</p>	<p>High</p>	<p>Members Agreement sets out conflict procedures and arbitration process. Regular meetings between partners scheduled at both Investment Team and Board level to discuss decisions. Projects are jointly developed and agreed via a project plan setting out project outcomes and expected financial position of both parties post development Portfolio holder is on the RDP Board (With Ex Director and CEx) and Council Members kept informed of progress and key decisions.</p>	<p>4</p>	<p>Medium</p>	<p>Opportunities for relationship building exercises and different working practices now that Covid restrictions have eased.  Informal discussions at RDP Board level to consider business plan and where the RDP can add most value to both partners.  Increase effort on bringing forward project plans swiftly for consideration following submission of outline planning for civic quarter</p>	<p>1</p>	<p>Low</p>
<p>Risk of significant service disruption on the Serco contract due to increased financial pressures *NEW*</p>	<p>James Duggin</p>	<p>ES</p>	<p>Redacted. Increasing financial pressures due to the current economic climate put viability of SERCO contract at risk.</p>	<p>9</p>	<p>High</p>	<p>Redacted. Ongoing negotiations, but financial pressures increasing.</p>	<p>6</p>	<p>Medium</p>	<p>Redacted. Continued discussions with Serco.</p>	<p>3</p>	<p>Low</p>



CABINET

COUNCILLOR PAUL TAYLOR  
CORPORATE SERVICES PORTFOLIO HOLDER  
REPORT NO. FIN2303

7<sup>th</sup> February 2023

KEY DECISION?  
YES/NO

**BUSINESS RATES – DISCRETIONARY RATE RELIEF  
APPLICATIONS**

**SUMMARY**

This report sets out three new applications for Discretionary Rate Relief.

The first application is from Anaphylaxis UK and is for 20% Discretionary Rate Relief for a charitable organisation who are in receipt of 80% Mandatory Charitable Relief.

The second application is from Karuna Action and is for 20% Discretionary Rate Relief from 05 Jun 2020 for a charitable organisation who are in receipt of 80% Mandatory Charitable Relief.

The third application is from The British Gurkha Welfare Society and is for 100% Discretionary Rate Relief from 01 April 2020 reducing to 50% Discretionary Rate Relief from 01 January 2021.

**RECOMMENDATIONS**

Cabinet are recommended to approve the award of Discretionary Rate Relief as follows: -

- 20% Discretionary Relief to Anaphylaxis UK until 31 March 2023, which coincides with the end of the current rating list;
- 20% Discretionary Relief to Karuna Action for the period 05 June 2020 – 31 March 2023; and
- 100% Discretionary Rate Relief to the British Gurkha Welfare Society for the period 01 April 2020 – 31 December 2020, reducing to 50% Discretionary Rate Relief from 01 January 2021 until 31 March 2023.

**1. INTRODUCTION**

1.1 The purpose of this report is to:

- Outline the background and financial implications of Discretionary Rate Relief; and

- Consider two new applications for Discretionary Rate Relief.

## **2. BACKGROUND**

- 2.1 Mandatory Relief is available at 80% of the rates payable and to qualify an organisation must:
- Occupy a property or rating hereditament which is used wholly or mainly for charitable purposes, and
  - Be established for charitable purposes only, or
  - Be accredited as a community amateur sports club.
- 2.2 A local authority has discretion to grant “top up” relief of 20% to charities that had received 80% mandatory relief.
- 2.3 In addition, an authority can grant relief of up to 100% to non-profit making organisations.

## **3. APPLICATION 1 – Anaphylaxis UK**

- 3.1 Anaphylaxis UK (formally Anaphylaxis Campaign prior to July 2022) support people living with serious allergies, offering information and support for individuals and their families, for businesses and for schools and other places of education.
- 3.2 Anaphylaxis UK occupied 1<sup>st</sup> and 2<sup>nd</sup> Floors, 1 Alexandra Road, Farnborough, up until 1 March 2022 when they downsized to a small office on the first floor.
- 3.3 Anaphylaxis UK are in receipt of 80% Mandatory Relief and this application is for 20% Discretionary Top Up Relief.
- 3.4 Anaphylaxis UK’s responses to their application are set out in Appendix 2 of this report.
- 3.5 The Corporate Services Portfolio Holder met with the Local Taxation Manager in respect of this application.
- 3.6 The suggested level of support is 20% Discretionary Rate Relief on all properties occupied by Anaphylaxis UK, for the period 01 April 2017 to 31 March 2023, which coincides with the end of the current rating list.
- 3.9 The level of award is consistent with other local charities, where the level of support ranges from 5% to 20% Discretionary Top Up Relief.
- 3.10 More information about Anaphylaxis UK can be found on their website [www.anaphylaxis.org.uk](http://www.anaphylaxis.org.uk)

## **4. APPLICATION 2 – Karuna Action**

- 4.1 Karuna Action work with partners and churches in developing countries to help those in need through education, training and accessing healthcare.
- 4.2 For the Coffee House they use coffee beans ethically sources and roast and grind them on site. The Coffee House has several meeting rooms that are used by local community groups, free of charge.
- 4.3 Karuna Action currently occupy 11 Wellington Street, Aldershot, GU11 1DX where they operate a coffee house, as well as maintaining meeting rooms for use by community groups and pottery studios.
- 4.4 Karuna Action's responses to their application are set out in Appendix 3 of this report.
- 4.5 The Corporate Services Portfolio Holder met with the Local Taxation Manager in respect of this application.
- 4.6 The suggested level of support is 20% Discretionary Rate Relief on 11 Wellington Street, Aldershot, from the date they occupied, 05 June 2020, to 31 March 2023 which coincides with the end of the current rating list.
- 4.7 The level of award is consistent with other local charities, where the level of support ranges from 5% to 20% Discretionary Top Up Relief.
- 4.8 More information about Karuna Action can be found on their website at [www.karunaaction.org](http://www.karunaaction.org)

## **5. APPLICATION 3 – The British Gurkha Welfare Society**

- 5.1 The British Gurkha Welfare Society occupy 119 Wren Way, Farnborough, and is primarily used by the Society as a welfare office to provide advice and guidance to local residents and is also used by local community groups and charities to hold meetings.
- 5.2 The British Gurkha Welfare Society's responses to their application are set out in Appendix 4 of this report.
- 5.3 The British Gurkha Welfare Society are a not-for-profit organisation, and not a registered charity due to the ongoing political lobby for equal pensions. As such, they do not qualify for 80% Mandatory Relief. This application is for 100% Discretionary Rate Relief.
- 5.4 The Corporate Services Portfolio Holder met with the Local Taxation Manager in respect of this application.
- 5.5 The suggested level of support is 100% Discretionary Rate Relief for the period 01 April 2020 – 31 December 2020, reducing to 50% Discretionary Rate Relief from 01 January 2021 until 31 March 2023.

- 5.6 This decision was made based on the work and support that The British Gurkha Welfare Society provides to local residents and organisations.

## 6. IMPLICATIONS

### Financial Implications

- 6.1 Since 1 April 2013, the Business Rates Retention scheme has introduced a fundamentally new set of arrangements for dealing with the cost of business rates. The cost to the Council of granting any Discretionary Rate Relief is most reliably estimated at being 40% of the value of the relief granted, although the cost is ultimately determined by a range of factors, such as the councils total rate receipts measured against its estimated threshold for growth and taking into account whether any payment levies or safety net contributions are payable or receivable.
- 6.2 The remaining 60% of the costs will be met by Central Government (50%), Hampshire County Council (9%) and Hampshire Fire and Rescue Authority (1%), under the Business Rates Retention Scheme.
- 6.3 If Rushmoor BC were to award Discretionary Relief as set out in this report, the financial effect on the Council would be as follows: -

Financial Year	Value of Relief	Cost to RBC
2021/22	£65.09	£26.03
2022/23	£768.00	£307.20
<b>TOTAL</b>	<b>£833.09</b>	<b>£333.23</b>

Karuna Action		
Financial Year	Value of Relief	Cost to RBC
2020/21	£946.85	£378.41
2021/22	£1,152.00	£460.80
2022/23	£1,152.00	£460.80
<b>TOTAL</b>	<b>£3,250.85</b>	<b>£1,300.01</b>

British Gurkha Welfare Society		
Financial Year	Value of Relief	Cost to RBC
2020/21	£13,431.47	£5,372.58
2021/22	£7,672.12	£3,068.84
2022/23	£7,672.12	£3,068.84
<b>TOTAL</b>	<b>£28,775.71</b>	<b>£11,510.26</b>

## **Legal Implications**

6.4 Section 47 of the Local Government Finance Act 1988, as amended, enables Councils to grant Discretionary Rate Relief to charities and not-for-profit organisations.

## **7. CONCLUSIONS**

7.1 In conclusion, cabinet are asked to approve the award of Discretionary Rate Relief as follows: -

- Anaphylaxis UK – 20% Discretionary Rate Relief on the office at 1 Alexandra Road, Farnborough for the period 01 April 2017 to 31 March 2023;
- Karuna Action – 20% Discretionary Rate Relief on 11 Wellington Street, Aldershot, from the date they occupied, 05 June 2020, to 31 March 2023; and
- The British Gurkha Welfare Society – 100% Discretionary Rate Relief for the period 01 April 2020 – 31 December 2020, reducing to 50% Discretionary Rate Relief from 01 January 2021 until 31 March 2023.

7.2 The Corporate Services Portfolio Holder is supportive of the applications to the level set out in this report.

7.3 The cases were reviewed on their own merit and the decisions were made within the criteria of the Discretionary Relief Policy and is in line with other similar organisations.

## **BACKGROUND DOCUMENTS:**

S47 Local Government Act 1988, as amended  
Full applicant case files in respect of the applicants  
Rushmoor's Policy on Discretionary Rate Relief

## **CONTACT DETAILS:**

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# Discretionary Rate Relief Policy

**For charities, not-for-profit organisations and other specified organisations under the Localism Act 2011**

## **1 Purpose of the policy**

- 1.1 To determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Rushmoor Borough Council area.
- 1.2 While we are obliged to grant relief to premises that fall within the mandatory category, we also have powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.3 The Local Government Finance Act 1988 and subsequent legislation allows us to grant discretionary relief for premises occupied by charities and not-for-profit organisations that own or occupy them wholly or mainly for charitable purposes.
- 1.4 Powers have also been granted under the Localism Act 2011, which allow for the granting of Discretionary Rate Relief to any premises where we feel it would be of benefit to the local community.

This document outlines the following areas:

- Details of receiving an award under the Discretionary Business Rates Relief Scheme
- Our general policy for granting discretionary relief
- Guidance on granting and administering relief
- European Union requirements including provisions of state aid.

## **2 Introduction**

- 2.1 The original purpose of Discretionary Rate Relief was to provide assistance where the property does not qualify for mandatory relief or to “top up” cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow the flexibility to provide more assistance to businesses and organisations.
- 2.3 Ratepayers are obliged to make a written application to us. We will expect all businesses to complete our application form and for the businesses to provide information, evidence, and audited accounts for us to determine whether relief should be awarded.
- 2.4 We are obliged to consider carefully every application on its own merits, taking into account the contribution that the organisation make to the amenities within Rushmoor.
- 2.5 The granting of relief falls broadly into the following categories:
  - Discretionary relief – Charities who already receive mandatory relief
  - Discretionary relief – Premises occupied by not-for-profit organisations whose main objectives are charitable.
  - Discretionary relief – Granted under the Localism Act 2011 provisions

Other reliefs available and are announced by government and for a temporary period. As at the financial year 2018/ 19 they are currently:

- Local Newspaper Relief (from 1 April 2017 for a period of two years)
  - Local Public House Relief (from 1 April 2017 for a period of two year)
  - Supporting Small Business Relief (from 1 April 2017, for a period of five years or until businesses pay their full rate charge)
  - Discretionary Rate Relief (revaluation) (from 1 April 2017 for a period of up to four years)
- 2.6 This policy concentrates on the granting of discretionary relief for charities which are already receiving mandatory relief, not-for-profit organisations whose main objectives are charitable and discretionary relief awarded under the Localism Act 2011.

## **3 Our general approach to granting Discretionary Rate Relief**

- 3.1 In deciding which organisations should receive discretionary rate relief, we will consider the following factors and priorities:
  - That any award should support businesses, organisations and groups that help retain services in Rushmoor and not compete directly with existing businesses in an unfair manner.
  - It should help and encourage businesses, organisations, groups and communities to become self-reliant.



- To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community, and that also relate to our priorities which, without granting relief, they would be unable to do so.
- To assist us in delivering services which could not be provided otherwise.
- To assist us to meet our priorities including:
  - Sustaining a thriving economy
  - Supporting and empowering our communities and meeting local needs
  - A cleaner, greener and more cultural Rushmoor; and
  - Financially sound with services fit for the future

## **4 Administration of discretionary relief – general approach**

4.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief.

### **Applications and evidence**

- 4.2 All reliefs under this policy must be applied for. Applications forms are available both electronically and in hard copy format.
- 4.3 Applications should initially be made to the Revenues and Benefits Section and will be determined in accordance with this policy.
- 4.4 Completed application forms should be returned with the following information:
- Evidence of being a registered charity or a copy of a letter from Her Majesty's Revenue and Customs (HMRC) confirming that the organisation is treated as a charity for tax purposes (if appropriate).
  - A copy of the organisation's equal opportunities policy (if the organisation has one).
  - A copy of the organisation's constitution, rulebook or Memorandum and Articles of Association.
  - Audited or certified accounts for the last two years.
  - An up-to-date trading statement showing the current financial situation of the organisation.
  - Any other document the ratepayer wishes to be taken into account in support of their application.

- 4.5 Discretionary relief is granted from the beginning of the financial year in which the decision is made.
- 4.6 Applications can be made up to six months after the end of the relevant financial year.

### **Granting of relief**

- 4.7 Members of our Cabinet will determine all applications, with recommendations made by the Cabinet member for Corporate and Democratic Services.
- 4.8 In all cases, we will notify the ratepayers of decisions made.
- 4.9 Where an application is successful, then the following will be notified to the ratepayer in writing.
- The amount of relief granted and the date from which it has been granted
  - If relief has been awarded for a specified period, the date on which it will end
  - The new chargeable amount
  - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
  - A requirement that the applicant should notify us of any change in circumstances that may affect entitlement to relief.
- 4.10 Where relief is not granted, then an explanation of the decision will be provided in writing.

### **Variation of decision**

- 4.11 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in our decision, which increases the award, this will apply from the date of the increase in rate charge or the date determined by us as appropriate.
  - Where the amount is to be reduced due to a reduction in the rate charge or liability, including any reduction in rateable value or awarding of another relief or exemption, then this will apply from the date of decrease in the rate charge; and
  - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, so that at least one year's notice is given.
- 4.12 A decision may be revoked at any time. However, a one-year period of notice will be given and the change will take effect at the expiry of a financial year.

- 4.13 This will be important where the change would result in the amount of the award being reduced or cancelled. For example, where the premises become unoccupied or is used for a purpose other than that determined by us as eligible for relief.
- 4.14 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled.
- 4.15 Where a change in circumstances is not reported and it is subsequently identified that it would have reduced the relief awarded, we reserve the right to remove any award completely.

## **5 Our policy for granting discretionary relief**

### **5.1 Discretionary Rate Relief - Charities who already received mandatory relief and organisations not established or conducted for profit whose main objectives are charitable**

#### 5.2 Section 47 of the LGFA 1988 provides for the granting of Discretionary Rate Relief for the following:

- An authority can award up to an additional 20% top up relief to charities and community amateur sports clubs (CASCs) that have received the 80% mandatory relief, or
- An authority can grant relief of up to 100% relief to certain non-profit making organisations that do not qualify for any mandatory relief due to not holding charitable status.

The Department of the Environment (DoE) issued a practice note in August 1990 to give guidance to authorities on the criteria they should take into consideration in the exercise of the discretion to grant rate relief. Rushmoor Borough Council's Financial Support Sub Committee formerly adopted these guidelines in October 1993.

The practice note has now been supplemented by guidance issued by the Office of Deputy Prime Minister (ODPM) "Guidance on rate reliefs for charities and other non-profit making organisations" in December 2002, which in particular focuses on sports clubs.

The practice note recommends that:

- Authorities should have readily understood policies for deciding whether or not to grant relief, and for determining the amount of relief. They should not, however, adopt guidelines or rules which allows a case to be disposed of without any consideration as to its individual merits. Any criteria by which the individual case is judged should be made public to help interested individuals and bodies.

We have adopted the recommendations and guidelines in exercising our discretion in awarding discretionary rate relief to charities and not-for-profit organisations.

Where a ratepayer can demonstrate that the criteria is met, the period and value of relief granted will be solely at our discretion.

A formal application from the ratepayer will be required in each case and any relief will be granted in line with state aid requirements.

### 5.3 Discretionary relief – Localism Act 2011

Section 69 of the Localism Act 2011 allows a local authority to grant discretionary relief in any circumstances where it feels fit, having regard to the effect on the council tax payers of its area.

The provision is designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to council tax payers.

The government has not issued guidance in respect of how this power might be used except advising that relief “may be granted in any circumstances where a local authority sees fit, having regard to the effect on council tax payers in the area”.

The English Guide to the Act addresses this as follows:

- “The Localism Act gives councils more freedom to offer business rates discounts – to help attract firms, investment and jobs. While the local authority would need to meet the cost of any discount, it may be decided that the immediate cost of the discount is outweighed by the long-term benefit of attracting growth and jobs to their area”.

Our policy on awarding relief under The Localism Act 2011 is that any ratepayer applying for relief under these provisions which does not meet the criteria for existing relief (charities, community amateur sports clubs) and not-for-profit making organisations), must meet all of the following criteria and the amount of relief granted will be dependent on the following key factors:

- The ratepayer must not be entitled to mandatory rate relief;
- The ratepayer must not be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar;
- The ratepayer must occupy the premises (no relief will be granted for unoccupied premises);
- The premises and organisation must be of significant benefit to the residents of the borough and/or relieve the council of providing similar facilities;

The ratepayer must also;

- Provide facilities to certain priority groups such as the elderly, disabled, minority groups and early years child care; or
- Have premises where new employment opportunities will be created; or
- Must bring social, environmental or economic benefit to the community; or
- Contribute to the sustainable development of the borough.

- Provide residents of the borough with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation; and
- Must demonstrate that assistance (provided by the discretionary rate relief) will be for a short time only and that any business/operation is financially in the medium and long term; and
- Must show that the activities of the organisation are consistent with the council's plan.

Where a ratepayer can demonstrate that all the criteria are met, the period and value of relief granted will be solely at our discretion.

A formal application from the ratepayer will be required in each case and any relief will be granted in line with state aid requirements.

## **6 Financial matters**

### **Cost of awarding relief**

- 6.1 The cost of relief awarded will be borne in accordance with the Business Rates Retention Scheme share - namely 50% borne by central government, 40% by the council, 9% by Hampshire County Council and 1% by Hampshire Fire and Rescue Service.

### **State aid**

- 6.2 The award of Discretionary Rate Relief will be state aid compliant
- 6.3 The issue of rate reliefs being considered as qualifying as state aid is now of some significance and is briefly explained in the "Rate Relief for Charities and other Non-Profit Making Organisations" guidance note issued by the ODPM in December 2002.
- 6.4 Broadly, any award of discretionary rate relief is subject to state aid de minimis limits. The regulations allow an undertaking to receive up to €200,000 of de minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).



**Application for Discretionary Rate Relief  
Anaphylaxis Campaign  
1<sup>st</sup> & 2<sup>nd</sup> Floors 1 Alexandra Road, Farnborough, Hants, GU14 6BU  
Billing No. 9110862 & 9208395**



Anaphylaxis UK (formally Anaphylaxis Campaign prior to July 2022) support people living with serious allergies as a charity for over 25 years, offering information and support for individuals and their families, for businesses and for schools and other places of education. They provide information for people with serious allergies that can be trusted which is both scientifically based and factually accurate.

Most of the work carried out by Anaphylaxis UK is funded by charitable donations.

Website: [www.anaphylaxis.org.uk](http://www.anaphylaxis.org.uk)

Anaphylaxis UK currently occupy one room on the First Floor 1 Alexandra Road, Farnborough, GU14 6BU. They previously occupied the 1<sup>st</sup> and 2<sup>nd</sup> Floors but since Covid have downsized and just use the room for meetings and administration duties.

As a registered charity, Anaphylaxis UK are entitled to 80% mandatory relief and this application is for 20% Discretionary rate relief.

Anaphylaxis UK have been liable for rates on both floors since 01 December 2014 and vacated the second floor in February 2022. They down-sized again to one room on the first floor from March 2022.

As they have down-sized this application is retrospective. If 20% Discretionary rate relief were to be awarded on all properties from the start of the current list, 01 April 2017, the financial effect on Rushmoor Borough Council would be as follows:-

<b>Property</b>	<b>Financial Year</b>	<b>Value of Relief</b>	<b>Cost to RBC</b>
1 <sup>st</sup> Floor	2017-2021	£8,843.45	£3,537.38
2 <sup>nd</sup> Floor	2017-2021	£3,110.37	£1,244.14
Office	2021/22	£65.09	£26.03
	2022/23	£768	£307.20

In their application Anaphylaxis UK are advise the following:-

***What are the main objects of the charity?***

To advance the education and general understanding of severe allergies and protect the health of people who suffer from severe allergies.

***Outline ways in which the local organisation is involved, at local, regional or national level, in developing its particular interests:***

Providing support groups for the severely allergic community and allergy buddies supporting national fundraising activities holding events for healthcare professionals.

***What purpose does your organisation use the premises and facilities?***

We have downsized to one room now. Previously both floors were office space with storage and staff were based there full time. Now we all work remotely and only attend for staff meetings and to collect post.

The landlord is now letting the second floor plus unused first floor space to new tenants WEF March 2022.

***How would an award of relief to your organisation benefit the local community?***

We would like to request non-payment of business rates going forward as we only rent one small room from Hollis Hockley at 1 Alexandra Road, which is 90% unoccupied as we continue to work from home, aside from one monthly meeting and to collect post.

We would like to request a retrospective review of our previous years rates payment when we occupied 2 floors. We are a charity that receives no government funding and relies on membership and donation income.



The Anaphylaxis Campaign supports people with severe allergies who are at risk of anaphylaxis. Anaphylaxis is a medical emergency and can be very serious, potentially fatal. We provide scientifically based, factually accurate information for individuals and their families affected by their condition and give support on how to avoid a severe and potentially life-threatening allergic reaction by empowering them with the knowledge to live without anxiety and fear.

We provide training and education across the food and hospitality industry, healthcare professionals and to over 25,000 teachers since September 2021 – over 200 from the local area. The charity has been in Farnborough over 25 yrs and most staff are employed from locally.

Demands on our service have grown considerably over the years and continues to stretch our resources.

We hope to soon offer more services to support schools and young people, prevent serious life-changing events and we would be delighted to work with Rushmoor Councils Education and Environmental Health Depts.



**Application for Discretionary Rate Relief**  
**Karuna Action**  
**11 Wellington Street, Aldershot, Hampshire, GU11 1DX**  
**Billing No. 9212163-9**



Karuna Action work with partners and churches in developing countries to help those in need through education, training and accessing healthcare. For the Coffee House they use coffee beans ethically sources and roast and grind them on site. The Coffee House has several meeting rooms that are used by local community groups, free of charge. They also have pottery workshops and are the location for the North East Hants Youth Hub on Mondays.

Karuna Action work with partners in around the world on sustainable relational projects to end poverty in people's lives.

On their website, they state the following:

Values - Our partnerships work through a simple set of values; Communication, Relationship, Input and Accountability - CRIA. Where CRIA works we find our partners and their work flourishes. This is because we have a two-way relationship that enables us to respond to need where it is, not where our funding determines it should be. This requires ongoing dialogue and a willingness to be flexible and adjust the way we do things - in order to meet real and current needs on the ground and maintain long-term relationships with our partners.

Website: [www.karunaaction.org](http://www.karunaaction.org)

Karuna Action currently occupy 11 Wellington Street, Aldershot, GU11 1DX where they operate a coffee house, as well as maintaining meeting rooms for use by community groups and pottery studios. Karuna Action receive 80% Mandatory Relief.

Karuna Action have been liable for rates at this property since 05 June 2020, and the current yearly charge is £1,152.00. If 20% Discretionary rate relief were to be awarded, the financial effect on Rushmoor Borough Council would be as follows:-

<b>Financial Year</b>	<b>Value of Relief</b>	<b>Cost to RBC</b>
2020/21	£946.85	£378.41
2021/22	£1,152.00	£460.80
2022/23	£1,152.00	£460.80

In their application Karuna Action advise the following:-

***What are the main objects of the charity?***

To relieve persons who are in conditions of need or hardship, through education, training and access to healthcare in such parts of the world that the trustees think fit. To promote and fulfil other charitable purposes beneficial to the community.

***Outline ways in which the local organisation is involved, at local, regional or national level, in developing its particular interests:***

Locally, Karuna Action runs the Karuna Coffee House to provide a hub for the community. Various groups or organisations are able to meet here. We are also a partner of the Community Grub Hub and collect food and donations for it. Much of our work benefits those overseas.

***What purpose does your organisation use the premises and facilities?***

The premise is the registered address of the charity, and all our offices are based at the premise as well as the coffee shop. We also run pottery workshops for the general public.

The premises has meeting rooms that groups or individuals are able to use, free of charge, as part of being a community hub. The coffee shop is open to the public. The pottery is open to those participating in workshops.

***How would an award of relief to your organisation benefit the local community?***

The reward of the remaining 20% relief would help Karuna Action to save charitable funds. As an organisation we run off donations. Anything else we can save from spending on rates will help us to provide more for the charity.

**Application for Discretionary Rate Relief  
British Gurkha Welfare Society  
119 Wren Way, Farnborough, GU14 8TA  
Billing No. 9201332-4**



The British Gurkha Welfare Society have led the campaign for those Gurkha veterans who retired before 1997 to receive pensions equal to the British and Commonwealth Soldiers they fought alongside.

Since the decision on settlement, the BGWS has continued to challenge the Gurkha pensions situation in Westminster, also maintaining a legal challenge that has seen a judicial review and subsequent challenge of its verdict in the Court of Appeal. Exhausting all local avenues their case now lies with the European Court of Human Rights.

On their website, they state the following:

The British Gurkha Welfare Society is the largest welfare organisation run by Gurkhas for Gurkhas in the UK and Nepal, and was founded in 2004 to cater for the needs of the many ex-servicemen and their families returning to the UK. The remit of the Society is to seek equality of treatment for Gurkhas. Based in Farnborough, the BGWS provides a range of welfare and immigration services to Gurkhas and Nepali citizens, also maintaining close contact with local authorities across the country with sizeable Gurkha populations and representing the Gurkha community at the highest levels in Westminster.

Website: [www.bgws.org](http://www.bgws.org)

The British Gurkha Welfare Society occupy 119 Wren Way, Farnborough, GU14 8TA. The property has a rateable value of £30,750. There are currently no discounts or reliefs applied to the account, however 50% discretionary rate relief was awarded from July 2005, when the account started, to 31 March 2017.

As a not-for-profit organisation, British Gurkha Welfare Society are entitled to 100% discretionary rate relief and this application is for 100% Discretionary rate relief. This application requests 100% discretionary rate relief from 01 April 2020 to 31 December 2020, and an ongoing discretionary rate relief of 50% from 01 January 2021 to the end of the current rating list.

The British Gurkha Welfare Society have been liable for rates at this property since 08 July 2005, and the current yearly charge is £15,344.25. If discretionary rate relief were to be awarded as outlined above, the financial effect on Rushmoor Borough Council would be as follows:-

<b>Financial Year</b>	<b>% Award</b>	<b>Value of Relief</b>	<b>Cost to RBC (40%)</b>
2020/21	100%	£11,518.70	£4,607.48
2020/21	50%	£1,912.77	£765.10
2021/22	50%	£7,672.12	£3,068.84
2022/23	50%	£7,672.12	£3,068.84

In their application the British Gurkha Welfare Society advise the following:-

***What are the main objects?***

The property belongs to the British Gurkha Welfare Society and was used for community projects before GnERGY took over and we declared this immediately and started paying Business Tax, prior to which we were on the Discretionary Rate Relief. It has now reverted back to community projects and welfare office that provides welfare advise, guidance and acts as representatives for the ex-Gurkhas and their dependants when and where needed. This is the main headquarters of BGWS and meetings at national level which includes all the other members from various parts of the UK are held here. It is also used for social events e.g. celebrating children’s birthdays, repast ceremony after funerals, religious affairs and in the past yoga classes and Nepali classes for the children.

***Outline ways in which the local organisation is involved, at local, regional or national level, in developing its particular interests:***

The organisation could have registered as a charity but due to the ongoing political lobby for equal pensions it decided to wait. In the past the premises have been used by the council and local authorities for community projects lectures and meetings. It has also hosted many political party members and MPs and has even hosted curry lunches.

***What purpose does your organisation use the premises and facilities?***

The organisation uses it purely for community projects and highlighted before and as such was granted the discretionary rate but when it leased it to GnERGY it accordingly started paying the Business Tax

rate. As GnERGY went into administration, the property was handed back to BGWS. The property remained closed from 1 April 2020 due to the pandemic and has partially opened since 10 August 2020.

***How would an award of relief to your organisation benefit the local community?***

We are a not-for-profit organisation and have been working closely with the council and local authorities and have been instrumental in settling the large Nepali population. This premises has also been used by the local communities to hold their own meetings e.g. PEBL lotto funded charity for the Prospect area, AA society etc. the local terminology applies in large to the Nepali community at Rushmoor Borough who benefit the most. As a not-for-profit organisation the discretionary rate as in the past would be a huge financial relief to sustain the premises for the society.

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CABINET

COUNCILLOR MAURICE SHEEHAN  
OPERATIONAL SERVICES  
PORTFOLIO HOLDER

7<sup>th</sup> February 2023

REPORT NO. OS2303

KEY DECISION? YES

## REVIEW OF TAXI LICENSING POLICY

### SUMMARY AND RECOMMENDATIONS:

This report outlines the consultation on proposed changes to the Council's Taxi Licensing Policy.

Cabinet is recommended to:

- Approve the proposed Taxi Licensing Policy to take effect on 1<sup>st</sup> April 2023, with application requirements applying to any new application received or determined on or after that date, and for any renewal due on or after that date; and
- Existing licence holders to be required to comply with all new requirements by 31<sup>st</sup> March 2024 or their renewal date, whichever is sooner in accordance with the proposed policy

## 1. INTRODUCTION

- 1.1. The Council's current Taxi Licensing Policy has been in place since 2012. The purpose of this report is to seek Cabinet approval to implement the proposed new Taxi Licensing Policy which has been developed and subject to public consultation.

## 2. BACKGROUND

- 2.1. In July 2020, the Department for Transport (DfT) published new statutory guidance in relation to the licensing of taxis. This guidance required the licensing authority to review their policies having regard to the measures contained within the guidance. Furthermore, legislative changes have been introduced since the current policy came into effect that were not referred to in the previous policy
- 2.2. The policy has been reviewed taking account of the above guidance, legislative changes, data and feedback from officers, members of the public and the taxi trade. A proposed policy was produced, and a public consultation was carried out between 5<sup>th</sup> December 2022 and 2<sup>nd</sup> January

2023. The link to this was sent to all licence holders and the consultees named in the document. Furthermore, the consultation was available on the Council's website for the same period of time.

- 2.3. In total, 9 responses to the consultation were received, and their comments have been taken into consideration, with some minor amendments made to the proposed policy as a result..

### **3. DETAILS OF THE PROPOSAL**

#### **General**

- 3.1. Details of the proposed Taxi Licensing Policy is given at Appendix 1
- 3.2. An overview of the key changes from the current policy is given at Appendix 2 and cover the following:
- 3.3. Streamlining, efficiencies and accessibility – Changes to reduce the time taken to process applications, ensure processes are more efficient (for officers and applicants) and allow for cost recovery where possible, and to remove barriers of entry to the trade and reduction in wheelchair accessible vehicles.
- 3.4. Safeguarding- New measures to further improve the safety of taxis and drivers, further reducing the risk to passengers, other road users and licensed drivers.
- 3.5. Improved knowledge and skills – more in-depth testing of knowledge and training requirements to ensure a better and safer service.
- 3.6. Environmental Improvements- changes to ensure that the environmental impact if the taxi fleet is improved.
- 3.7. An Overview of the amendments made following the public consultation is given at Appendix 3, along with details of the reasons why.

#### **Alternative Options**

- 3.8. Members may amend any element of the proposed policy that is not a legal requirement.

### **4. IMPLICATIONS (of proposed course of action)**

#### **Risks**

- 4.1. The proposed policy is designed to minimise the risk to users of taxis and other road users, by ensuring appropriate requirements are in place for licence holders.

### **Legal Implications**

- 4.2. The Council is obliged to work within the relevant legislation and have regard to the statutory guidance. Applications and/or regulatory action carried out in accordance with the policy are often subject to a legal right of appeal to the magistrate's court. The policy will be taken into consideration as part of any appeal hearing

### **Financial and Resource Implications**

- 4.3. The relevant legislation specifies what costs can be recovered in respect of licensing fees, the licensing authority sets fees on this basis to cover all recoverable costs of administering the regime

### **Equalities Impact Implications**

- 4.4. The Equality Impact Assessment associated with the proposed policy is given at Appendix 4.

### **Community Safety Implications**

- 4.5. The purpose of the taxi licensing regime is to ensure the safety of the travelling public, therefore the measures detailed in the proposed policy have a positive impact on community safety.

## **5. CONCLUSIONS**

- 5.1. The proposed taxi licensing policy is recommended to Cabinet to be approved to take effect from 1<sup>st</sup> April 2023, with application requirements applying to any new application received or determined on or after that date, and for any renewal due on or after that date and existing licence holders to be required to comply with all new requirements by 31<sup>st</sup> March 2024 or their renewal date, whichever is soonest.

### **BACKGROUND DOCUMENTS:**

None

### **CONTACT DETAILS:**

**Report Author** – Shelley Bowman - Licensing Manager  
**Head of Service** – James Duggin – Head of Operations





**RUSHMOOR**  
BOROUGH COUNCIL

*Town Police Clauses Act 1847*  
*Local Government (Miscellaneous Provisions) Act 1976*  
*& Other Legislation*

# **TAXI LICENSING POLICY & GUIDANCE**

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# PART A

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## 1. FOREWORD

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### 1.0 FOREWORD

- 1.1 We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether it be for business, domestic or social purposes.
- 1.2 Society takes the provision of such a service, whether private hire (PH) or hackney carriage (commonly referred to as taxis), largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that taxi passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.
- 1.3 However, while we recognise that there are many hardworking licence holders, within the industry, who are rightly proud of the service they provide, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g., when carrying vulnerable individuals such as children, unaccompanied females or those with disabilities).
- 1.4 In view of these concerns, we believe that the service of providing a driver and vehicle to convey persons from one place to another needs to be appropriately regulated to prevent the less than honest or able persons from undertaking such work, or, more appropriately to allow only those individuals and vehicles that are safe and suitable to undertake such work.
- 1.5 However, we also recognise, that while licensing of the taxi and PH trades seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in insufficient taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.
- 1.6 In summary, we want to enable good business for all concerned by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensures the safety and protection of both the public and other road users and provides for a suitable, good quality and efficient public transportation service for all. This document sets out how we intend to do this within the existing legislative framework and other constraints.

## PART B

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## 2. INTRODUCTION & SCOPE

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### 2.1. SUMMARY

- 2.2. This document sets out Rushmoor Borough Council's (RBC) taxi licensing policy in recognition of its role and functions as the relevant licensing authority for hackney carriage and private hire vehicles, drivers and operators.
- 2.3. In preparing this document, the Council has considered various guidance documents, case law, and has consulted with and considered the responses made by the individuals, agencies and organisations set out in **appendix A**.
- 2.4. This policy document was approved and adopted by the executive (Cabinet) meeting on the [DATE] and ratified by Full Council on [DATE]. It was most recently updated on approval by the executive (Cabinet) on [DATE]. While subject to periodic review, this document shall constitute RBC's taxi licensing policy.

The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.

### 2.5. INTRODUCTION & SCOPE

#### 2.6. Background

- 2.7. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, together with a variety of other statutes provide the legislative framework throughout England & Wales (excluding London) for regulating the provision and activities of hackney carriages (commonly referred to as 'taxis') and private hire vehicles ('minicabs').
- 2.8. Under this legislation, RBC along with other authorities are responsible for the licensing of hackney carriages and/or private hire vehicles, their drivers, and operators. The Council is also responsible for a range of other taxi-related matters, including for example, the setting of hackney carriage fares.

#### 2.9. Status

- 2.10. This document sets out the policies and arrangements the licensing authority will normally apply and consider in carrying out its taxi licensing functions and responsibilities. This document will therefore be used to inform and direct our decision making, particularly when making decisions on relevant licence applications, exemptions and/or our general enforcement approach. It acts as a guide to the considerations and standards to be applied in our licensing work



together with the roles and responsibilities of those to whom it applies. However, on occasion where it is deemed appropriate, the licensing authority may divert from this policy. In all cases where a decision is made that differs from this policy, there will be a decision sheet with the justification for doing so, and the matter will be determined in accordance with the Council's scheme of delegation.

2.11. The document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted thereafter. The relevant statutory provisions together with any subordinate legislation will take precedence.

## **2.12. Applicability**

2.13. This document applies to the functions of RBC as a licensing authority under the various taxi-related statutes and to related activities within the Borough of Rushmoor as defined in **appendix B**.

## **2.14. Other documents and references**

2.15. Where appropriate, this policy should be read in conjunction with the following documents -

- (a) RBC Corporate sanctions and enforcement policy; and
- (b) RBC Data Protection policy; and
- (c) RBC Guidance notes for applicants (various); and
- (d) RBC Vehicle specification;

## **2.16. Interim Policy Updates**

2.17. While every effort has been made to ensure that the information, policy and guidance in these pages is correct at the time of writing, changes in the law, third-party procedures, or other identified issues may necessitate interim update and/or a change of arrangements.

2.18. As such, legislative or minor changes to arrangements and/or clarifications of policy may be applied. These will be established in accordance with the Council's scheme of delegation and, where appropriate, following consultation with the relevant Council portfolio holder and/or notification of the trade(s).

## **2.19. IMPLEMENTATION**

2.20. This policy shall take effect from **[DATE]** and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing.

- 2.21. Where there have been changes to the licensing policy and associated requirements, the licensing authority believes, in accordance with the DfT guidance that the same should be applicable to those already in possession of an existing licence, to ensure the promotion of the licensing objectives, and consistent standards. Where appropriate, the licensing authority will provide for and communicate a timeframe of no longer than 12 months for existing licence holders to implement and/or comply with any new requirements. Failure to comply with any new requirements in this time will result in suspension of licence.
- 2.22. Where a more subjective change is introduced, for example an amended policy on previous convictions, the licensing authority will still apply the fundamental principles and will consider each case on its own merits for existing licence holders. The licensing authority may deviate from any revised policy for existing licence holders, but only where there are exceptional, clear, and compelling reasons to do so, and no other indicators of concern whilst they have been licensed.

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## PART C

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### 3. LICENSING PRINCIPLES, OBJECTIVES & GENERAL CONSIDERATIONS

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#### 3.1. GENERAL

- 3.2. A number of authorisations and administrative procedures may be sought, held or applied for under the various statutory provisions. The policies and considerations to be applied will generally depend on the nature of the authorisation sought / held and/or the circumstances of the case.

#### 3.3. FUNDAMENTAL PRINCIPLES & OBJECTIVES

##### 3.4. Licensing objectives

- 3.5. We will aim to regulate taxi-related activities in the public interest and will, where appropriate, seek to **enable good business** for all concerned. We will endeavour to do this by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensure –

- (a) the safety and protection of both the travelling public and other road users; and
- (b) the provision of a suitable and efficient public transportation service for all.

##### 3.6. Other general principles

- 3.7. Where appropriate, the licensing authority will -

- (a) be objective.
- (b) consider any matter on its own individual merits, and
- (c) consider any impact on its licensing objectives.

#### 3.8. OTHER RELEVANT CONSIDERATIONS

##### 3.9. Licensing policy and guidance

- 3.10. In exercising its functions, the licensing authority will, where appropriate, have regard to -

- (a) this taxi licensing policy.

(b) any guidance issued by or on behalf of the relevant Secretary of State (e.g., Department for Transport) for the matter of concern, and

(c) any other guidance as may be specified or set out in this policy.

### **3.11. Integration of policies, strategies, and objectives**

3.12. The licensing authority may, where it is entitled to do so, also have consideration for the aims, objectives and findings of any published government strategies and plans which relate to its licensing objectives.

3.13. For these purposes, government strategies and plans are taken to mean those prepared and published by or on behalf of HM Government, Rushmoor Borough Council and / or any other statutory authority or agency with responsibilities within the area concerned.

### **3.14. Departure from guidance and policy**

3.15. The licensing authority may, where it is entitled to do so, use its discretion to depart from this policy and any other guidance where it considers it appropriate to do so and, in such cases, will give clear reasons.

## **3.16. DUPLICATION & OTHER RELEVANT LEGISLATION**

### **3.17. General expectation of compliance**

3.18. The licensing authority expects those to whom it has granted any authorisation to fully comply with all other relevant legislation (e.g., Health & Safety) applicable to their premises, vehicle and/or their activities. The licensing authority will, subject to circumstances, seek to avoid duplication with other regulatory regimes in delivery of its functions.

### **3.19. Other authorisations and permissions**

3.20. The licensing authority expects those providing licensable activities to ensure that they have obtained all necessary permissions before proceeding e.g., landowner permission, permits etc. A licence to provide, drive or operate a hackney carriage and/or private hire vehicle does not, and shall not be taken to give or imply approval for any other activity regulated by this or any other authority. Prospective applicants and licence holders are advised to check to ensure that their proposals / arrangements are suitably authorised in **all** respects.

### **3.21. Planning permission and building control requirements**

3.22. The licensing authority notes that the use of premises (e.g. for the operation of private hire vehicles) may be subject to control by the local Planning Authority and that such uses may require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for

new premises and/or a change of use of premises while building control approval is often required for structural alterations.

- 3.23. While relevant applications (e.g., for an operator's licence) may be made pending any necessary planning permission, the licensing authority expects these will normally be made by businesses with planning permission for the property and uses concerned. However, the licensing authority would impress that planning, building control and licensing are separate legislative regimes that involve consideration of different (though often related) matters. In view of this, and to ensure a clear separation of planning and licensing systems, licensing applications will, in all cases, be considered wholly independently of planning applications. However, to ensure compliance with the law, the licensing authority will, where appropriate, advise the local Planning authority of receipt of any relevant premises-based application.

### 3.24. Exemptions to private hire licensing

- 3.25. In recognition of the broad range of potential services that the definition of private hire driving, vehicle and operating might encompass, it is the view of the licensing authority that not every service providing a vehicle with fewer than nine passenger seats which is used to carry passengers for some sort of return must necessarily be licensed under the private hire licensing regime. Subject to the policies and considerations outlined below, the licensing authority will not normally consider any of the following to fall within the private hire licensing regime.

- (a) **Small Public Service Vehicles (PSVs)** - i.e., vehicles with fewer than nine passenger seats which –
- (i) carry passengers at a commercial rate; and
  - (ii) provide a service at separate fares where each passenger pays his or her own fare for a particular journey.

These vehicles will normally fall within the PSV operator licensing regime. However, in cases of doubt, the licensing authority will check and expect the vehicle, driver, and operator to be licensed with the relevant traffic commissioners.

- (b) **Volunteer schemes** - i.e., vehicles with fewer than nine passenger seats which provide a passenger carrying service, and where the total of any charges is agreed in advance and do not exceed the running costs (including wear and tear and depreciation) of the vehicle for the journey made.

These vehicles will typically be a form of transport that is provided by volunteers who do not make a profit from the service.

While the licensing authority will not normally consider genuine volunteers who receive no recompense (or otherwise receive only enough to cover

their actual expenses) to fall within the private hire licensing regime, it recognises that the total mileage undertaken by some volunteer drivers may amount to a business of providing transport in such a way as to make a profit. Where appropriate, the licensing authority may therefore take account of the profitability or otherwise of the service on consideration of the rates charged and/or expenses claimed in the context of the mileage and taxation rules set out by HM Revenue and Customs (HMRC).

- (c) **Ambulances and medical cars** – i.e., those vehicles used to transport passengers to and from hospitals and other medical facilities on an ad-hoc basis or otherwise operate as part of a formal non-paid Patient Transport Service.
- (d) **Weddings and funerals** – in accordance with the Local Government (Miscellaneous Provisions) Act 1976 transport used only in connection with weddings and/or funerals does not fall within the private hire licensing regime.

### **3.26. Considerations as to whether a service is a private hire service**

3.27. By way of determination as to whether any particular service requires to be licensed as a private hire operator, driver and vehicle the licensing authority will consider –

- (a) whether the vehicle has fewer than nine passenger seats.
- (b) whether the vehicle is provided for hire with the services of a driver for the purpose of carrying passengers.
- (c) whether the driver or the operator derives a commercial benefit.
- (d) whether the carriage of passengers is an ancillary part, or a main part, of the overall service.
- (e) the characteristic use of any vehicle provided.
- (f) whether the driver is under any explicit or implicit obligation to undertake any other duties or tasks beyond driving or providing services associated with driving (e.g., carrying luggage, assisting passengers with boarding or alighting etc).
- (g) whether the service requires a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire.
- (h) the manner in which the vehicle is provided.
- (i) whether passengers pay individual fares as part of the contractual arrangements; and

(j) whether the vehicle is/is not being exclusively hired.

**NB:** The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine whether a service must be licensed under the private hire regime.

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## PART D

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### 4. GENERAL ADMINISTRATIVE ISSUES

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#### 4.1. APPLICATIONS & NOTICES

#### 4.2. Equality of opportunity

4.3. Subject to the requirements of the relevant statutory provisions, nothing in this taxi licensing policy shall override or undermine the right of any individual or business -

- (a) to apply for one or more of the authorisations and/or exemptions provided for and, where appropriate, to have that application considered on its individual merits.
- (b) who is aggrieved by the decision of the licensing authority to appeal against that decision to the Courts where provision has been made for them to do so.

#### 4.4. Making an application

4.5. While it is not the purpose of this document to detail how to make an application for any relevant authorisation, the licensing authority will maintain basic guidance notes for applicants on its website ([www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)).

4.6. As an indicator of how the applicant may operate their hackney carriage and/or private hire activities, the licensing authority will take a serious view of any applicant that misses or is otherwise late to an(y) appointment(s) without reasonable excuse. Repeat failure to suitably attend appointments may therefore result in refusal to grant and/or renew any relevant authorisation.

4.7. Applicants who make an appointment and subsequently need to cancel and/or change their arrangement(s) should contact the licensing team in advance of the appointment.

4.8. Significantly, the Council incurs costs in the administration of appointments and associated room bookings. As such, and by way of discouraging missed and/or late appointments, the fees for chargeable pre-booked appointments e.g., test sessions, safeguarding training etc. are non-refundable.



#### 4.9. Submission of applications and notices

- 4.10. All applications and notices must be made to the licensing authority detailed below –

**The Licensing Authority**  
Rushmoor Borough Council  
Council Offices  
Farnborough Road  
Farnborough  
GU14 7JU

**Telephone:** 01252 398855

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#### 4.11. Validity of applications or notices

- 4.12. The licensing authority will, only accept and, where appropriate, process applications and documents that **fully** comply with all relevant requirements and eligibility criteria. Applications and/or documents will be treated as being invalid where they fail to comply with all relevant requirements.

- 4.13. Except for licensing authority documents not required by the applicant / licence holder for any other purpose e.g., application forms, medical forms, the licensing authority will not hold any original documents. Original documents submitted in person will be scanned and returned immediately to the applicant / licence holder.

#### 4.14. Safeguarding against fraud

- 4.15. So that it can satisfy itself against the potential for fraud, the licensing authority will require, where appropriate, **all** submissions to –

- (a) be in and up-to-date and
- (b) be suitably addressed (i.e., both in respect of the individual concerned **and** in respect of the address where they are ordinarily resident in the UK), and
- (c) suitably cross reference (i.e., be consistent with all other relevant documents and submissions).

- 4.16. Photocopies, scans, emails and/or similar will **not** be accepted in respect of DBS certificates, statements of good conduct and identity documents e.g., passport, driving licence, birth certificate. Where there are any concerns regarding any other document submitted electronically, the licensing authority reserves the right to ask to see the original document before making any determination.

- 4.17. Where appropriate, we will treat any document as being invalid where it is not in original form (if requested), is out of date, bears incorrect details, cannot be validated or where we otherwise suspect it may have been forged, improperly altered or tampered with. Further, the licensing authority will refuse any licence application and/or suspend or revoke any licence held where any document

submitted as part of an application and/or in maintenance of any licence is suspected to be fraudulent, inaccurate and/or out of date.

#### **4.18. Incomplete and/or piecemeal applications and time sensitive documents**

- 4.19. Given the number of submissions required, we understand that it is easier for applicants to submit documents on a 'piecemeal' basis. To comply with Data Protection legislation, the licensing authority will not accept and/or retain documents for an application, until a signed application form including the relevant privacy notice is received.
- 4.20. In recognition that some documents and application requirements are time-sensitive, any document(s) that time-expire (against any stated limitation of use) on account of any application(s) being made on a piecemeal basis will be required to be resubmitted afresh and dated within the permitted timescale concerned. The cost(s) of any necessary resubmission(s) shall, in all cases, be borne by the applicant.
- 4.21. Given the time-sensitive nature of some documents and the fact that other application requirements may depend on the aptitude, diligence and/or effort of the applicant e.g., completion of the Knowledge test, the licensing authority believes it appropriate to limit the time by which applications (not including applications for renewal) should generally be completed to within a period of 3 months.
- 4.22. Subject to the following, the licensing authority will refuse any application where it is not completed within this time.
- 4.23. However, in recognition that some application requirements must be obtained or certified by a third party, the licensing authority will disapply this policy restriction where –
- (a) the submission requirement has been applied for, and/or booked to be undertaken within 14 days of any application having been made, **and**
  - (b) the application / booking for the submission requirement can be suitably demonstrated.
- 4.24. By way of encouraging previously unsuccessful applicants to prepare more thoroughly, where an application is refused on this basis, the licensing authority will not accept a further application from an applicant until at least 3 months has passed from the date of the prior refusal. This policy shall apply, regardless of the nature of any current and/or past application(s) made.
- 4.25. As it will otherwise be unable to rely on them, the licensing authority may suspend any licence held, where any relevant time sensitive document(s) (e.g., DBS disclosure, MOTs, insurance documents, medicals etc) are submitted outside of the permitted timescales or otherwise time-expire. Where appropriate, all such documents will be required to be resubmitted afresh and

dated within the permitted timescale concerned. The cost(s) of any necessary resubmission will, in all cases, be borne by the applicant.

- 4.26. Whilst the licensing authority will endeavour to notify existing licence holders of the pending expiry of any time sensitive document(s), it asserts that it remains the responsibility of the relevant licence holder to ensure that any requisite document(s) is/are suitably maintained and have been submitted to the licensing authority prior to actual expiry.

#### **4.27. First language policy**

- 4.28. It is the opinion of the licensing authority that the provision and role of hackney carriage and/or private hire services involves the ability to suitably understand and communicate with a broad spectrum of customers and to respond to their associated needs. In view of the general communication requirements, and that English is the official language of England (where Rushmoor is situated), the licensing authority will apply an English only language policy in respect of all its documentation, application, and policy requirements.

- 4.29. Accordingly, all application forms and associated documents, policies, guidance and/or other information provided by us will be provided in English only, and unless otherwise stated, any information, submissions or documents must similarly be completed and/or provided by the applicant or licence holder in English only, and all qualifications and training courses must be completed in English only. Unless otherwise stated, no translation or interpretation shall be permitted and/or accepted.

- 4.30. However, where an applicant or licence holder suffers from some form of demonstrable disability e.g. dyslexia, the licensing authority may, subject to all relevant standards and requirements being met, allow for some limited assistance in making an application. However, so as to ensure common standards such assistance will be limited to, for example, asking knowledge test questions in person.

#### **4.31. Change of name details**

- 4.32. Where requested documentation demonstrates that an individual has changed their name for any reason at any time, they will also be required to provide suitable supporting documents giving effect to their change of name e.g., marriage certificate, deed poll, divorce papers etc.

#### **4.33. Suitable equivalent documents, certifications and standards**

- 4.34. In recognition that there may be different service providers and/or different levels of qualification for some of the submissions it requires, the licensing authority may, where appropriate, accept suitable alternative documents, and/or certifications where the proposed alternative –

- (a) provides for / covers / certifies the same (or enhanced) content or standards (in all respects) to that originally stated; and

(b) is readily verifiable.

**4.35. Renewal and lapse of existing licences and time sensitive documents**

4.36. In an effort to be helpful, the licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold and of other relevant time sensitive documents required to maintain their licence. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc in advance of expiry or when they may otherwise be needed, whether or not they have received a reminder from the licensing authority.

**4.37. Renewal and lapse of existing licences**

4.38. Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally granted or required. Driving, operating, using or permitting a vehicle to be used without the requisite licence is a criminal offence, and formal action may be taken where this occurs.

4.39. Applications for renewal must therefore be made in sufficient time to allow for them to be processed and determined before the expiry of the existing licence. To ensure that applications and licences are managed in a timely manner and do not unfairly cause (dis)advantage or prejudice to any of its policies, the maximum period before expiry that a renewal application will be accepted by the licensing authority is given in **Table 1** below:

<b>Table 1</b>	
<b>Maximum period before expiry that a renewal application may be made</b>	
<b>Drivers Licence</b>	2 calendar months
<b>Vehicle Licence</b>	28 days
<b>Operator's Licence</b>	2 calendar months

4.40. Applications which are made after the date of expiry of any (pre)existing licence will be treated as invalid/void and, where appropriate, individuals will be required to make a new application in full as though applying for the first time. As this may involve additional / new requirements (e.g., knowledge test), it is in each licence holder's self-interest to ensure that any application for renewal is made in full and in good time.

4.41. Applications for renewal of a licence that are made after the pre(existing) licence has expired will only be considered in genuinely exceptional circumstances, where there are good, justifiable reasons, supported by suitable evidence of the same, and usually where the delay in applying after expiry was a matter of only a few days.

4.42. To ensure transparency and fairness of continuity, any renewed licence will commence and take effect from the date of expiry of the (pre)existing licence. This shall be applied regardless of when an application for renewal is made and/or determined.

**4.43. Disclaimer**

4.44. The licensing authority accepts no liability for rejection, loss or delay(s) incurred due to late submission, the submission of documents of questionable validity or the submission of an incomplete application.

**4.45. USE & EXCHANGE OF INFORMATION**

**4.46. Data protection and exchange of information**

4.47. The licensing authority will comply with the Data Protection legislation and the Council's Data Protection policy. As a public task, the licensing authority may use and process sensitive and / or personal data where this is necessary for the exercise of its functions.

**4.48. Confidential information**

4.49. The licensing authority recognises that it is subject to legal restrictions on confidentiality of certain information it requires and holds in order to determine applications for, and/or to supervise, the various licences it issues (e.g. medical data, criminal conviction and similar background disclosures).

4.50. In exercise of its duties, the licensing authority will only disclose such information, as may be necessary, to those involved in the determination of relevant applications in accordance with this policy and/or the Council's constitution and scheme of delegation. The licensing authority will not divulge any such information to any third party otherwise than where it is permitted or required to do so by law.

**4.51. Keeping personal information up-to date**

4.52. To allow for communications and ensure that authorisations remain valid, both applicants and licence holders must formally notify the licensing authority (as soon as reasonably practicable) of any change of name, address or contact details (telephone, mobile, email address etc). Where appropriate the licensing authority may check any notified change of details and/or require suitable proof of identity and evidence of the change(s) made.

4.53. Whilst other channels of communication are available (e.g., telephone, face to face, letter) the licensing authority will generally send written communications and reminders by email. As such, all applicants and licence holders are required to provide an email address for associated correspondence.

- 4.54. As the licensing authority may have urgent cause to contact applicants and/or licence holders in circumstances and situations that may affect public safety and/or or protection e.g., medical issues, vehicle safety recalls, missing person enquiries etc., the licensing authority will take a serious view of any individual who fails to advise it of any relevant change in details.

## **4.55. PUBLIC REGISTERS & PROVISION OF INFORMATION**

### **4.56. Public registers**

- 4.57. In accordance with S42 of the Town Police Clauses Act 1847, S51(3) of the Local Government (Miscellaneous Provisions) Act 1976 and S167 of The Equality Act 2010, the licensing authority is obliged to maintain a public register of some of the authorisations that it issues and the vehicles designated as wheelchair accessible vehicles.

- 4.58. For ease of access, reference and transparency, all public registers, together with other information, will be maintained electronically on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk). However, a hard copy of the public register may be obtained, for a fee, from Rushmoor Borough Council Offices.

### **4.59. Provision of Information**

- 4.60. In accordance with legislative requirements and this policy, the licensing authority may share and disclose information (some of which may be personal information) with and obtain information from third party databases managed by outside organisations e.g., the Air Quality (Taxis & Private Hire Vehicles Database) (England & Wales) Regulations 2019, the National Fraud Initiative, the NR3 register, the Council's appointed medical advisor.

## **4.61. DELEGATION OF FUNCTIONS**

### **4.62. Exercise and delegations of functions**

- 4.63. All licensing decisions will be made, and functions carried out in accordance with the Council's Scheme of Delegation.

### **4.64. Emergency provisions**

- 4.65. The licensing authority recognises that it cannot possibly account (in terms of policy or procedure) for all possible circumstances that may arise in connection with its taxi licensing functions. Accordingly, for any matter that is not suitably covered by this policy but may otherwise impact on public safety (whether real or perceived), the licensing authority may, in the interests of speed and efficiency of response to such matters, delegate licensing policy decisions to the relevant Cabinet member for Safety & Regulation.

## **4.66. IMPOSITION OF CONDITIONS ON LICENCES ISSUED**

### **4.67. What we mean by 'conditions'**

4.68. Conditions include any terms, limitations or restrictions attached to a relevant authorisation and are essentially the steps a licence holder will be required to comply with whenever acting in the capacity of a licensed driver, operator and/or when using or otherwise providing a licensed vehicle.

### **4.69. General principles on the imposition of conditions**

4.70. The licensing authority will, where it is entitled to do so, impose conditions only in respect of matters that are within the control of the applicant and/or the holders of relevant authorisations.

4.71. As many issues of conduct, maintenance and operation of driver, vehicle and operator licences are generic, the licensing authority considers it appropriate to attach standardised conditions for each licence type issued in accordance with this policy. However, where appropriate, the licensing authority will impose conditions that are tailored to the individual, vehicle and/or premises concerned and/or the activities provided there.

4.72. The licensing authority will seek to avoid disproportionate and/or over burdensome conditions wherever reasonably practicable and will, where it is entitled to do so, seek to ensure that conditions –

- (a) are only imposed where legal authority exists to do so.
- (b) are reasonable.
- (c) are proportionate to any risks/problems identified.
- (d) directly relate to any harms being addressed.
- (e) are consistent in the circumstances.
- (f) are capable of being complied with by the relevant licence holder, and
- (g) do not unjustifiably duplicate the requirements of other legislation.

4.73. The licensing authority will, impose conditions that are clear, unambiguous, coherent, and enforceable.

### **4.74. Avoidance of conflicting conditions**

4.75. The licensing authority will ensure, where it is entitled to do so, that no conditions are imposed on relevant authorisations that conflict with any other conditions.

#### **4.76. Duplication with other statutory provisions**

4.77. The licensing authority expects holders of relevant authorisations, their premises and business activities to comply with all other relevant legislative requirements (e.g. Health and Safety at Work etc Act 1974). The licensing authority will therefore, avoid the imposition of conditions that duplicate other regulatory requirements, unless -

- (a) other legislation does not adequately or specifically address the issues concerned; or
- (b) other legislation does not cover the unique circumstances that arise in connection with the particular activities and/or specific premises concerned; or
- (c) it is appropriate in the circumstances to take steps to promote the licensing objectives.

#### **4.78. Enforcement of conditions and rights of appeal**

4.79. Failure to comply with any condition attached to a relevant authorisation can be both a criminal offence and/or provide reasonable cause to suspend, revoke or refuse to renew relevant licences. As such, all parties will be informed of any statutory rights of appeal against the imposition of conditions, where provision has been made to do so.



## PART E

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### 5. DRIVER LICENSING

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#### 5.1. GENERAL

- 5.2. This policy document applies to individuals who seek or are otherwise entitled to drive a hackney carriage and/or private hire vehicle that would ordinarily be described as a standard motor vehicle (i.e., a purpose-built taxi, saloon car, MPV etc.)
- 5.3. Separate and/or additional policies and requirements may apply to applicants and drivers of non-standard vehicles (e.g., stretched limousines, novelty vehicles (e.g., fire engines), tuck tucks etc) and/or other non-motorised modes of transportation (e.g., pedicabs, horse and carriage etc).

#### 5.4. Driver licensing requirements

- 5.5. It is the view of the licensing authority that separate driver licences must be held by and, where appropriate, issued in respect of any individual wishing to drive a hackney carriage and/or private hire vehicle.
- 5.6. However, for ease of administration and reduced costs to applicants, it is the policy of the licensing authority to offer drivers of either discipline the other type of driver's licence for an administrative cost only, providing all requirements are satisfied.

#### 5.7. Parallel procedures

- 5.8. The statutory and practical criteria and qualifications necessary to obtain a private hire driver's licence are, subject to certain exceptions, similar to those necessary to obtain a hackney carriage driver's licence (whether on first-time grant or renewal). Unless otherwise stated, this section therefore applies equally to both private hire and/or hackney carriage drivers.

#### 5.9. THE TERM AND DURATION OF DRIVER LICENCES

- 5.10. In accordance with S53 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority will, where appropriate, normally grant or renew a hackney carriage and/or private hire driver's licence for a period of three years; this being the statutory maximum period permitted. However, the licensing authority may, using its discretion, grant driver licences of shorter duration where it considers this to be reasonable and appropriate in the circumstances.

- 5.11. Licences of shorter duration will be granted on a case-by-case basis where there is an appropriate and justifiable reason to do so. However, without affecting its discretion, the licensing authority may limit the term or duration of a driver's licence in the following (and similar) circumstances -
- (a) in accordance with any work permit(s) and/or restrictions.
  - (b) where any warning as to future conduct has been given.
  - (c) where there is a medical issue/condition.
  - (d) where the driver applies for or requests a licence of shorter duration.
  - (e) to synchronise the licence with any other licence, application and/or policy requirements.
- 5.12. To ensure fairness and transparency, any applicable fees and charges (not including third-party charges) will, where the licensing authority limits the term or duration of a driver's licence (on application for grant or renewal), be levied at the approved specified rate.

### **5.13. ELIGIBILITY CRITERIA**

#### **5.14. Age of Drivers**

- 5.15. Providing they meet the eligibility criteria and application standards; the licensing authority will disregard the age (as an isolated consideration) of any individual in determining their suitability to hold a hackney carriage and/or private hire driver's licence.
- 5.16. However, the licensing authority notes that entitlements to drive some categories of motor vehicles are age restricted by law and it is the responsibility of the driver to ensure that their DVLA driving licence entitles them to drive the type of vehicle being used before they do so. For example, conversion/adaptation of a minibus to a private hire vehicle does not alter the vehicles original weight or classification and/or the driving licence restrictions and entitlements applicable to drive the vehicle.

#### **5.17. Fit and proper person**

- 5.18. By virtue of S51 and S59 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has a qualified discretion as to whether to grant a hackney carriage and/or private hire driver licence. These state that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is a 'fit and proper person' to hold such a driver's licence.
- 5.19. The licensing authority notes that the term 'fit and proper person' is not defined in law with any degree of particularity. However, the licensing authority believes that passengers and other road users should be able to rely on the assumption

that licensed drivers are good drivers with sufficient driving experience, knowledge, and skills as to safely negotiate the perils of the public highway and/or perform the duties of a licensed driver. The licensing authority also believes that passengers rely on the expectation that they will not be harmed in any way in use of a hackney carriage and/or private hire service and that the individuals providing them are not persons who would take advantage of their employment or position to abuse or assault their customers, others and/or their property.

- 5.20. For these reasons, the licensing authority contends that, in determination of fitness and propriety, it is entitled to consider **all** matters concerning an individual applicant or licence holder. For these purposes, the licensing authority will consider the entirety of the individual concerned and/or their character. This may include but is not limited to the individual's attitude and temperament.
- 5.21. As the character of an individual does not change simply because they wear a licence badge and/or are driving a licensed vehicle, the licensing authority will not confine itself to or simply be concerned with the individual's behaviour whilst working in the hackney carriage and/or private hire trade. The licensing authority notes that speeding, drink-driving, use of bald tyres etc are dangerous behaviours that put the public at risk, irrespective of the circumstances or situation.
- 5.22. For these collective reasons, the licensing authority will, where appropriate, seek to ensure that applicants and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -
- (a) fit (mentally and physically) and in such condition as to be capable driving as, and, performing the duties of, a licensed hackney carriage and/or private hire driver.
  - (b) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance).
  - (c) of suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver.
  - (d) entitled and, where appropriate, authorised to live, work and/or drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK; and
  - (e) suitably insured to drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK.
- 5.23. For these collective purposes, the terms fit and proper, safe, and suitable may be used interchangeably and shall be construed accordingly.

#### **5.24. Determination of fitness and propriety**

- 5.25. The safety of the public shall be the overriding factor in considering whether or not a license shall be issued.
- 5.26. In considering whether an individual (whether applicant or licence holder) is and/or remains fit and proper, the licensing authority will pose and seek to address the following question (or similar); namely –

***‘Without prejudice, and based on the information before me, would I allow any person for whom I care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?’***

- 5.27. If, on the balance of probabilities, the answer to the above question (or similar) is ‘no’, the licensing authority will take the view that the individual (i.e., the applicant or licence holder) should not hold or be given a hackney carriage and/or private hire driver’s licence. In these circumstances, the licensing authority will suspend, revoke, or refuse the licence as may be appropriate.
- 5.28. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should **not** be given ‘the benefit of the doubt’. Therefore, in borderline cases, where it is considered 50:50 as to whether an individual is suitable, the licensing authority will also take this to mean that the individual (i.e., the applicant or licence holder) should not hold or be given a hackney carriage and/or private hire driver’s licence.
- 5.29. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

#### **5.30. General requirements**

- 5.31. S57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.
- 5.32. For driver licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements:
- (a) suitable immigration and asylum status and/or work entitlement documents.
  - (b) suitable evidence of residential address
  - (c) a suitable DBS disclosure and subscription to the DBS Update service.

- (d) suitable certificate(s) of good conduct (or suitable equivalent documents).
- (e) a suitable declaration of previous application/licensed taxi driver history.
- (f) a suitable report of medical fitness.
- (g) a suitable DVLA drivers' licence and code to access DVLA record.
- (h) a suitable demonstration of knowledge, skills, and experience.
- (i) suitable certification of public liability insurance.
- (j) a suitable photograph.

### **5.33. Other requirements**

- 5.34. In addition, and for reasons explained below, the licensing authority will, where appropriate, require applicants and existing licence holders to provide -
- (a) suitable demonstration of any other knowledge, experience and skills considered appropriate in the circumstances.
  - (b) further details associated with one or more of the above, including the circumstances and any aggravating or mitigating factors.
  - (c) confirmation of the operator that an applicant for a private hire drivers licence intends to receive bookings from.
  - (d) a suitable code to confirm an HMRC tax check.
- 5.35. In recognition that local knowledge and intelligence concerning individual applicants can help inform its determination of 'propriety', the licensing authority will, where appropriate, consult and/or apply to the following on any application for the grant (i.e., on first-time application) and/or renewal of a hackney carriage and/or private hire driver's licence; namely –
- (a) Any licensing authority where a licence has previously been held or applied for; and
  - (b) The NR3 database

### **5.36. POLICIES, STANDARDS AND RELEVANCE OF FITNESS & PROPRIETY REQUIREMENTS**

- 5.37. The policies, standards, and considerations applicable to each of the above fitness and propriety requirements are set out below. These matters should not be seen as a comprehensive checklist. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence

should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be met by the applicant.

### **5.38. Immigration and asylum status and/or entitlements**

- 5.39. S51 and S59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is not disqualified by reason of the applicant's immigration status from driving a hackney carriage and/or private hire vehicle.
- 5.40. By way of compliance with Immigration & Asylum legislation, it is the policy of the licensing authority to check an individual's immigration and asylum status; together with an individual's right to live and/or work in the UK.
- 5.41. For this purpose, the licensing authority will normally -
- (a) follow and apply any guidance issued by the relevant Secretary of State.
  - (b) follow and apply the [Home Office \(and Border Agency\) guidelines for the prevention of illegal working in the UK](#) (or extant equivalent); and
  - (b) require applicants to provide suitable and sufficient documents as proof of identity and the right to live and work in the UK and where appropriate to provide a code to [Prove your right to work to an employer: get a share code - GOV.UK \(www.gov.uk\)](#).
- 5.42. Where appropriate, the licensing authority may also refer any such documents to, and undertake such evidence and enquiry checks with any relevant Government department or agency to confirm any individual's immigration and asylum status or their right to live and/or work in the UK.

### **5.43. Relevance of immigration and asylum status to driver licences**

- 5.44. As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will refuse any application for a hackney carriage and/or private hire driver's licence and, may suspend or revoke any such licence that has been issued, where –
- (a) the applicant fails to provide or otherwise maintain suitable and sufficient evidence of identity and/or the right to live and work in the UK; and/or
  - (b) there is any indication that the granting (whether on first time grant or renewal) or holding of a licence would be prejudicial to the prevention of illegal working.

- 5.45. Where appropriate, the licensing authority will –
- (a) issue a licence (whether on grant or renewal) in accordance with any work permit(s) and/or immigration restrictions and may, where it is entitled to do so, impose associated conditions and/or restrictions on the term, duration, nature, and extent of any licence accordingly.
  - (b) revoke and/or treat any licence held to have lapsed or otherwise to have ceased to have effect at any point from which the holder of a licence ceases to be entitled to work in the United Kingdom.
- 5.46. In recognition that an individual's right to live and/or work in the UK can change, expire, or otherwise be curtailed, the licensing authority will require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable of any change in their immigration status.
- 5.47. As it may prevent it from taking relevant information into account and, as a potential indicator of dishonesty issues, the licensing authority will take a serious view of any individual that fails to comply with this condition.

#### **5.48. Exceptions**

- 5.49. In cases where an individual has suitably applied for extension, continuation, or variation (i.e., not on first time grant) of leave to remain in the UK, which is pending any decision or appeal and the Home Office have confirmed that the individual has continued right to work until it's determination, it is the policy of the licensing authority to grant a licence (whether on initial application or renewal for a licence), where appropriate, and pending the outcome of that decision, for -
- (a) Such period as to enable work until any scheduled hearing date; or
  - (b) such period as may be advised by a relevant Government department or agency.
- 5.50. However, so that it can be satisfied that an individual has suitably applied for extension, continuation, or variation of leave to remain in the UK, the licensing authority will apply this policy only where suitable evidence of delivery to **and** confirmation of receipt of any such application and that this provides continued right to work from the relevant Government department or agency can be provided. For this reason, applicants are advised to make any such application in good time.

#### **5.51. Evidence of Residential Address**

- 5.52. To ensure appropriate contact with applicants and licence holders, and the validity and accuracy of all documents provided. The licensing authority will require any applicant for a hackney carriage/private hire drivers' licence, whether for first-time grant or renewal to provide evidence of their current residential address in the form of a utility bill or bank statement dated within 3

calendar months of the date provided, or the current council tax bill, showing both their name and address as detailed on the submitted application form.

- 5.53. Where a licensed driver notifies the licensing authority of a change to their residential address, evidence of the change in the form of a utility bill or bank statement dated within 3 calendar months of the date provided, or the current council tax bill showing both their name and address.

#### **5.54. Criminal Records & Similar Background Checks**

- 5.55. As hackney carriage and/or private hire driver's work closely with all sections of society, including children and the vulnerable, the licensing authority believes that criminal record and similar background checks are particularly important safety measures in assessing the suitability of applicants for driver licensing purposes.

#### **5.56. Disclosure & Barring Service (DBS) Disclosures & Update Service Status Checks**

- 5.57. The licensing authority recognises the Disclosure and Barring Service (DBS) as the legitimate body to provide access to criminal record information through its disclosure service for England and Wales. The licensing authority also notes that the DBS make independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person and maintain lists of individuals barred from working in regulated activity with children and/or adults.

#### **5.58. The frequency of DBS disclosure checks**

- 5.59. Subject to any exemptions, the licensing authority will require applicants to submit a new and suitable disclosure from the DBS on initial application. **NB:** Third party non-refundable fees may be payable for DBS services.
- 5.60. However, given that an individual's criminal and similar background status can change at any point, the licensing authority may require a DBS disclosure and/or associated status checks to be undertaken at any time it is considered reasonably necessary.

#### **5.61. Suitability of DBS disclosures**

- 5.62. In seeking to promote its public safety and safeguarding objectives, the licensing authority will only accept original DBS disclosure certificates that -
- (a) are an 'enhanced' disclosure; and
  - (b) include a check of the barred lists as to whether the relevant individual is barred from working in regulated activity with children or adults; and
  - (c) have been applied for the specific purposes of checking the applicant's suitability to work with the appropriate workforce for the licence applied for



(other workforce unless the licence applied for is a restricted licence, and the nature of the restriction means that another workforce is applicable e.g., school contracts only); and

- (d) where the applicant is a member of the DBS update service (in respect of the certificate provided) and provides signed consent for the licensing authority (and/or its third-party provider where one is used) to access the update service and carry out status checks.

### **5.63. DBS Update Service**

5.64. To strengthen its public safety and safeguarding objectives and reduce the administrative burden on applicants / licence holders of repeat manual DBS disclosure applications, the licensing authority (or its third-party provider where one is used) will carry out regular checks (at intervals of no more than 6 months) of the DBS Update service in respect of all currently licensed drivers and applicants.

5.65. The licensing authority will, in all cases, require a new DBS disclosure certificate to be applied for within 48 hours if, after undertaking a status check, there is any indication of an update to the original disclosure certificate, or that new information is available since the original disclosure certificate was issued.

5.66. Where there is any indication of an update or that new information is available to the original disclosure certificate issued, the licensing authority expects that the individual (whether applicant or licence holder) applies for a new DBS disclosure certificate within 48 hours of being asked to do so, ensures that the new disclosure certificate is linked to their update service account, and provides a new signed consent for the licensing authority (and/or its third-party provider where one is used) to carry out DBS update service status checks. The licensing authority also expects applicants and licensed drivers to notify it of any criminal conviction or case pending against them as soon as reasonably practicable.

### **5.67. Relevance of DBS Disclosures & Update Service requirements**

5.68. As it will otherwise be unable to satisfy itself of their background and/or [continuing] propriety, the licensing authority will take the view that an individual (whether applicant or existing licence holder) should not hold or be given a hackney carriage and/or private hire drivers licence where the individual –

- (a) fails, or is otherwise unable to provide or obtain a suitable DBS disclosure certificate and/or maintain the update service requirements (as appropriate);

- (b) otherwise fails (for whatever reason) to provide anything necessary to enable a requisite disclosure to be issued or update service subscription and/or nomination to be maintained in accordance with DBS guidelines.

5.69. Subject to the policies on barred list entries, the licensing authority will determine the relevance of convictions etc and other background information it receives by virtue of a DBS disclosure (and/or update service) by reference to the policies and general guidelines set out at **appendix C**.

#### **5.70. Relevance of barred list entries**

5.71. The licensing authority notes that drivers working or intending to work under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2015. The licensing authority further notes that this legislation makes it an offence to knowingly allow a barred individual to work in regulated activity. Conversely, the licensing authority recognises that the driving of a taxi or private hire vehicle is not in itself, a 'regulated activity' as defined by the 2015 Act, and therefore, an individual subject to barring would not be statutorily prevented from being a hackney carriage and/or private hire vehicle driver.

5.72. In both cases, in the interests of public safety and/or safeguarding, the licensing authority will take the view that any individual (whether applicant or licence holder) appearing on any barred list (whether child or adult) should not hold or be given a hackney carriage and/or private hire driver's licence.

#### **5.73. Referrals to DBS and the police**

5.74. In recognition of the Council's wider safeguarding role and responsibilities, the licensing authority may, in some circumstances, make a referral about an individual to the DBS where it considers it appropriate to do so under the Safeguarding Vulnerable Groups Act 2006. Without limitation, the licensing authority may make such a referral to the DBS, when it is thought that -

- (a) an individual has harmed or is thought to present a risk of harm to a child or vulnerable adult.
- (b) an individual has satisfied the 'harm test'; or
- (c) an individual has received a caution or conviction for a relevant offence; and
- (d) the individual concerned is, has or might in future be working in regulated activity; and/or
- (e) the DBS may consider it appropriate for the person to be added to a barred list.

5.75. For these purposes, and consideration as to whether to make any such referral, the licensing authority will have regard to the [Disclosure and Barring service \(DBS\) guidance about making referrals](#) (or extant equivalent). The terms 'harm', 'harm test', 'relevant offence' and derivatives thereof shall be construed in accordance with this guidance.

5.76. To aid further the quality of the information available to all parties that have safeguarding duties, a revocation or refusal of a licence on public safety grounds will be detailed on the NR3 database.

### **5.77. Overseas criminal records certificate(s), Statement(s) of Good Conduct / Character and equivalent documents**

5.78. The licensing authority notes that the DBS cannot access criminal records held overseas and that any DBS disclosure or status check (c/o the DBS Update Service) will only give background details of any convictions, cautions etc that were issued in the UK. It is therefore the policy of the licensing authority to require first-time applicants who have lived outside of the UK for a period of more than 3 continuous months, since the age of eighteen, to submit (at their own expense and, in addition to a DBS disclosure), a suitable statement of good conduct (or suitable equivalent document) in respect of **each** country in which they have previously lived / been resident (other than where they lived in the country as a period of service in HM armed forces). Licence holders who visit another country after the issue of their licence for more than 3 continuous months will also be required to provide a suitable statement of good conduct (or suitable equivalent document) on their return.

### **5.79. Obtaining a statement of good conduct (or suitable equivalent)**

5.80. The licensing authority notes that most statements of good conduct can generally be obtained from the relevant UK embassy or police authority for the country concerned. However, the licensing authority also notes that some overseas states, provinces, territories, or jurisdictions may have different arrangements and/or procedures and statements of good conduct can be highly variable in format and content.

5.81. For these reasons, and to ensure their authenticity and efficiency of use, the licensing authority will, where appropriate, require and only accept original statements of good conduct or equivalent documents specified and obtained in accordance with, and from the relevant bodies and/or authorities detailed in the Home Office guidance entitled '[Guidance on the application process for criminal records checks overseas](#)' (or extant equivalent).

5.82. Where appropriate, a suitably translated copy of each document (if any original is not in English), certified as a true and accurate translation of the original by a suitable independent and UK-based translation company, solicitor or the relevant Embassy or authority concerned may also be required.

5.83. To ensure currency, the licensing authority will consider any certificate of good conduct (or suitable equivalent) to be valid only where it is dated within 6 months of the date of application or, otherwise within the expressed period of validity of the document concerned; whichever is the shorter. However, the licensing authority may accept older certificates of good conduct (or suitable equivalents) where it can be satisfied that the applicant has not subsequently lived in any of the countries concerned since the documents were first obtained

(e.g., by provision of full passport and/or address history and supporting documents).

#### **5.84. Relevance of certificates of good conduct**

5.85. As it will otherwise be unable to satisfy itself of the applicant's background and propriety, the licensing authority will refuse any application for a hackney carriage and/or private hire drivers' licence where the applicant fails or is otherwise unable to provide or obtain a suitable certificate of good conduct (or suitable equivalent) where this may be appropriate.

5.86. Where an overseas state, province, territory, or jurisdiction does not have a functioning criminal record regime, are unable to provide statements of good conduct (or suitable equivalents) or it is not possible for an applicant to apply for one, additional information may be requested regarding the individual's background and employment history. Consideration will be given on a case by case basis, and where there are exceptional circumstances a licence may be issued subject to all other requirements being met.

5.87. Where appropriate, the licensing authority will determine the relevance of convictions etc and any other background information it receives by virtue of a statement of good conduct (or similar / equivalent) by reference to the policies and general guidelines set out at **appendix C**.

#### **5.88. National Register of Revocations, Refusals (NR3) and Previous Applications / Licensed Taxi Driver History**

5.89. The licensing authority recognises the general powers afforded to local authorities to grant, refuse, suspend and/or revoke a hackney carriage and/or private hire driver licence. The licensing authority also recognises that unsuitable individuals may make application to it in an attempt to secure a licence following refusal or revocation elsewhere.

5.90. For these reasons, and by way of taking account of as full a background history as possible, the licensing authority will require all applicants to provide details of all previous applications and/or licensing history. For these purposes, the licensing authority will require all applicants (on grant or renewal) to formally declare -

(a) whether or not any hackney carriage and/or private hire driver licence application(s) or licence(s) have previously been made to, or issued by any other authority; and

(b) the following details of any such application(s) made to and/or licence(s) issued by any other authority where appropriate, including –

(i) the application reference or licence number.

(ii) the authority to, or with whom, the application was made, or licence held.

(iii) the date(s) when the application was made, or licence held.

- (iv) the application outcome.
- (v) the details of any actions that resulted in the suspension, revocation and/or the refusal to grant or renew any such licence; and
- (vi) any reasons given for the outcome or actions specified.

5.91. To ensure accuracy and as full a background history as possible, the licensing authority will also subscribe to, and check the declaration(s) made against the National Register of Taxi Licence Revocations & Refusals (known as the 'NR3') hosted by the National Anti-Fraud Network (NAFN) (or extant equivalent).

5.92. In recognition of the NR3 as a mechanism for licensing authorities to share details of individuals who have had a hackney carriage and/or private hire driver's licence revoked, or an application for one refused, the licensing authority will also provide information to the NR3 (or extant equivalent) where appropriate. Accordingly, the licensing authority will –

- a) check the NR3 for details of any applicant (whether on grant or renewal); and
- b) seek further information about any entry on the NR3 from the authority that recorded it, where any NR3 search indicates a match with any applicant; and
- c) record any decision it makes to refuse or revoke a hackney carriage and/or private hire driver's licence on the NR3.

5.93. As it may provide for important background information, the licensing authority will require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable, of any application subsequently made, any relevant licence consequently granted to them or refused or the suspension or revocation of any relevant licence, by any other authority. For these purposes, the term 'relevant licence' shall be taken to mean any hackney carriage and/or private hire vehicle, driver's and/or operator's licence. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

#### 5.94. **Overarching principles**

5.95. This policy covers the use that the licensing authority (Rushmoor Borough Council) will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a hackney carriage and/or private hire drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

5.96. The licensing authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

- 5.97. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the licensing authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 5.98. Any information that is received from any other authority in relation to an application will only be used in relation to hackney carriage and private hire applications, and the determination of them, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in and in accordance with the Council's retention guidelines.
- 5.99. The data will be held securely in accordance with the Council's general policy on the secure retention of personal data which is available on our website. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Council's general policy on the erasure and destruction of personal data.
- 5.100. **Making a request for further information regarding an entry on NR3**
- 5.101. When an application is made to the licensing authority for the grant of a new, or renewal of, a hackney carriage and/or private hire driver's licence, this authority will check the NR3.
- 5.102. The licensing authority will make and retain a clear written record of every search that is made of the register. This will detail:
- (a) the date of the search.
  - (b) the name(s) searched.
  - (c) the reason for the search (new application or renewal).
  - (d) the results of the search, and
  - (e) the use made of the results of the search.
- 5.103. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.
- 5.104. If the licensing authority discovers any match (i.e., there is an entry in the register for the same name and identifying details), a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of the licensing authority's data protection policy in relation to the use of any data that is obtained as a result of this process. This request will be made in writing.
- 5.105. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **5.106. Responding to a request made for further information regarding an entry on NR3**

- 5.107. When the licensing authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.
- 5.108. Recognising that it is unlawful to simply provide information as a blanket response to every request, the licensing authority will then determine how to respond to the request.
- 5.109. Where satisfied that the other authority's (the 2nd authority's) request is lawful, consideration will then be given as to what information will be disclosed.
- 5.110. Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a hackney carriage and/or private hire driver. Data is held on the NR3 register for a period of 25 years, but the licensing authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.
- 5.111. Where appropriate, the licensing authority will disclose information relating to a revocation or refusal to grant a hackney carriage and/or private hire drivers' licence. In every case, consideration will be given to the full circumstances of the decision.
- 5.112. Any information will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.
- 5.113. The licensing authority will make and retain a clear written record of every decision that is made as a result of a request from another authority. This will detail what action was taken and why, together with the following information; namely -
- (a) the date the request was received
  - (b) the name(s) searched
  - (c) whether any information was provided
  - (d) if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
  - (e) if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made), and
  - (f) how and when the decision (and any information) was communicated to the requesting authority.
- 5.114. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained in accordance with the Council's retention guidelines.

**5.115. Using information obtained as a result of a request to another authority**

5.116. When the licensing authority receives information as a result of a request that it has made to another authority, it will take that information into account when determining the application for the grant or renewal of a hackney carriage and/or private hire drivers' licence. This will be in accordance with the usual process for determining applications.

5.117. The licensing authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

**5.118. Common Law Police Disclosure Scheme (CLPDS) (or similar)**

5.119. The licensing authority notes that the Common Law Police Disclosure scheme (CLPDS) enables the police to pass it information (e.g., of arrest and/or charge) on any individual where there is a public protection risk.

5.120. As CLPDS disclosures are generally made where there is a potential public protection risk, the licensing authority will actively seek to assess the risk and investigate all CLPD notifications made to it under this scheme. For these reasons, the licensing authority will take a serious view of any licence holder who seeks to frustrate, obstruct, or otherwise fails to provide such assistance or information as may reasonably be required to investigate any CLPDS disclosed matters in a timely manner. Subject to the seriousness of the case and, as an indicator of propriety, this may result in the suspension or revocation of any licence held, even in the first instance.

5.121. Where appropriate, the licensing authority will determine the relevance of any background information it receives as part of a CLPDS disclosure, by reference to the policies and general guidelines set out at **appendix C**.

**5.122. Self-reporting of criminal & similar background issues**

5.123. In recognition of the -

- (a) importance of DBS (and similar background) checks in promotion of its public safety and safeguarding objectives.
- (b) the time between DBS update service checks, and
- (c) the provisions of the Common Law Police Disclosure Scheme

... the licensing authority will, in additional to any other requirements, require, on condition of any licence granted, any licensed individual to –

- (a) notify and disclose their licensed status and occupation to the relevant police officer and/or court (whether in the UK or abroad) if subject to



investigation, arrest, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification; and

- (b) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification issued by the police or any other authority; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.
- 5.124. As it may prevent the police, court(s) and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with either of these conditions, particularly where they drive/operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with these conditions as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

## **5.125. Medical fitness to driver / perform licensed driver duties**

### **5.126. General medical requirements**

5.127. The licensing authority notes that a variety of medical conditions, medications, and treatments (and the potentially complex interactions between them) can affect safe driving and/or the ability to perform the duties of a licensed hackney carriage and/or private hire driver. As professional drivers, and in accordance with DfT guidance the licensing authority will consider and determine the medical / physical fitness of applicants and licence holders by reference to the DVLA Group 2 medical standards in respect of all applicants and holders of a private hire and/or hackney carriage drivers' licence. For these reasons, and to help determine and monitor the 'fitness' of any individual applicant or licence holder, it is the policy of the licensing authority that they be required to –

- (a) submit a prescribed medical report on their medical fitness from time to time; and
- (b) declare and submit, where appropriate, suitable details of any change in medical circumstance(s), condition(s), medication(s) and/or treatment(s); and
- (c) submit suitable additional specialist medical documents or information (on assessment and/or testing where necessary) about any medical condition(s), medication(s) or treatment(s) as may be appropriate.

**NB:** Third party non-refundable fees may be payable for these services for which all costs incurred in connection thereof must be met by the individual applicant or licence holder.

### **5.128. Medical requirements for those with disabilities**

5.129. The licensing authority also notes that some disabilities may be (in)compatible with the ability to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver (e.g., carriage of luggage, (un)loading of passengers in wheelchairs etc).

5.130. Accordingly, and where appropriate, an individual who has, or develops, any disability or associated condition may, in addition to the general medical requirements outlined above, also be required to be medically assessed (at their own expense) at an approved assessment centre. This accords with the DVLA Group 2 medical standards which lists the approved assessment / mobility centres concerned.

### **5.131. Frequency of general medical check requirements**

5.132. To ensure a reasonable frequency of medical checks, currency and relevance, the licensing authority will require applicants and licence holders to submit a suitable medical report at intervals specified in the DVLA group 2 medical standards.

### **5.133. Frequency of medical checks for those with health-related impairments or risk related conditions**

5.134. Regardless of the above, the licensing authority recognises that a variety of medical conditions, treatments and disabilities may affect an individual's ability to drive or otherwise perform the duties of a licensed driver and that medical circumstances and/or conditions can change quickly from any point in time. The licensing authority is also aware that there may be special requirements in respect of some medical conditions and/or disabilities. The licensing authority may therefore require and, where appropriate, condition a requirement for, additional assessments, tests and/or submission of suitable medical reports and information at any time and at such frequencies and/or to such standards as may be considered appropriate in the circumstances.

5.135. Where appropriate, these will reflect the frequencies and standards expressed or implied in the DVLA Group 2 medical standards. However, in borderline or complex cases, or cases where there may be contributory and/or complicating factors, the licensing authority will have regard to, the advice and/or recommendations of its Medical Advisor.

### **5.136. Changes to medical status/fitness and/or ability to perform licensed driver duties**

5.137. The licensing authority expects and will, on condition, require relevant licence holders to advise it, as soon as is reasonably practicable, of any change and/or deterioration to their health or medical status that may affect either –

- (a) their driving capabilities and/or driving entitlements; or

- (b) their ability to perform the duties of a hackney carriage and/or private hire vehicle driver (e.g., to comply with the mobility assistance requirements).

**NB:** Although some medical conditions may not affect an individual's ordinary domestic ability or entitlement to drive, these may not meet the extant DVLA Group 2 standards of medical fitness applied. Individuals are therefore encouraged to discuss/report any change in medical circumstances with the licensing officer.

5.138. In recognition that medical (un)fitness can impact both on driver and public safety, the licensing authority will take a serious view of any licensed driver who fails, without reasonable excuse, to inform it of any significant change to their medical fitness/status; particularly where they continue to drive/operate and derive a monetary benefit from their activities.

5.139. Where appropriate, and in cases of doubt of medical fitness, the licensing authority may require those who experience or are suspected of a change in their medical status to undergo and pay for further medical examination on referral to and/or advice of the Council's independent medical advisor.

#### **5.140. Obtaining a medical report or other information**

5.141. To ensure, so far as is reasonably practicable, consideration of medical standards against all relevant histories and records, the licensing authority will require its general medical reports to be completed by the applicant / licence holders registered GP surgery.

5.142. However, in recognition, that a limited number of GP surgeries do not carry out medicals for licensing purposes, medical forms completed by a GMC registered doctor with full access to the applicants' / licence holders' medical records, not based at the applicants registered GP surgery, may be accepted with written approval of the licensing authority prior to the medical being carried out. Approval will be considered on a case-by-case basis and will only be issued on receipt of written evidence from the registered GP surgery (on headed paper) that they do not provide the service required.

5.143. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that general medical reports be -

- (a) in prescribed form;
- (b) completed / submitted in written English;
- (c) authenticated by and/or bear the stamp of the relevant practitioner or surgery; and
- (d) dated within 1 month of the date of submission.

**NB:** Third party non-refundable fees may be payable for these services and must be met by the individual applicant or licence holder.

5.144. So as to ensure a suitable degree of impartiality, authenticity and efficiency of use, any other specialised medical report or information that is required by the licensing authority or is otherwise submitted in support of an individual's medical fitness, must be –

- (a) completed / submitted in written English, and
- (b) provided on suitable letter headed paper (or in association with a suitably headed covering letter) that includes the specialists contact details.

**NB:** To ensure that medical conditions, medications and treatments are assessed against consistent standards, any GP or independent specialist used must hold a current verifiable registration with the General Medical Council (GMC) and a licence to practice.

#### **5.145. Medical Advisor**

5.146. The licensing authority recognises that its officers and those that may be called upon in determination of fitness matters are generally not medically trained or medical professionals. Accordingly, to assist it in determination of any individual's fitness, the licensing authority may appoint and refer any medical details (together with any other relevant information supplied) to a suitable Medical Advisor for guidance.

5.147. In appointing a Medical Advisor and in affording individual's the opportunity to submit or notify relevant medical information or changes in circumstances by virtue of the policies and requirements outlined in this part, the licensing authority -

- (a) will have regard to, the advice and/or recommendations of its appointed Medical Advisor.
- (b) will determine fitness issues based on the information made available to it (and its agents or representatives) at the time.
- (c) does not consider it appropriate and will not therefore entertain requests for a second medical opinion, unless otherwise requested by the Council's Medical Advisor.

5.148. In view of the variety and potential complexity of medical conditions etc that may affect an individual's ability to drive or otherwise perform the duties of a licensed driver, the licensing authority notes that the Council's Medical Advisor may sometimes require additional consultation on, and/or clarification of medical details and history. Given accepted rules of medical confidentiality, the licensing authority may therefore, in addition to the general medical requirements outlined above, require -

- (a) the consent of any individual to allow, where appropriate –

- (i) the Council's Medical Advisor to directly consult the individual's doctor(s) and/or specialist(s); and/or
  - (ii) the individual's doctor(s) and/or specialist(s) to release relevant medical information to the Council and its Medical Advisor.
- (b) any individual, to submit to examination or review (i.e., a face to face) by the Council's Medical Advisor (or suitable equivalent).

**NB:** Third party non-refundable fees may be payable for these services and must be met by the individual applicant or licence holder.

#### **5.149. Relevance of medical conditions, report notifications and standards**

5.150. The licensing authority notes that medical conditions, disabilities, medications, and treatments (and their potentially complex interactions) can affect the safety of those using licensed vehicles and therefore others, who may be put at risk from unfit drivers (e.g., other road users etc). The licensing authority will therefore, where appropriate, consider that a hackney carriage and/or private hire drivers' licence should not be held or given to any individual (whether applicant or licence holder) who -

- (a) does not meet the given medical standards; or
- (b) fails to provide any relevant medical consent, information, or report, attend any medical review, test, or assessment on request or otherwise in accordance with its licensing requirements and/or licence conditions; or
- (c) fails to use or comply with any health-related impairment or risk mitigation measure (whether specified on condition of licence or not); or
- (d) suffers from a 'relevant disability' as defined in the Road Traffic Act 1988 (or extant equivalent) as those that are prescribed in law or any other disability where driving is likely to be a source of danger to the public.

5.151. However, the licensing authority recognises that some medical conditions may be both temporary, treatable and/or capable of being suitably managed. Accordingly, and where appropriate, the licensing authority will, subject to medical advice, consider it more reasonable and proportionate to temporarily suspend any existing licence in such circumstances.

5.152. In addition, recognising that some medical conditions and/or risks may be managed through driver responsibility, the licensing authority may require, on condition and, where appropriate, the suitable mitigation of any health-related impairments or risks. This may include but is not limited to the following example measures (and/or similar).

- (a) Restrictions on driving (e.g., at night where there is a glare problem).

- (b) Provision and use of a remedy (e.g., use of distant-vision glasses).
- (c) Use of less impairing remedies (e.g., use of non-sedating antihistamines).
- (d) Limitations and/or adaptations of vehicle (e.g., to accommodate any limitations of movement or function).
- (e) More frequent assessment, testing, monitoring and review of the medical condition or risk concerned.

5.153. For the collective reasons outlined above, the licensing authority considers the provision of medical information a particularly important measure in assessing and monitoring the fitness (and therefore the safety) of individuals for driver licensing purposes. The licensing authority will therefore require, on condition of any licence granted, any licence holder to formally notify it, as soon as is reasonably practicable of any change in their medical circumstances (including any prescribed medication(s) and/or treatment(s)) (whether arising in the UK or abroad).

5.154. As it may prevent it from taking relevant information into account in protecting driver and public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition; particularly where this may affect their fitness or ability to drive or carry out the duties of a licensed hackney carriage and/or private hire driver.

#### **5.155. Medical exemptions**

5.156. The licensing authority recognises that some medical conditions can be made worse by the nature and type of work an individual performs, and that some conditions may prevent certain types of activity. For this purpose and in compliance with the provisions of the Equality Act 2010, the licensing authority will allow the following exemptions from the normal duties of a licensed hackney carriage and/or private hire driver where satisfied that there are good medical reasons to do so.

- (a) **Exemptions from the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022** – may be permitted on medical grounds where the licensing authority is satisfied of any condition, which makes it impossible or unreasonably difficult to provide mobility assistance.
- (b) **Exemption from the carriage of assistance dogs** - may be permitted where the licensing authority is satisfied of any condition, which is aggravated by contact or exposure to dogs.

5.157. To ensure transparency and fairness, the licensing authority will grant exemption only -

- (a) where the applicant or licensed driver provides suitable medical evidence (at their own expense) and, where appropriate, a medical history of and

care plan for the condition concerned to the satisfaction of the Council's Medical Advisor.

- (b) for such period as may be recommended by the Council's Medical Advisor on review of the medical evidence and history concerned, but in any event no longer than the duration of the licence holders current private hire / hackney carriage driver's licence.

5.158. However, in deciding whether to issue an exemption certificate the licensing authority may also have regard to the physical characteristics of the vehicle which the individual (whether applicant or licence holder) will drive or those for any kind of vehicle in relation to which the applicant or licence holder requires the exemption. Subject to medical advice, applications for medical exemptions from mobility assistance provisions will not be granted in respect of vehicles fitted with passenger lifts, swing seats or similar lifting aids. Similarly, applications for assistance dog exemptions, will not be granted in respect of vehicles fitted with bulkheads or other compartmentalised separation features where there is independent ventilation to the driver and/or any passenger compartment is easily cleansable (i.e., does not trap dog hair etc.).

5.159. Where appropriate, and in recognition of the requirements of the law and its general policy on the accessibility of vehicles, the licensing authority will grant exemption by means of an exemption certificate showing the photograph of the exempt driver concerned. For clarity and communication to passengers, any exemption certificate(s) granted must, on condition, be always displayed in the relevant vehicle when the relevant driver is working.

#### **5.160. Applicants / licence holders with Diabetes**

5.161. To be consistent in the application of the DVLA Group 2 medical standards, the licensing authority will also check diabetes management requirements, in the same way that the DVLA do, in accordance with the guidance document [Diabetes mellitus: assessing fitness to drive - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281661/Diabetes_mellitus_assessing_fitness_to_drive.pdf)

#### **5.162. Costs of medicals and associated requirements**

5.163. In recognition that medical fitness and associated circumstances are unique to each individual, the licensing authority considers it appropriate that all costs incurred in connection with the assessment and determination thereof should, in so far as it relates to any application (whether on grant or renewal) or current licence, be met by the individual applicant / licence holder concerned.

5.164. Accordingly, whilst third party non-refundable fees may be payable for some medical services (e.g., general medical from GP), the licensing authority will seek to (re)cover the cost of use of its Medical Advisor in respect of any individual application (whether on grant or renewal). For these purposes, the licensing authority will therefore levy an additional and separate charge for any and each referral to, assessment or review by its Medical Advisor. Such charges and associated payments will be considered to be third party non-

refundable fees that are entirely separate to and, in addition to any application fee. As such, these shall, where appropriate, be payable in advance.

5.165. In view of the above, medical issues will only be referred to the Medical Advisor where any contra-indicator to the Group 2 medical standards is identified from any prescribed medical report or information submitted in connection thereof, or where a medical exemption is requested.

### **5.166. Substance misuse and testing**

5.167. Further to the above, the Council is aware that the supply and use of drugs (whether prescribed and/or lawful or not) and other substances (e.g., alcohol and/or psychoactive substances) is increasingly pervasive within society and the individual communities it serves.

5.168. Whilst mindful of the illegalities surrounding the handling, possession, and supply of illicit drugs etc, the licensing authority is particularly concerned with the potential for drug and/or drink-driving by licensed drivers in and amongst the taxi and private hire trades. Indeed, various substances can seriously impair the judgement, reaction(s) and other capabilities of drivers and therefore, not only affect the safety of the drivers who (mis)use them, but also those using licensed vehicles and others who may be put at risk by unfit drivers (e.g., members of the public and other road users etc).

5.169. In view of the above, it is the contention of the licensing authority that substance misuse is simply **not** compatible with professional driving or with the fitness standards applicable to licensed drivers. For these reasons, the licensing authority will seek to deter and detect substance misuse amongst licensed drivers; whereby the licensing authority will not tolerate substance misuse by any licensed driver at any time.

5.170. To help deter and detect substance misuse and thereby help determine and/or monitor the suitability of any individual, the licensing authority may, in addition to any other medical requirements, also require –

- (a) applicants to provide a saliva or breath sample for the purposes of substance screening / testing at any point during the application process for grant or renewal of a licence immediately on request; and
- (b) existing licence holders to provide a saliva or breath sample for the purposes of substance screening / testing immediately on request.

5.171. Without prejudice to the generality of the above, requirements to provide a saliva or breath sample for the purposes of substance screening / testing on request shall include, but not be limited to -

- (a) on notification of any accident to or involving any licensed vehicle driven by the licence holder concerned.



- (b) on receipt of any complaint and/or notification of any incident involving the licence holder concerned.
- (c) where the behaviour of the licence holder / applicant is of concern (e.g., acting strangely, out of character etc) and/or where we suspect that the licence holder is under the influence of drugs and/or alcohol.
- (d) where there is any history, intelligence, suggestion and/or concern about the licence holder / applicant using or being under the influence of drugs and/or alcohol.

5.172. For these purposes, the licensing authority may also carry out periodic proactive random substance screening / testing on applicants / licensed drivers, vehicle proprietors and operators as appropriate.

### **5.173. Relevance of substance screening / testing**

5.174. The licensing authority notes that substance misuse can seriously impair the judgement, reaction(s) and other capabilities of drivers and may therefore affect the safety of drivers, those using licensed vehicles and others who may be put at risk by unfit drivers (e.g., members of the public and other road users etc). The licensing authority will therefore, where appropriate, refuse any application (whether on grant or renewal) and suspend or revoke the relevant licence(s) of any individual –

- (a) where there is any evidence of use of any one or more illegal substance(s);
- (b) where there is any evidence of driving whilst over the legal limit of any legal substance e.g. alcohol, prescription medication, or
- (c) who fails or refuses to provide a breath or saliva sample for these purposes.

5.175. Where refused, suspended or revoked as a result of a non-negative result in any substance screening, consideration and determination of future applications, or reinstatement of suspended licence will be considered with reference to the policies and general guidelines set out at **appendix C**.

### **5.176. Reporting of medical issues to the DVLA**

5.177. The licensing authority notes that all drivers (including hackney carriage and/or private hire driver applicants and licence holders) have a legal duty to –

- (a) notify the DVLA of any injury, illness or condition that would have a likely impact on safe driving ability (except for some short-term conditions).
- (b) respond fully and accurately to any requests for information from either the DVLA or relevant healthcare professionals.

- (c) comply with the requirements of any driving licence issued, including any requirements for periodic medical reviews indicated by the DVLA; and
- (d) adhere, with ongoing consideration of fitness to drive, to prescribed medical treatment(s), and to monitor and manage any condition(s) and/or adaptations as appropriate.

5.178. As it may prevent the DVLA, relevant health professionals and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with their statutory duties. In particular, the licensing authority may consider failure to comply with such duties as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the medical issue or circumstance concerned.

### **5.179. Authorisation to drive a motor car**

5.180. S51(b) and S59(b) of the Local Government (Miscellaneous Provisions) Act 1976 states that the licensing authority **cannot** grant a hackney carriage and/or private hire vehicle driver's licence to any person who has not –

- (a) for at least twelve months been and/or
- (b) is not at the date of the application for a hackney carriage and/or private hire driver's licence,

... the holder of a **full** driving licence (i.e., not a provisional licence) suitably authorising him to drive a motor car.

### **5.181. Other driving licence requirements – Driving Licence Validation**

5.182. The licensing authority is aware that the physical holding of a driving licence / photocard can be an unreliable guide to an individual's eligibility to drive. For example –

- (a) endorsements and penalties incurred in the UK cannot be affixed to non-GB driving licences, unless the licence is suitably registered with the DVLA; and /or
- (b) failure to submit a driving licence to the DVLA to record any endorsements may result in automatic revocation of a licence, rendering the driver, unlicensed and uninsured.

5.183. In view of the above, the licensing authority will require all applicants to submit (both on initial grant and on every renewal) –

- (a) a suitable (and original) up-to-date driving licence (i.e., photocard) which –
  - (i) if a UK DVLA driving licence, bears the current address of the applicant where (s)he is ordinarily resident in the UK; or

- (ii) if a non-UK DVLA driving licence (i.e., of foreign jurisdiction), is accompanied by a suitable (and original) up to date D9(1) certificate of registration (or extant equivalent) issued by the DVLA that bears the current address of the applicant where (s)he is ordinarily resident in the UK.
- (b) a suitable 'Check Code' generated by the DVLA 'View Driving Licence' service ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)) (or extant equivalent) to enable the licensing authority to access their DVLA driving record. This is a free 24/7 third party service and providing the one-time code to the licensing authority to access this is consenting to them accessing the information available as a result.

#### **5.184. The frequency of DVLA driving licence record checks**

5.185. As disqualifications, endorsements, penalties and restrictions may be applied at any time during the term of a driver's licence, the licensing authority may require, on condition of any licence granted, provision of a 'Check Code' generated by the DVLA 'View Driving Licence' service ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)) (or extant equivalent) at any time it is considered necessary in the circumstances.

#### **5.186. Relevance of driving licence validation**

5.187. As it will be unable to satisfy itself of their authorisation to drive, the licensing authority will **not** grant or renew a hackney carriage and/or private hire driver's licence to any applicant that fails to provide –

- (a) a suitable valid driving licence (i.e., photocard), and
- (b) a suitable D9(1) Certificate of registration (where appropriate), and
- (c) a suitable 'Check Code' that enables access to their driving licence records held by the DVLA.

5.188. With reference to any records obtained from the DVLA or by any driving licence validation check, the licensing authority will determine the relevance of any –

- (a) disqualifications, endorsements and penalty points etc and any other information it receives with reference to the policies and general guidelines set out at **appendix C**.

5.189. As it may affect public safety, insurance and other safeguards, the licensing authority considers the holding of a suitable driving licence and entitlements to drive a fundamental pre-requisite for hackney carriage and/or private hire driver licensing purposes. The licensing authority will therefore require, on condition of any licence granted, any licence holder to notify it, as soon as is reasonably practicable of any change to and/or endorsement of their driving licence and/or entitlements. This shall include notification of any administrative change(s),

disqualifications, penalty points and/or restrictions (whether arising in the UK or abroad).

5.190. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

### **5.191. Suitable & Sufficient Knowledge, Skills & Competence**

5.192. As they work in a service industry, the licensing authority believes that paid / professional / licensed drivers require suitable and sufficient levels of knowledge, skill, and competence to discharge their role and responsibilities safely and effectively on behalf of themselves, their passengers and others. In particular, the licensing authority believes that driving knowledge, skills, and proficiency are central to and core competencies of all hackney carriage and/or private hire drivers. These, together with the way in which driver's approach and perform their work, can impact on both public safety and protection, comfort, and passenger experience; particularly for the vulnerable, those with disabilities and/or other conditions.

5.193. For these reasons together with those referenced below, the licensing authority will seek to ensure that licensed drivers possess the following knowledge, skills and/or competencies as appropriate: -

- (a) A good working knowledge of the Highway Code.
- (b) A good working knowledge of the local highway network and associated topography.
- (c) A reasonable unassisted competence in numeracy.
- (d) Good working knowledge of relevant licensing laws and conditions.
- (e) Knowledge and awareness of safeguarding issues.
- (f) English language proficiency
- (g) Good / safe driving standards and proficiency
- (h) Good safe wheelchair (un)loading and disability awareness

### **5.194. Highway code, numeracy skills, licensing laws and local topography (collectively known as 'the Knowledge' tests)**

5.195. For the reasons outlined below, the licensing authority will maintain and require all first-time applicants to pass the following separate and distinct tests (test elements 1-4). Whilst discrete and separately marked, these tests are collectively and colloquially known as 'the Knowledge' tests.

#### **5.196. Highway Code test (test element 1)**

5.197. The licensing authority notes that the 'rules of the road' together with other information, advice and guidance for road users is set out in the Highway Code. As many of the rules in the Code are legal requirements, promote road safety and/or the consideration of other road users, the licensing authority believes it important that all hackney carriage and/or private hire drivers have a good working knowledge of the Code.

5.198. The highway code test comprises of 30 multiple choice questions and the pass mark is 26 which is consistent with the percentage pass mark of the theory test required to be passed by new applicants for a DVLA driving licence. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

**5.199. Navigation and local topography test** (*test element 2*)

5.200. The licensing authority notes that –

- (a) taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessarily high fares being charged to the customer.
- (b) licensed drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting; whereas hackney carriages are usually directly available for hire at ranks or on the street, the drivers of private hire vehicles may receive concurrent bookings through their operator (e.g., via radio, computer, mobile communications device or similar); and
- (c) further to (a) and (b) above, road works, diversions, traffic jams, traffic accidents etc mean that it is not always appropriate to rely on satellite navigation equipment or similar; whereas such incidents can affect the reliability of service offered to the customer.

5.201. For these reasons, ease of, and expedient navigation, the licensing authority believes it is important that hackney carriage and private hire drivers providing a public service have a good working knowledge of the local highway network and associated topography of the area.

5.202. The topography test comprises of 30 multiple choice questions and the pass mark is 25. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

**5.203. Numeracy skills test** (*test element 3*)

5.204. The licensing authority notes that hackney carriage and/or private hire driver duties may involve the handling and exchange of money and the giving of change. In the interests of consumer protection, the licensing authority therefore believes it important that all licensed drivers possess a reasonable unassisted competence in numeracy to a level commensurate with the practical, everyday context of the taxi or private hire vehicle as a workplace and associated situations.

5.205. As licensed drivers are required to consistently calculate change appropriately, the numeracy test comprises of 10 questions, and the pass mark is 10.

Applicants will be given a maximum of 20 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

### 5.206. Exemptions to numeracy test requirements

5.207. The licensing authority is of the view that the nature, level, and standard of some qualifications, may also serve as satisfactory evidence of numeracy proficiency to the standard sought. Applicants may therefore be exempt from the requirement to pass the numeracy skills test (test element 3) if they submit documentary evidence of any suitable qualifications instead.

5.208. For these purposes, suitable qualifications and evidence shall be taken to mean –

- (a) one or more of the qualification certificates (or certified statement of results thereof) detailed in Table 2 below; and
- (b) on the basis of which the licensing authority can be satisfied that the applicant's level of numeracy proficiency is sufficient to carry out the role of a licensed driver.

However, in recognition that those who left school or college a long time ago, may not be able to find their original qualification certificate(s), or may have otherwise lost their certificate(s), the licensing authority will also accept suitable replacements or a certified statement of results instead. For these purposes, the licensing authority will, where appropriate, only accept replacement(s) and/or a certified statement of results requested from the relevant exam board (also known as the awarding organisation). **NB:** Non-refundable third-party fees may be payable and identity checks may be required for these services.

**NB:** Certified statements of results are usually available from the relevant exam board (also known as the awarding organisation), subject to identity checks, and a third-party, non-refundable fee.

Table 2		
Origin	Qualification	Grade / Level / Comments
UK	Mathematics GCSE	Grades 1 to 9 or A* to G
UK	Mathematics O Level	grades A to E
UK	Mathematics CSE	grades 1 to 5
UK	AS or A Level in Mathematics, Accountancy or similar	
UK	NVQ / BTEC / City & Guilds certificate (Finance related)	Level 1 or above
UK	HNC / HND (Finance related)	
UK	Degree or higher (e.g. Masters, PhD etc) (Finance related)	
Non-UK	GCSE level equivalent or above in Mathematics	Subject to policies below

#### **5.209. Licensing laws, policies, and conditions test (*test element 4*)**

5.210. In support of its policies and objectives outlined throughout this document, the licensing authority considers it important that all licensed hackney carriage and/or private hire drivers have a good working knowledge of the relevant licensing laws and offences, together with the terms and conditions of any relevant licence applicable to their undertaking.

5.211. The licensing laws, policies and conditions test comprises of 30 multiple choice questions, and the pass mark is 25. Applicants will be given a maximum of 45 minutes to complete the test. Any questions not answered in this time will be marked as incorrect.

#### **5.212. Availability and costs of the Knowledge tests**

5.213. The licensing authority will manage and co-ordinate all knowledge test administration, maintenance and set up. For this reason, tests dates, times and associated facilities will be subject to availability.

5.214. By way of covering its costs, promoting test attendance and fair opportunity, all available tests will be offered on a first come first served basis and must be booked and paid for in advance at the point of booking. A non-refundable fee is payable at the standard rate for each knowledge test booking. Test fees will not be transferable nor otherwise be rolled over to any alternative test date(s). As a pre-application requirement, all test fees will be considered and treated as being entirely separate to any licence application fee(s).

#### **5.215. Conduct of the Knowledge tests**

5.216. To ensure expedience and to reduce costs to applicants, all outstanding knowledge tests will be taken collectively (i.e., at the same time). Applicants will only be permitted to (re)take an individual test element in isolation when all other individual test elements have been satisfactorily completed.

#### **5.217. Invigilation**

5.218. An invigilator (i.e., a Council employee) will be appointed to administer and monitor behaviour during all tests and ensure that tests are conducted in accordance with test rules and policy.

5.219. If, in the opinion of the invigilator, the test has not been conducted in accordance with the test rules and policy, all test results will be void.

5.220. If there any questions before or during the test, candidates may ask the invigilator. However, the invigilator will **not** explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving candidates any advantage.

5.221. Only tests and test results conducted in the presence the appointed invigilator will be accepted for licensing purposes.

5.222. Invigilators will establish the identity of all candidates sitting any test before it commences. Candidates who are not known to the invigilator must show suitable photographic documentary evidence (e.g., passport or photographic driving licence) to prove that they are the same person who registered for the test.

#### **5.223. Candidates who arrive late**

5.224. Whilst invigilators require a short period to identify candidates and facilitate test set-up, any candidate who arrives after the start of any test will not be permitted to enter or sit the test and will have to re-book at their own cost.

#### **5.225. First language policy**

5.226. In support of its policies, all tests will be provided in English only.

5.227. No translation or interpretation of questions/answers or other such matter associated with any test shall be permitted and/or accepted.

#### **5.228. Equipment, materials and other items**

5.229. Whilst taking a test, candidates must not use or have in their possession anything that may reasonably be considered to give them an advantage. This is inclusive of (but not limited to) the following equipment and/or materials; namely -

- (a) Mobile Phone
- (b) Calculator
- (c) Pager
- (d) Personal Laptop/PC/Tablet
- (e) Other communications equipment
- (f) Other (multi) media equipment
- (g) Paperwork/documentation
- (h) Any books, magazines or similar
- (i) Any other equipment/materials that may help with the test

5.230. Candidates in possession of any of the above items at the time of taking a test must ensure that these are put away in a bag or pocket, out of sight or handed to the invigilator for supervision before commencing any test. Use of any such equipment/materials will result in automatic disqualification and all results will be void.

#### **5.231. Behaviour at tests**

5.232. Once a test has commenced candidates must not talk, gesticulate, or otherwise engage in any action(s) (except to ask questions of the invigilator) that may



cause a distraction to other candidates taking the test or may reasonably be interpreted as malpractice or cheating.

### **5.233. Attendance by others**

5.234. To avoid unnecessary distractions, opportunities for collaboration and/or cheating candidates will not be permitted to take anyone (other than the invigilator) to sit with them whilst taking any test(s). Contact and/or discussion with anyone else during the test will result in automatic disqualification and all results will be void.

5.235. In view of the above, candidates with babies and young children should ensure that infants and children are subject to suitable alternative supervision for the duration of any test(s). The Council does not provide crèche facilities.

### **5.236. Cheating / Attempts to influence test outcome**

5.237. A serious view will be taken of any action(s) that may be interpreted as cheating during or in respect of any test. Hackney carriage and/or private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results will be void. Suspected cheating and/or any attempt to influence the outcome of any test may also be taken into consideration in determination of the applicant's propriety and merit refusal of any associated licence application.

### **5.238. Safety & Welfare**

5.239. If the fire alarm goes off during a test, candidates should evacuate the building with the invigilator. Candidates must remain with the invigilator until the disruption is over. Where appropriate, candidates may need to make an appointment to retake the test at a future point.

5.240. Should candidates need to leave the test room during the test (e.g., to use the toilet), you must ask the invigilator. The invigilator (or an arranged chaperone) may accompany the applicant to ensure that the test is conducted in accordance with test rules and policy.

5.241. If candidates feel unwell and/or too ill to continue the test, they should tell the invigilator. Where appropriate, candidates may need to make an appointment to retake the test at a future point.

### **5.242. Points of dispute**

5.243. If candidates feel aggrieved by the results of a test or believe that the results of a test are incorrect, candidates should direct their concerns or enquires (in writing) to the Licensing Manager, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU or [taxi.operators@rushmoor.gov.uk](mailto:taxi.operators@rushmoor.gov.uk)

### **5.244. Marking**

5.245. Where appropriate, the answer format for each test question will be specified in the explanatory or introductory notes to each test category and/or at the end of each applicable test question. The licensing authority expects licensed drivers to be able to read and follow simple instructions. Failure to answer any Knowledge test question or to answer any such question using the specified format will be marked wrong or incorrect. This will apply regardless of whether the answer given in respect of any test question was in fact correct, but merely submitted in the incorrect format.

### **5.246. Alternative test arrangements**

5.247. Having due regard to the elimination of discrimination, the licensing authority will make suitable adjustments for applicants and/or drivers with demonstrable learning disabilities e.g., dyslexia, such as allowing additional time to complete the test, reading out the questions.

5.248. Tests are generally completed online using an electronic device. Where an applicant cannot complete the test on an electronic device due to a disability, medical or other issue, the licensing authority will make paper copies of the test available.

5.249. Test sessions are held at a set time each week, where an applicant cannot attend at this time for reasons related to a protected characteristic, the licensing authority will make alternative arrangements.

### **5.250. Stringency of the knowledge tests**

5.251. In ensuring that the knowledge tests do not comprise an unnecessarily high obstacle or barrier of entry into the trade, and that they are current the licensing authority will seek to keep the stringency and contents of its tests under review and ensure that each test reflects relevant law, policy, applicable codes of practice and/or the complexity or otherwise of local geography and highway infrastructure.

### **5.252. Limitations and relevance of Knowledge tests**

5.253. The licensing authority will take the aptitude to pass each element of the Knowledge test as a general indication and measure of the applicant's suitability and propriety. The licensing authority will therefore, refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not satisfactorily complete (i.e. pass) any required test(s). In promoting its objectives and ensuring test rigour and currency of knowledge, this shall apply regardless of whether one or more Knowledge test elements were satisfactorily completed in any previous application(s) made.

5.254. As the Knowledge tests reflect local circumstances, subjects of significant importance or core competencies that are central to the role of a hackney carriage and/or private hire driver, with the exception of the arrangements for

applicants of a restricted private hire drivers licence detailed below, the licensing authority will not, take account of any prior learning or permit any exemption from any test element. This shall apply regardless of the duration, type, level or standard of any other training or qualification undertaken and/or when this was completed.

5.255. However, having conducted such tests for many years, it is the experience of the licensing authority, that satisfactory completion of the Knowledge tests is largely dependent on the aptitude, diligence, and effort of the applicant; and that these factors can vary markedly between individuals at different stages. The licensing authority will therefore, in striking a balance between the needs of its applicants, the need for test rigour and the promotion of its objectives, allow a limited number of Knowledge (re)tests to be taken as follows.

- (a) To allow applicants to reflect upon the test questions and / or to prepare more thoroughly, applicants who fail any elemental part of the Knowledge tests may, where appropriate, and subject to availability, re-sit another similar test after a minimum 7 days from the last test taken.
- (b) Each applicant will be permitted to take each test weekly over the approved 3-month application period.

#### **5.256. Alternative test arrangements for restricted private hire drivers**

5.257. It is the view of the licensing authority that some private hire drivers who provide limited, non-public driving services (e.g., executive chauffeur services, stretched limousine services, school contract runs etc) do not need a thorough working knowledge of the area in which they are licensed. These services will usually be exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the driver has the opportunity to research and plan the journey well in advance. These services / journeys are not usually subject to immediate concurrent bookings.

5.258. Traditionally work of this nature is contract / account work, whereby payment is dealt with by the private hire operator rather than the driver, therefore, private hire drivers carrying out work of this nature are not usually handling money or operating a taximeter.

5.259. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to exempt applicants who provide exclusively limited, non-public driving services from the need to pass the navigation and local topography test (test element 2) and the numeracy test (test element 3).

5.260. However, in recognition of the different tests undertaken by those who do / do not undertake general public work, any licence granted on the basis of the alternative test will be known and marked as a 'restricted' private hire driver licence and be subject to conditions restricting the driver to the particular activity/service concerned, and not allowing the handling of money. Consequently, any requested upgrade of a 'restricted' private hire driver's

licence to a standard private hire driver's licence and/or to include a hackney carriage driver's licence will require the applicant to pass the additional elements of the standard Knowledge test not previously passed in full (at the applicant's own expense) before the upgrade can be made.

### **5.261. Safeguarding awareness**

5.262. Section 11 of the Children Act 2004 requires all local authorities to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Section 177 of the Policing & Crime Act 2017 (P&CA17) further provides for guidance on how licensing authorities should exercise their licensing functions so as to protect children and other vulnerable individuals from harm. Guidance from the DfT also recommends safeguarding training for licensed drivers.

5.263. Further to this, the licensing authority notes that licensed drivers, by virtue of the job they do, routinely come into contact with a wide variety of people in a range of situations and circumstances. Consequently, the licensing authority believes that –

(a) hackney carriage and/or private hire drivers are uniquely placed in the community to help protect children, and other vulnerable individuals, from harm or risk; and that

(b) all licensed drivers should possess a reasonable knowledge and awareness of safeguarding issues to a level commensurate with the practical, everyday context of the taxi as a workplace and associated situations.

5.264. For these collective reasons, the licensing authority will require all first-time applicants and all licensed drivers on renewal of their licence every 3 years, to submit a suitable certificate of attendance of a safeguarding awareness course specifically designed for hackney carriage and/or private hire vehicle drivers. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Taxi Safeguarding Classroom course, or RBC's Taxi Safeguarding course (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.265. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission, or on renewal of the expiry date of their existing licence.

### **5.266. Limitations and relevance of safeguarding awareness training**

5.267. As safeguarding is a key objective, the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

(a) does not submit a suitable attendance certificate for any requisite safeguarding awareness course; and/or

(b) fails to maintain good safeguarding standards and practices.

### **5.268. English language proficiency tests (reading, writing, speaking & listening skills)**

- 5.269. The licensing authority believes that the general role of a hackney carriage and/or private hire driver involves the ability to effectively communicate with, understand and cater to customer needs and issues. For example, drivers may need to discuss a route or fare, take and give directions and/or instructions and, on occasion, resolve disputes with passengers. Drivers may also need to communicate with passengers on safety issues (e.g., on use of a seat belt), in an emergency (e.g., following an accident) or other challenging situations (e.g., disputes and complaints).
- 5.270. Whilst driving duties may also involve the reading of road signs, street names and other signage, it is also important that drivers can read and understand any information provided to them, such as the terms and conditions of any hackney carriage and/or private hire driver's licence, or any notices given to them by Licensing Officers. Drivers may also need to write to us, for example to let us know about changes in their health or background circumstances or perhaps communicate in writing with a passenger who has a hearing impairment or complaint.
- 5.271. In view of these matters, and that English is the official language of England, the licensing authority considers it essential that all licensed drivers have adequate English language skills and proficiency in reading, writing, speaking **and** listening, whereas, all of these skills are considered essential for their role.
- 5.272. For these reasons, the licensing authority will, require all applicants for first-time grant of a hackney carriage and/or private hire drivers' licence to submit a suitable certificate from a suitable approved service provider that confirms their level of English language proficiency (in reading, writing, speaking **and** listening) is at level B1 or above on the Common European Framework of Reference for Languages and Learning (CEFR).
- 5.273. In ensuring test integrity and ease of validation, suitable approved service providers will be limited to those accepted by the UK Visas and Immigration (UKVI) division of the Home Office (or equivalent) as proof of English proficiency for those wishing to live, work and study in the UK. Third party, non-refundable fees may apply for their services.

### **5.274. Exemptions to English language proficiency test requirements**

- 5.275. The licensing authority is of the view that the nature, level, and standard of some qualifications, if taught and assessed in English (whether or not the qualification was obtained in the United Kingdom) may also serve as satisfactory evidence of English language proficiency to the standard sought. Applicants may therefore be exempt from the requirement to provide a

certificate from a suitable approved service provider if they submit documentary evidence of any suitable qualifications instead.

5.276. For these purposes, suitable qualifications and evidence shall be taken to mean –

- (a) one or more of the qualification certificates (or certified statement of results thereof) detailed in Table 3 below; and
- (b) on the basis of which the licensing authority can be satisfied that the applicant's level of English language proficiency (in reading, writing, speaking **and** listening) is equivalent to CEFR level B1 or above.

5.214. However, in recognition that those who left school or college a long time ago, may not be able to find their original qualification certificate(s), or may have otherwise lost their certificate(s), the licensing authority will also accept suitable replacements or a certified statement of results instead. For these purposes, the licensing authority will, where appropriate, only accept replacement(s) and/or a certified statement of results requested from the relevant exam board (also known as the awarding organisation). **NB:** Non-refundable third-party fees may be payable and identity checks may be required for these services.

**NB:** Certified statements of results are usually available from the relevant exam board (also known as the awarding organisation), subject to identity checks, and a third-party, non-refundable fee.

Table 3		
Origin	Qualification	Grade / Level / Comments
UK	GCSE	Grades 1 to 9 or A* to G
UK	O Level	grades A to E
UK	CSE	grades 1 to 5
UK	AS or A Level	
UK	NVQ / BTEC / City & Guilds certificate	Level 1 or above
UK	HNC / HND	
UK	Degree or higher (e.g. Masters, PhD etc)	
Non-UK	GCSE level equivalent or above	Subject to policies below
	Secure English Language Tests (SELT) certificates	Subject to policies below
	English for speakers of other languages (ESOL) qualifications	Subject to policies below
	English as a Foreign Language (EFL) qualifications	Subject to policies below

**NB:** For these purposes, the subject of the qualification does not matter as long as it was taught in English

### **5.215 A non-UK qualification which was taught and examined in English**

5.216 The licensing authority will similarly accept the standard of English language proficiency of those who were educated and tested in English outside the UK to the equivalent of GCSE level or above. However, so as to be satisfied that any such qualifications are suitable, the licensing authority will require applicants to provide satisfactory evidence that the qualification was taught and examined in English. For these purposes a letter on headed paper from the teaching and/or examining institution(s) will be sufficient.

5.217 Where appropriate, a suitably translated copy of each document (if any original is not in English), certified as a true and accurate translation of the original by a suitable independent and UK-based translation company, solicitor or the relevant body concerned may also be required.

### **5.218 Secure English Language Test (SELT) for immigration / visa purposes**

5.219 Further to the above, the licensing authority notes that Secure English Language Tests (SELT) are required by the Home Office for many people wishing to settle in the UK and that these are of a suitably equivalent standard to that sought. The licensing authority will therefore accept SELT certificates as suitable evidence of English language proficiency, providing they cover proficiency in all four skill areas (reading, writing, speaking, and listening).

### **5.220 A qualification in English as a second language (ESOL) or as a foreign language (EFL)**

5.221 The licensing authority notes that English for speakers of other languages (ESOL) qualifications and English as a Foreign Language (EFL) qualifications are also designed to assess the English language skills of those who do not have English as a first language. It also notes that different ESOL and EFL qualifications can assess different skill areas (reading, writing, speaking, and listening) at different levels. The licensing authority will therefore accept ESOL or EFL qualifications as suitable evidence of English language proficiency, providing these cover B1 proficiency in all four skill areas (reading, writing, speaking, and listening). Examples of acceptable ESOL and EFL qualifications include -

- (a) ESOL Skills for Life (Entry Level 3, Level 1, Level 2)
- (b) Functional Skills qualifications in English (Entry Level 3, Level 1, Level 2)
- (c) International English Language Testing System (IELTS): Cambridge English Language Assessment
- (d) Cambridge English: First (FCE)
- (e) Trinity College: Integrated Skills in English (ISE 1)

### **5.277. The relevance of English language proficiency**

5.278. The licensing authority believes that poor English language proficiency may impact on customer care, safety and/or the ability to effectively perform the role and duties of a hackney carriage and/or private hire driver. The licensing

authority will, therefore, refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not satisfactorily submit a qualifying certificate to the required standards.

- 5.279. The licensing authority recognises that English language proficiency may diminish over time (a process known as 'attrition'). It therefore reserves the right to require additional driver training and/or certification to the required standards stated where it considers it appropriate in the circumstances.

## **5.280. Driving Standards & Proficiency Assessment**

- 5.281. The licensing authority believes that driving standards and proficiency are central to and core competencies of all hackney carriage and/or private hire drivers. The licensing authority also notes that driving abilities, practices and skills can vary over time, by driving style and experience; through differences in driving environments and social and/or cultural norms (e.g., driving on the left / right) etc. For these reasons, it is the policy of the licensing authority to ensure that those who provide a hackney carriage and/or private hire driving service can demonstrate a suitable level of driving competence and proficiency commensurate with the provision of a public transportation service i.e., at an elevated level above the DVLA learner driver test.

- 5.282. For these reasons, the licensing authority will require all first-time applicants to submit a suitable (i.e., pass) certificate of completion of a driving standards and proficiency assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Blue Lamp Trust (BLT) or Green Penn Ltd. (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

- 5.283. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission. Moreover, as assessments are at an elevated level and specifically designed for prospective hackney carriage and/or private hire vehicle drivers, this requirement shall apply regardless of the date on which the applicant may have taken any other test to gain a full (or any other) driving licence or award.

- 5.284. However, regardless of the above, the licensing authority recognises driving standards may change and/or bad habits in driving practice can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of a driving standards assessment and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

## **5.285. Relevance of driving standards assessments**

- 5.286. The licensing authority considers good driving standards and proficiency to be a core competence of a hackney carriage and/or private hire vehicle driver. It further notes that poor driving standards and/or practices can affect the safety and comfort of those using licensed vehicles and others who may be exposed



thereto (e.g., other road users etc). The licensing authority will therefore, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- a) does not submit a suitable pass certificate for any requisite assessment; and/or
- b) fails to maintain good driving standards and practices.

### **5.287. Wheelchair loading assessment for taxis and private hire vehicles**

5.288. The licensing authority notes that some wheelchair users may require driver assistance to safely enter, travel in and alight from a licensed vehicle and acknowledges the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. Accordingly, it is the policy of the licensing authority to ensure that those who provide a wheelchair accessible driving service can demonstrate a sufficient level of competence in the (un)loading, security, and safety of wheelchair users to a level commensurate with this role.

5.289. For these reasons, the licensing authority will require all first-time applicants for a hackney carriage drivers' licence, and any private hire driver intending to drive a wheelchair accessible vehicle, to submit a suitable certificate of completion of a wheelchair (un)loading assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Blue Lamp Trust (BLT) or Green Penny Ltd (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.290. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission.

5.291. However, regardless of the above, the licensing authority recognises that standards and practices may change and/or bad habits in (un)loading, security and safety practice can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of an enhanced wheelchair (un)loading assessment and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

### **5.292. Limitations and relevance of wheelchair loading assessments**

5.293. As the safety of passengers, drivers and other road users is a key objective, the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- (c) does not submit a suitable pass certificate for any requisite assessment; and/or

- (d) fails to maintain good wheelchair user (un)loading, security and safety standards and practices.

### **5.294. Disability awareness training**

5.295. The licensing authority notes that in their role licensed drivers will come across people with various disabilities and acknowledges the mobility assistance provisions in the Equality Act 2010 / Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. Accordingly, it is the policy of the licensing authority to require all first-time applicants and all licensed drivers on renewal of their licence every 3 years to submit a suitable certificate of attendance of a disability awareness course specifically designed for hackney carriage and/or private hire vehicle drivers. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Disability Awareness Classroom course, (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

5.296. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 3 months of the date of submission, or on renewal of the expiry date of their existing licence.

5.297. However, regardless of the above, the licensing authority recognises that standards and practices may change and/or bad habits can develop over time. It may therefore require and, where appropriate, condition the satisfactory completion and submission of further disability awareness training and/or other associated information at any time or at such frequencies and/or to such standards considered appropriate in the circumstances.

### **5.298. Limitations and relevance of disability awareness training**

5.299. As the safety of passengers, drivers and other road users and a transport service that is accessible to all are key objectives the licensing authority will, where appropriate, refuse any application (whether on grant or renewal) and suspend and/or revoke the relevant licence(s) of any individual who –

- (e) does not submit a suitable pass certificate for any requisite assessment; and/or
- (f) fails to maintain good wheelchair user (un)loading, security and safety standards and practices.

### **5.300. Other 'relevant knowledge and skills'**

5.301. In determination of an applicant's fitness and/or propriety, the licensing authority will also take account of any other factor that may be relevant to the conduct of a licensed hackney carriage and/or private hire vehicle driver and anything the applicant may say about themselves or their application.

5.302. Where appropriate, the licensing authority may therefore require additional driver training, assessment and/or certification as it may consider appropriate in the circumstances. This may for example include, but not be limited to requirements for appropriate training and/or certification in Customer care, handling emergencies, day to day vehicle maintenance, managing conflict / difficult situations (or similar). Such examples should not be seen as a comprehensive or exhaustive checklist, or in any way be regarded as matters to be addressed in all cases.

5.303. For these purposes, the licensing authority may consider assessments, courses and/or qualifications necessary where there are one or more demonstrable indications of poor standards, practices, customer service or other similar concerns connected to the role of a hackney carriage and/or private hire driver. For example -

- (a) where there are multiple driving licence endorsements, disqualifications etc.
- (b) where there are previous complaints about driving standards, practices or service etc.
- (c) where the individual has been involved in one or more vehicle accidents etc.

**NB:** Where appropriate, the costs of any such requirements must be paid for by the applicant.

5.304. While such qualifications etc. are not necessarily a mandatory requirement to apply for a hackney carriage and/or private hire drivers' licence, the licensing authority recognises the increasing needs and profile of its residents, visitors and the area generally through development and events. It will therefore keep these matters under review and may require specific training or assessments to be undertaken in the future.

### **5.305. Public Liability Insurance**

5.306. The licensing authority recognises that hackney carriage and/or private hire drivers often perform duties other than driving passengers from A to B as part of their daily business e.g., carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair users) etc. For this reason, and by way of protecting the interests of both drivers and members of the public, the licensing authority will require all applicants to provide and, on condition, maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g., customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

5.307. For this purpose, the licensing authority will take a suitable policy of insurance to mean valid public liability insurance that –

- (a) covers up to £5 Million for each claim in respect of any damage, loss or injury arising from the activities of the driver; **and**
- (b) indemnifies the driver while performing his taxi driver duties both in and outside (i.e., away/remote from) the vehicle (e.g., carriage of luggage and/or provision of assistance to a customer's home etc).

5.308. However, the licensing authority recognises that some hackney carriage and/or private hire operators may maintain group / company public liability insurance that suitably indemnifies all licensed drivers working in their company name. Accordingly, in maintaining reasonable licensing requirements, the licensing authority will accept individuals as being suitably covered by group / company public liability insurance where -

- (a) A suitable copy of the group / company policy of public liability has previously been lodged with the Council by the relevant group / company concerned; and
- (b) The individual is suitably confirmed by an official of the group / company concerned as falling under the cover of the group / company public liability insurance regime.

5.309. To ensure that suitable public liability insurance is maintained for the term and duration of any licence issued, the licensing authority will require licence holders to submit relevant public liability insurance documents on any amendment to or renewal of their policy.

### **5.310. The relevance of public liability insurance**

5.311. As it considers it an important driver and public protection safeguard, the licensing authority will refuse any application (whether on grant or renewal) and suspend or revoke the relevant licence(s) of any individual who does not submit and/or fails to maintain a suitable certificate of public liability insurance cover (or suitable evidence thereof).

5.312. As it considers it an important public protection safeguard, the licensing authority will take a serious view of any licensed driver that fails to maintain a suitable policy of public liability insurance and/or otherwise fails to notify it of a change in circumstances or cover (e.g., a change in operator).

### **5.313. Driver Photographs**

5.314. S54(1) of the Local Government (Miscellaneous Provisions) Act 1976, requires the licensing authority to issue a driver's badge (where appropriate) that clearly shows, amongst other matters, the applicant's appearance at the time of application.

5.315. For this purpose, the licensing authority will require applicants (both on initial grant and each renewal) to –

- (a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the drivers' licence) a suitable digital colour photograph of the applicant; or
- (b) submit, at their own expense, a suitable electronic colour photograph of themselves.

5.316. So that the applicant's features are clearly distinguishable, a suitable photograph will be taken to mean one taken against a suitable plain background showing the applicant full faced i.e., uncovered (without sunglasses, veil or similar) and without a head covering.

### **5.317. Operator Confirmation**

5.318. The Local Government (Miscellaneous Provisions) Act 1976 requires all bookings for a private hire driver and vehicle to be made with a licensed private hire operator. Furthermore, the operator, driver and vehicle must be licensed with the same licensing authority. To ensure that arrangements are in place to comply with this, the licensing authority will not grant a private hire drivers' licence (whether on first-time application or renewal) until such time as the applicant has advised which licensed private hire operator, they will be receiving bookings from, and the operator has confirmed that this is the case. Failure to provide this will result in the licence being refused.

5.319. As some operators provide public liability insurance for their drivers, and to ensure ongoing compliance with the above and the licensing authorities ability to update the correct operator in some circumstances e.g., where a driver is suspended, licensed private hire drivers will be required on condition to notify the licensing authority of any change to the operator they are receiving bookings from.

5.320. As it considers it an important public protection safeguard, the licensing authority will take a serious view of any licensed driver that fails to notify it of a change in operator.

### **5.321. HMRC tax check**

5.322. It is a legal requirement that any applicant for a hackney carriage and/or private hire drivers licence (whether on first-time grant or renewal), who has held the same type of licence at any time in the preceding 12 months, with any licensing authority, carries out a tax check. Information on how to do this is available at [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

5.323. Completion of the check will generate a 9-digit code which the applicant must provide to the licensing authority, which enables them to confirm the check. In accordance with the legislation, the licensing authority will not grant a licence without having received the code and confirmed the tax check, unless the applicant has tried to carry out the tax check for 5 consecutive days, has been unable to do so because the service is unavailable, and the licensing authority can confirm that the service was unavailable.

## **5.324. CONDITIONS OF DRIVER'S LICENCE**

### **5.325. Private hire vehicle drivers**

5.326. Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire driver's licence as may be considered reasonably necessary.

### **5.327. Hackney carriage drivers**

5.328. By law, the licensing authority is not permitted to attach conditions to a hackney carriage driver's licence but may formally regulate standards etc through the adoption of local byelaws instead. While there are no local taxi-related byelaws in place at the present time, the licensing authority will keep this matter under review and may, in the future, seek to implement suitable byelaws where problems arise. In the meantime, the licensing authority will attach appropriate conditions by way of advising drivers of the standards expected of them.

## **5.329. Standards of Conduct and Dress**

5.330. Regardless of any conditions or byelaws and, in providing a customer-based public transportation service, the licensing authority considers it appropriate that both hackney carriage and/or private hire drivers should –

- (a) behave professionally, responsibly and courteously to customers, other road users and the public in general at all times (i.e., good conduct); and
- (b) help promote safety, the professional image of the hackney carriage and/or private hire trades and the image of its borough in general.

5.331. Without prejudice to the generality of the above, the licensing authority will take a serious view of any driver that engages in any activity or makes any advance or comment(s) that may reasonably be construed to be an attempt to procure any special relationship, sexual or otherwise, with any customer, or that may reasonably be construed to be threatening or aggressive.

5.332. By way of encouraging both the profile and professional image of the licensed trades and that of the borough in general, the licensing authority considers it appropriate that licensed drivers conform to an acceptable standard of dress. For this purpose, the licensing authority will consider the suitability of dress in terms of cleanliness, image, decency (i.e., inoffensive) and public and/or driver safety.

### **5.333. Relevance of conditions, standards of conduct and dress**

5.334. Failure to comply with any conditions or any aspect of good conduct or dress, will not necessarily result in enforcement action, but may, where appropriate, be used as an indicator of propriety. Where appropriate, breach of conditions

or standards may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

### **5.335. Consumer protection**

5.336. In recognition of customer interests and consumer protection, the licensing authority will require, on condition, any licensed driver to issue a customer with a suitable receipt for any payment for any taxi or private hire journey or associated service on request.

5.337. For safety and security reasons and convenience a number of members of the public choose not to carry cash. In light of this, and to ensure an expected level of service is provided to the customer, the licensing authority will require, on condition, any licensed driver to have a mechanism for customers to pay by debit and/or credit card, whether this is directly with the driver or through their operator.

### **5.338. DRIVERS INVOLVED IN AN ACCIDENT OR OTHER INCIDENT**

5.339. Drivers involved in an accident/incident must advise the licensing authority as soon as possible, but no later than 72 hours after the accident / incident occurs.

5.340. In recognition that incidents and vehicle accidents can occur for a variety of reasons and can result in a variety of injuries, it is the policy of the licensing authority to ensure, where appropriate, that the drivers involved in an incident are suitably assessed in respect of their fitness, driving standards and/or eligibility.

5.341. Where appropriate, the licensing authority will assess any driver involved in an incident in accordance with any of the general requirements and policies detailed above. This may include, requiring drivers to submit additional checks / documents e.g., medical reports etc.

5.342. Where appropriate, to fully investigate and/or verify the circumstances of any accident, the licensing authority may require and/or request –

- (a) Copies of all relevant statements / claims to insurance companies.
- (b) The police incident number.
- (c) Details of the hours that the driver has worked prior to the accident.

5.343. Where appropriate, the licensing authority has powers to suspend and/or revoke a driver's licence, or otherwise allow the individual to continue in the capacity of a licensed hackney carriage and/or private hire driver (whether or not pending any specified requirements etc). In determination of any action to be taken following an incident, the licensing authority will have regard to -

- (a) The nature and seriousness of the incident.

- (b) The circumstances giving rise to any incident etc.
- (c) The continuing fitness and/or eligibility of the driver to drive.
- (d) The nature and extent of any penalty/sentence imposed.
- (e) The nature, degree and/or frequency of any other accidents or incidents in which the driver has been involved.
- (f) The nature and extent of any real, potential and/or perceived harm caused by the incident.
- (g) The nature and extent of any risk/threat that the driver may pose to the public.
- (h) The honesty of the individual/driver (i.e., in declaring any incident and/or its details etc).
- (i) Any other aggravating or mitigating factors (e.g., under the influence of drink/drugs/medication etc).

**NB:** The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate action/outcome.

#### **5.344. Working / driving hours**

5.345. The licensing authority notes that licensed hackney carriage and/or private hire drivers can generally choose the hours they work. In recognition that long hours may give rise to driver fatigue (i.e., public safety), the licensing authority will take a serious view where public safety may be / have been put at risk through driver fatigue and/or the working of excessive hours.

#### **5.346. Use of mobile phones and other devices**

5.347. The licensing authority notes that the risks of using mobile phones and similar devices while driving are well documented. In recognition of the public safety risks and the technological alternatives, the licensing authority will take a serious view where public safety may be / have been put at risk through use of handheld mobile phones or similar while driving.

#### **5.348. Safety and overcrowding of vehicles**

5.349. In recognition of the public safety risks that can arise due to overcrowding, the licensing authority will take a serious view where public safety may be / have been put at risk through the carriage of more passengers than that permitted and/or inappropriate quantities of luggage and other materials.



5.350. For this reason, licensed drivers will be required on condition to ensure that all luggage and loose articles are appropriately stored and secured to ensure driver and passenger safety.

### **5.351. Smoking in licensed vehicles**

5.352. All taxis and private hire vehicles are, under the Health Act 2006 and associated Regulations, classified as smoke free premises and must remain smoke-free at all times. This means that taxi and private hire vehicle proprietors and their drivers must not smoke tobacco in a licensed vehicle at **any** time and must take reasonable steps to prevent and stop any other person from smoking in their vehicle. This applies even when the vehicle is not hired and/or is otherwise not for hire.

5.353. As smoke free premises are a widely publicised and known public health protection measure, the licensing authority will take a serious view of any proprietor and/or driver of a licensed vehicle found smoking or allowing others to smoke in their vehicle at any time. Accordingly, whilst failure to comply with this legal requirement will normally result in issue of a fixed penalty notice, repeat offending may, as an indicator of their suitability, result in the suspension, revocation and/or refusal to renew any relevant licence held.

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## PART F

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### 6. VEHICLE LICENSING

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#### 6.1. GENERAL

6.2. The following policies will be applied to standard motorised vehicles (e.g., purpose built black cabs, MPVs, saloon cars etc). Separate policies and requirements may apply to non-standard vehicles (such as stretched limousines, novelty vehicles, tuck tucks) and/or other non-motorised transportation (e.g., pedicabs, horse and carriage etc), and will be determined on a case-by-case basis dependent on the nature of the vehicle.

#### 6.3. Vehicle licensing requirements

6.4. Separate vehicle licences must be held for each vehicle to be used as a hackney carriage or private hire vehicle. Licences are not transferable between vehicles.

#### 6.5. GENERAL POLICY APPROACH TO VEHICLES

#### 6.6. Private hire vehicles

6.7. The licensing authority believes that private hire pre-booked work is open to a greater degree of market competition than taxi hailing and ranking where, by its very nature, competitive market forces are more constrained. Indeed, while private hire competition and service can be facilitated based on offering a better price, it may also be facilitated in respect of vehicle features which consumers would be willing to pay for if given sufficient choice. These might include for example better / particular safety features, specialist accessibility requirements, or quality-based considerations such as the comfort of the vehicle, its appearance and/or available facilities. Accordingly, as diversity in price, innovation, service, and standards is a natural consequence of effective market competition, the licensing authority believes that consumer choice of private hire vehicle services should not be unduly restricted by virtue of the type or age of vehicles.

6.8. However, for ease of access / egress for passengers, if a vehicle has rear passenger seats, the licensing authority will only licence the vehicle where it has a minimum of 4 doors.

6.9. In order for members of the public to readily distinguish between hackney carriage and private hire vehicles, the licensing authority will not issue a private hire vehicle licence for a purpose-built London style cab or similar, or any vehicle with design or markings which could cause it to be easily confused for a hackney carriage.

## **6.10. Hackney carriage vehicles**

6.11. By contrast to private hire pre-booked work, the licensing authority believes that the on-street hail and ranking market is more competitively constrained. By its nature, together with the social customs and practices of hire and the statutory fixing of fares, once a hackney carriage has been hailed or approached the driver is in the position of a temporary monopolist and there is limited competitive pressure in relation to price, safety, or quality. As such, the licensing authority believes it appropriate to establish more defined baseline standards for hackney carriage vehicles. The licensing authority will therefore only licence wheelchair accessible purpose-built taxis (that can carry a passenger travelling in a reference wheelchair (as defined by Schedule 1 of The Public Service Vehicle Accessibility Regulations 2000)) or converted vehicles pre-approved by the licensing authority, which meet the following specification as a hackney carriage.

### **6.12. Hackney carriage vehicle specification**

- 6.13. Passenger door windows must be capable of being opened easily by passengers when seated.
- 6.14. The top of the tread of the lowest step / running board for any entrance (or where there is no step, the floor level itself at the entrance) must not be more than 38cm above the ground when the vehicle is unladen.
- 6.15. Apertures in the floor used for the purposes of a step must be highlighted in a high-visibility material to alert passengers to their presence.
- 6.16. The risers of all steps must be closed.
- 6.17. All steps, or where there are no steps, the outer edge of the floor at each entrance, must be fitted with non-slip treads which must be highly visible at all times.
- 6.18. Adequate lighting must be provided for the passengers' compartment and must be capable of being controlled by passengers.
- 6.19. The flooring of the passengers' compartment must be covered with non-slip material which can be cleaned easily.
- 6.20. Provision must be made for carrying luggage / wheelchairs appropriate to the number and type of passengers and an efficient method of securing it must be provided.
- 6.21. Suitable wheelchair restraints and seatbelts must be provided for the use of wheelchair occupants.

- 6.22. Anchorages must be provided for the wheelchair and chairbound disabled person to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.
- 6.23. A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.
- 6.24. Hand contact points, handles and head contact hazards must be identified in high visibility materials and easily distinguishable.
- 6.25. Suitable means must be provided to assist persons to rise from the rear seat.
- 6.26. The steering wheel must be on the off-side of the vehicle.
- 6.27. The body must be of the fixed head type.
- 6.28. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 750 mm when the door is opened to its normal limit.
- 6.29. The clear height of the doorway must not be less than 1.195m
- 6.30. Where seats are placed facing each other there must be a clear space of 48cm between any part of the front of a seat and any part of any other seat which faces it. This measurement may be reduced to 43.5cm provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat cushion.
- 6.31. Rear facing seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4cm apart. When not in use front seats must not obstruct doorways.
- 6.32. The controls must be properly protected from contact with luggage.
- 6.33. The driver's seat must be designed to accommodate the driver only.
- 6.34. An adequate heating and ventilation system must be fitted and maintained in good working order for the driver and passengers and means provided for independent control by the driver and passengers.
- 6.35. An approved type of automatic door locking device must be fitted to passenger doors.

- 6.36. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified so as not to be mistaken for any other control.
- 6.37. A rooflight stating the words “taxi” or “for hire”. The design must be such that the illuminating light can be switched off when the vehicle is hired or out of the Rushmoor area, independently of the taxi meter or any other system.

### **6.38. Hackney carriage vehicle approvals process**

- 6.39. To ensure that vehicles comply with the licensing authority’s vehicle specification, before licensing a specific make / model / conversion as a hackney carriage for the first time the licensing authority will arrange and carry out a vehicle approval inspection, which will include –
- (a) Officer inspection of the vehicle against the licensing authority’s vehicle specification.
  - (b) Inspection of the vehicle by a wheelchair user including them being secured in the vehicle in their wheelchair.
  - (c) The opportunity for members of the taxi trade to inspect the vehicle and provide feedback to the licensing authority.
- 6.40. Feedback from all of the above inspections, along with information provided by the vehicle manufacturer, convertor or seller will be reported, and in accordance with the scheme of delegation the licensing authority will determine whether the vehicle type is approved for licensing as a hackney carriage vehicle.
- 6.41. The licensing authority will maintain a list of all approved vehicles for hackney carriage licensing, along with details of any specific requirements for that vehicle on its website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)

### **6.42. THE TERM & DURATION OF VEHICLE LICENCES**

- 6.43. The licensing authority will, where appropriate, grant a hackney carriage or private hire vehicle licence for a period of either 6 or 12 months. However, the licensing authority may, using its discretion, grant vehicle licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.
- 6.44. By way of example, the licensing authority may limit the term or duration of a vehicle licence -
- (a) in accordance with any service / maintenance requirements, failures or problems.
  - (b) in accordance with any vehicle recalls (whether due to problems affecting the entire vehicle or any part).

- (c) on consideration of any MOT and/or MOT advisory specifications.
- (d) on consideration of the nature and condition of the vehicle (i.e., whether a specialist vehicle e.g., a stretched limousine).
- (e) Where the vehicle is a temporary replacement vehicle (i.e., where a licensed vehicle is being repaired following a malfunction or accident).

## **6.45. ELIGIBILITY CRITERIA**

### **6.46. Age of Vehicles**

- 6.47. The licensing authority believes that any vehicle, regardless of its age, may be maintained in a good, safe, roadworthy condition and therefore, the setting of an age limit beyond which it will not licence any vehicle is arbitrary and disproportionate.
- 6.48. In view of the above, and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will disregard the age (as an isolated consideration) of any vehicle in determining whether to grant and/or renew a hackney carriage or private hire vehicle licence.

### **6.49. General vehicle requirements**

- 6.50. By virtue of S37 of the Town Police Clauses Act 1847 and S48 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has absolute discretion as to whether to grant a hackney carriage or private hire vehicle licence.
- 6.51. The licensing authority will, where appropriate, seek to ensure that all licensed vehicles (including their fixtures, fittings, and equipment) are suitable for use as a hackney carriage or private hire vehicle on demonstration that they are, and continue to be -
  - (a) readily identifiable (together with their owner and/or vehicle proprietor).
  - (b) suitable in standard, type, design, and appearance (and not unsuitably modified at any time).
  - (c) suitable in environmental performance and efficiency.
  - (d) in a good, safe, roadworthy condition (regardless of age) (and not subject to any outstanding vehicle safety recall or previous category A or B insurance 'write off').
  - (e) suitably maintained.
  - (f) suitably insured.

- (g) suitably accessible; and
- (h) sufficient in number as to reasonably serve the interests of the travelling public.

## **6.52. Vehicle type**

6.53. To facilitate registration, sale and entry into service, vehicles marketed and sold in the UK must, by law, generally be subject to vehicle type approval. Vehicle type approval effectively certifies that each vehicle meets a minimum set of regulatory, technical and safety requirements, and meets specified performance standards for its type. As this is a legal requirement, and vehicles cannot be registered by the DVLA in the UK without this the licensing authority will not check the type approval, but will not a licence a vehicle that is not registered by the DVLA in the UK. For this purpose, the licensing authority will require a copy of the V5C vehicle registration certificate on application.

## **6.54. Other general requirements**

6.55. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

6.56. For vehicle licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements:

- (a) a suitable MOT certificate
- (b) a suitable policy of vehicle insurance
- (c) a suitable DVLA Vehicle registration document V5C
- (d) suitable vehicle safety recall documentation
- (e) suitable vehicle history checks.
- (f) suitable service and maintenance history documents
- (g) a suitable LOLER certificate
- (h) suitable vehicle photographs
- (i) a basic DBS check certificate
- (j) suitable certificate(s) of good conduct (or suitable equivalent documents)

6.57. While the policies, standards and considerations applicable to the above matters are set out below, these should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

### **6.58. General vehicle proprietor requirements**

6.59. The licensing authority recognises that hackney carriages and/or private hire vehicles are ubiquitous, are found and seen everywhere throughout the country at all times of day and night, in any location. As a result, the presence of such vehicles generally goes unnoticed and/or does not elicit any interest or curiosity; particularly when contrasted against the unexpected presence of a van in the early hours of the morning. As a consequence of this, the licensing authority recognises that such vehicles can provide the ideal transportation system for different forms of contraband and/or illicit activities, including but not limited to, drugs, guns, illicit alcohol or tobacco, prostitutes, vulnerable adults and/or children who may be at risk of, or are being, abused. The licensing authority notes that the use of a licensed vehicle is, in part, a function of the control and responsibility of the vehicle proprietor.

6.60. As the law allows it absolute discretion as to whether to grant a hackney carriage or private hire vehicle licence, the licensing authority will seek to ensure that vehicle proprietors are safe and suitable to have such control and responsibility for a licensed vehicle.

### **6.61. Disclosure & Barring Service (DBS) Disclosures**

6.62. The licensing authority recognises the Disclosure and Barring Service (DBS) as the legitimate body to provide access to criminal record information through its disclosure service for England and Wales.

### **6.63. The frequency of DBS disclosure checks**

6.64. Subject to any exemptions, the licensing authority will require applicants, and anyone named as a person with a financial interest on any application for a hackney carriage and/or private hire vehicle licence to submit a new and suitable disclosure from the DBS on application (whether for renewal or first-time grant). **NB:** Third party non-refundable fees may be payable for DBS services.

6.65. However, given that an individual's criminal and similar background status can change at any point, the licensing authority may require a DBS disclosure and/or associated status checks to be undertaken at any time it is considered reasonably necessary.



#### **6.66. Suitability of DBS disclosures and exemptions**

6.67. In seeking to promote its public safety and safeguarding objectives, the licensing authority will only accept original basic DBS disclosure certificates date within 1 calendar month of the application date.

6.68. In recognition that the majority of vehicle proprietors also hold a hackney carriage and/or private hire drivers' licence with the licensing authority and given the fitness and propriety considerations for the grant of a driver's licence, the licensing authority will not require a DBS certificate from any vehicle proprietor applicant, who at the time of the application holds a hackney carriage and/or private hire drivers licence issued by them.

#### **6.69. Relevance of DBS Disclosures**

6.70. As it will otherwise be unable to satisfy itself of their background and/or continuing propriety, the licensing authority will take the view that an individual (whether applicant or existing licence holder) should not hold or be given a hackney carriage and/or private hire vehicle licence where the individual –

(a) fails, or is otherwise unable to provide or obtain a suitable DBS disclosure certificate).

(b) otherwise fails (for whatever reason) to provide anything necessary to enable a requisite disclosure to be issued in accordance with DBS guidelines.

6.71. Where a DBS check is required the licensing authority will determine the relevance of convictions by reference to the policies and general guidelines set out at **appendix C**.

#### **6.72. Certificate(s) of good conduct (or suitable equivalent documents)**

6.73. In respect of statements of good conduct, the general policies and requirements that the licensing authority will apply to vehicle licensing are similar to that for driver licensing. For this reason, the policies, considerations, and requirements set out in Part 4 in this regard will, subject to the following, apply to vehicle licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to vehicle proprietors.

#### **6.74. Common Law Police Disclosure Scheme (CLPDS) (or similar)**

6.75. The licensing authority notes that the Common Law Police Disclosure scheme (CLPDS) enables the police to pass it information (e.g., of arrest and/or charge) on any individual where there is a public protection risk.

6.76. As CLPDS disclosures are generally made where there is a potential public protection risk, the licensing authority will actively seek to assess the risk and investigate all CLPD notifications made to it under this scheme. For these

reasons, the licensing authority will take a serious view of any licence holder who seeks to frustrate, obstruct, or otherwise fails to provide such assistance or information as may reasonably be required to investigate any CLPDS disclosed matters in a timely manner. Subject to the seriousness of the case and, as an indicator of propriety, this may result in the suspension or revocation of any licence held, even in the first instance.

6.77. Where appropriate, the licensing authority will determine the relevance of any background information it receives as part of a CLPDS disclosure, by reference to the policies and general guidelines set out at **appendix C**.

### **6.78. Self-reporting of criminal & similar background issues**

6.79. In recognition of the -

(d) importance of DBS checks in promotion of its public safety and safeguarding objectives, and

(e) the provisions of the Common Law Police Disclosure Scheme

... the licensing authority will, in additional to any other requirements, require, on condition of any licence granted, any licensed individual to –

(c) notify and disclose their licensed status and occupation to the relevant police officer and/or court (whether in the UK or abroad) if subject to investigation, arrest, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification; and

(d) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, reprimand, warning, conviction, driving penalty, endorsement and/or disqualification issued by the police or any other authority; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

6.80. As it may prevent the police, court(s) and/or the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with either of these conditions, particularly where they drive/operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with these conditions as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

### **6.81. Determination of safety and/or suitability of vehicle proprietors**

6.82. In considering whether to grant a vehicle licence, the licensing authority will pose and seek to address the following question (or similar); namely –

***‘Without prejudice, and based on the information before me, would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard for the duration of any licence granted to them?’***

- 6.83. If, on the balance of probabilities, the answer to the above question (or similar) is ‘no’, the licensing authority takes the view that the applicant vehicle proprietor or licence holder should not hold or be given a hackney carriage or private hire vehicle licence. In these circumstances, the licensing authority will suspend, revoke or refuse the licence as may be appropriate.
- 6.84. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should not be given ‘the benefit of the doubt’. Furthermore, in borderline cases, where it is considered 50:50 as to whether an applicant or licence holder is suitable, the licensing authority will also take this to mean that the vehicle proprietor (i.e., the applicant or licence holder) should not hold or be given a hackney carriage or private hire vehicle licence.
- 6.85. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

### **6.86. The number of hackney carriage vehicles**

- 6.87. The licensing authority notes that no powers exist to restrict the number of private hire vehicles but that quantity restrictions on the number of hackney carriages are permitted under Section 16(b) of the Transport Act 1985. This provides that ‘a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which a licence would apply) which is unmet’.
- 6.88. At the present time, no demand survey has been carried out and the licensing authority cannot be satisfied that there is no significant unmet demand for the services of hackney carriages in its area. Therefore, in accordance with the recommendations of the DfT, the licensing authority does not currently impose any quantity restrictions on hackney carriage vehicles.

### **6.89. Accessibility of vehicles**

- 6.90. As hackney carriages can be hired on the spot / in the street by customers dealing directly with the driver, the licensing authority believes that anyone should be able to hire a hackney carriage on approach of the driver with the minimum of delay and/or inconvenience. For this purpose, it is the policy of the

licensing authority that all hackney carriages should be accessible to disabled people (including – but not only- people who need to travel in a wheelchair).

6.91. As private hire vehicles can only be booked through an operator (i.e., not immediately available for hire), and hackney carriages can also be used for pre-booked journeys where appropriate, it is the view of the licensing authority that the immediate need for wheelchair accessible private hire vehicles is less essential. For this reason, while private hire operators are encouraged to offer accessible vehicles within their fleet, the licensing authority will not require, as a matter of course, private hire vehicles to provide such access.

6.92. Where any wheelchair accessible vehicle is licensed for use as a hackney carriage or private hire vehicle, it is the policy of the Council to ensure that the vehicle is, always, suitably equipped to enable safe wheelchair user access to and egress from the vehicle, together with the safe carriage of the wheelchair user within the vehicle. For this reason, the licensing authority will, where appropriate and on condition, require any non-integral vehicle access ramps, wheelchair anchorages or other relevant equipment to be indelibly marked with the vehicle registration number of the vehicle for which it has been supplied and that this is checked before use.

### **6.93. Environmental vehicle standards**

#### **6.94. General environmental policy approach**

6.95. In recognition of the Council's wider role and its climate change objectives the licensing authority seeks to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels / power, fuel, and engine efficiency (i.e., performance) etc.

#### **6.96. Vehicle emissions standard requirements**

6.97. In view of the above and, by way of encouraging a more sustainable, environmentally friendly, and efficient taxi fleet and, subject to all other requirements being met, vehicles will only be licensed as a hackney carriage or private hire vehicle where –

(a) on first time application, the vehicle is electric or otherwise meets, the extant European Emission Standards established on approximation of Council Directive 70/156/EEC of 6 February 1970 (or extant equivalent) in force at the time the application is made; or

(b) on renewal, the vehicle meets the emission standards as set out and defined within two iterations (2i) of the extant European Emission Standards in force at the time the application is made. For example, where the extant European Emission Standard at the time of application for renewal is Euro 6, the vehicle must meet at least Euro 4 emission standards.

6.98. When a new standard is introduced, there is normally a lag between the date that the new standard comes into force for manufacture, and the date by which

any new vehicle sold must meet the new standard. Therefore, to ensure market availability of suitable vehicles that meet the relevant emission standards, the current standard for the purposes of the above policy will be deemed to be the standard that new vehicles being sold must meet at the time of application.

- 6.99. Given the above time lag between new standards being introduced, and the policy coming into effect and to allow time to arrange any necessary vehicle modifications or replacement(s), the licensing authority will endeavour to notify the vehicle proprietor of any vehicle it believes will likely not comply with the 2i policy above, as soon as reasonably practicable after a new standard and date of implementation is announced. However, it asserts that it remains the responsibility of each vehicle proprietor to apply for all appropriate licences and ensure that all appropriate requirements are met.
- 6.100. For the purposes of this requirement, a vehicle shall be taken to meet the relevant emission standards if –
- (a) the date it was manufactured was on or after the date the relevant standard became compulsory for new model types; and/or
  - (b) suitable confirmation of its emission standards can be provided by a suitable independent competent person or recognised source.
- 6.101. However, in recognition of the nature and capability of some vehicles, a limited number of exemptions from the relevant emissions standard requirements may be permitted in the following circumstances.

#### **6.102. Historic and classic / niche vehicles**

- 6.103. In recognition of their cultural value and significance, the licensing authority may exempt what it considers as historic and classic / niche private hire vehicles from the European Emission Standard requirements but only where the applicant submits a suitable business case showing why –
- (a) the vehicle should be considered as historic or classic / niche vehicle.
  - (b) the vehicle is essential to the applicant's business; and
  - (c) other vehicles which meet the standards could not be used.

#### **6.104. Specialist needs transport**

- 6.105. The licensing authority recognises that some private hire vehicles may be used to carry out a specialist transport service (e.g., for a local authority contract) and/or may have undergone substantial modifications to be able to carry out a specialist service. The licensing authority may exempt specialist needs transport vehicles from the European Emission Standard requirements but only where the applicant submits a suitable business case showing –
- (a) what the vehicles are used for.

- (b) details of all specialist features, adaptations, or modifications and
- (c) why other vehicles could not be used to provide the service.

#### **6.106. Disabled Drivers**

6.107. The licensing authority may provide exemption from the European Emission Standard requirements in respect of any vehicle that has been substantially adapted for the use of disabled drivers but only where the applicant submits a suitable Motability report and other evidence clearly showing –

- (a) what adaptations are required and/or have been made and why.
- (b) confirmation of need for any adaptations from the applicant's specialist or GP and
- (c) that all adaptations have been made by an approved company.

#### **6.108. Permitted vehicle modifications**

6.109. The licensing authority recognises that some modifications to vehicles can enhance performance, efficiency and the service offered to customers, as well as provide for enhanced safety and/or revenues for vehicle proprietors and/or drivers. Accordingly, subject to all other requirements being met, the licensing authority will permit the following (or similar) modifications to vehicles -

- (a) Removal or installation of mobile communications equipment e.g., radios.
- (b) Removal or installation of mobile computer consoles (or similar) for communication and allocation of jobs with an operator.
- (c) Removal or installation of additional seats (and seat belt mechanisms).
- (d) Conversion of interim steps to running boards (and vice-versa).
- (e) Conversion to or installation of enviro-friendly/green features.
- (f) Change to and installation of a suitable taximeter.
- (g) Removal or installation of credit/debit card payment systems.
- (h) Vehicle advertising e.g., body wraps.
- (i) Removal or installation of personal safety features.
- (j) Reasonable adjustments or adaptations for disabled drivers (where appropriate).
- (k) Installation and use of a suitable bulkhead (where not otherwise required).

- (l) Installation and use of a suitable CCTV camera system.
- (m) Systems that provide for a secure driver cell.
- (n) Installation and use of a GPS tracking system.
- (o) Installation and storage of a fire extinguisher.
- (p) Installation of a panic alarm system (or similar).

6.110. However, the licensing authority will not authorise any proposed feature or modification that detracts from or otherwise affects the ability of the vehicle to comply with its vehicle specification, licence conditions and/or licensing objectives. For example, modifications that may affect the ability to carry luggage, ramps and other equipment and/or may affect safety. For these reasons, vehicle proprietors seeking to modify their vehicles in any way are encouraged to discuss their proposals with the licensing authority first. Vehicle modifications undertaken without prior approval are made at the vehicle proprietor's own risk and, where appropriate, cost if not suitable.

6.111. To ensure that vehicles continue to conform to a recognised safety standard, any modifications or repairs to any vehicle or its component parts, that may reasonably be considered integral to the vehicle, may affect vehicle integrity, or otherwise affect any vehicle safety feature (e.g., seat belts), must –

- (a) be undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter, or approved agents; and
- (b) be undertaken and certified by a competent person.

#### **6.112. In-cab-CCTV camera systems**

6.113. Mindful of its potentially intrusive nature, together with certain legalities surrounding the provision and use of in-cab CCTV, and to ensure an acceptable standard where fitted, the licensing authority will permit in-cab CCTV systems which monitor the passenger compartment only where the following requirements are met -

- (a) The system and driver / vehicle proprietor must ensure compliance with the current Information Commissioner requirements, codes of practice and data protection legislation.
- (b) Where a CCTV system includes audio recording this must be overt (i.e., all parties should be aware when recordings are being made) and targeted (i.e., only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and must recognise the need for privacy of passengers' private conversations between themselves. Activation of the

audio recording capability of a system must be able to be instigated by both the passenger or driver on operation of a switch, button or similar.

- (c) The CCTV system must be capable of manually being switched off.
- (d) All CCTV recorded images / footage and copies thereof shall, so far as is reasonably practicable, display the correct time and date of each recording.
- (e) CCTV recordings and footage must be retained for a minimum period of 28 days and be made available for review by the Police or licensing authority upon request (subject to the requirements of the Data Protection legislation in force at the time). There must be no other access to the footage.
- (f) Recordings must be encrypted, and the relevant software / access provided only to the Police and licensing authority.
- (g) All CCTV recorded images and footage and copies thereof shall, so far as is reasonably practicable, be of evidential standard / quality and otherwise be regarded as identification standard.
- (h) Cameras shall be fitted in locations that do not affect the safety of any person travelling in the vehicle, as securely and discreetly as possible so as to avoid tampering.
- (i) Where the system uses a recording facility that may be susceptible to impact, shock, vibration or similar (e.g., DVD recorders), the system is suitably protected from such factors.
- (j) Any system and associated components must meet the Electromagnetic Compatibility Regulations in force at the time.
- (k) The licensing authority must be made aware of any licensed vehicle that is fitted with in-cab CCTV.
- (l) A clear and concise advisory notice, that CCTV is fitted (and where appropriate that audio recording is available and how to activate it) shall be displayed inside each passenger compartment of the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle.
- (m) The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified and competent person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such records shall be made available to the police or licensing authority on request.



- (n) The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding its operation and use.

#### **6.114. Installation and storage of fire extinguishers**

- 6.115. As a vessel under pressure, any fire extinguisher must comply with the Pressure Systems Regulations 2000 (or extant equivalent). The licensing authority will therefore permit the in-cab installation and storage of a fire extinguisher only where it is certified by a competent person as being safe and suitably maintained.

#### **6.116. Notification of vehicle modifications to insurers and others**

- 6.117. The licensing authority notes that some vehicle modifications are subject to declaration and/or may affect the validity and extent of vehicle insurance. The licensing authority asserts that it remains the responsibility of the vehicle proprietor to make all relevant declarations and/or notify all relevant parties of any changes as may be appropriate. For these reasons, the licensing authority may, where appropriate, require suitable verification with / from any relevant party concerned (e.g. vehicle insurance company) of any relevant vehicle modification.

#### **6.118. Exceptions to permitted vehicle modifications policy**

- 6.119. Except where it may impact on safety and, subject to all other requirements being met, the licensing authority will permit temporary and minor vehicle modifications that are widely recognised and generally designed to support some social or cultural event of (inter)national significance (or similar). By way of example as to the nature and extent of this particular policy, this policy applies only to issues such as the mounting of national flags on vehicle bonnets during the FIFA World Cup, or the mounting of noses on vehicle radiator grills in support of Red Nose Day and/or similar.

#### **6.120. Vehicle recall status certification**

- 6.121. The licensing authority notes that vehicles, their components and parts may from time to time be recalled for safety-related defects and subsequent remedial works. The licensing authority also notes that recalls are co-ordinated by the DVSA in accordance with its code of practice on vehicle safety defects.
- 6.122. By way of ensuring driver and public safety, the licensing authority will not permit the use of any vehicle as a hackney carriage or private hire vehicle that is the subject of a safety-related recall which has not been subject to all relevant actions or works necessary to remedy the recall defect. Where appropriate, the licensing authority will require applicants and licensed proprietors to submit suitable documentation showing satisfactory completion of all necessary remedial actions and work relevant to any such recall and the vehicle concerned.

## **6.123. Vehicle History**

### **6.124. Stolen Vehicles, Plates and Registration Plates**

- 6.125. The licensing authority notes that each year, many vehicles, taxi plates and registration plates are stolen and re-sold on the open market; often after some modification and/or some attempt to mask the stolen or another vehicles' identity. It also notes that stolen goods remain the property of the individual or organisation from whom they were taken.
- 6.126. By way of preventing vehicle fraud, ensuring public safety and protection, the licensing authority will not accept any vehicle for licensing purposes that is currently recorded by police as stolen or otherwise written off due to theft. This policy will apply regardless of whether the vehicle presented to it meets other requirements.
- 6.127. Whilst some are recovered and returned to their owners, the licensing authority notes that stolen vehicles are often subject to significant abuse and damage by those taking them. Stolen licensed vehicles, together with their licence plates, may also offer a degree of obscurity and concealment to the criminals that take them.
- 6.128. For these reasons, the licensing authority will require, on condition of any licence granted, any vehicle proprietor to notify it, as soon as is reasonably practicable, of the theft of any vehicle or its licence or registration plates for which they are the licence holder.
- 6.129. As it may prevent it from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition.

### **6.130. Insurance write-offs**

- 6.131. The licensing authority notes that each year many vehicles are stolen and/or involved in road traffic accidents or collisions. Some of these may be reliably repaired. Others may experience more severe damage, to the point where they are no longer serviceable, safe and/or roadworthy. To ensure that vehicles are safe to drive and not subject to fraud, it is essential to check if a car has been involved in an accident or written off due to theft or damage or, where appropriate, that it has subsequently been repaired to a suitable standard by a competent person.
- 6.132. For reasons of public safety and protection, the licensing authority will not licence any vehicle that has been subject to such damage as to be categorised as a category A or B 'write off' under the extant Code of Practice for the Disposal of Motor Vehicle Salvage. As damage at this level cannot always be detected or fully repaired, this policy will apply regardless of whether the vehicle has since been repaired to an MOT pass standard.

6.133. Subject to the following and all other criteria being met, the licensing authority may, where appropriate, licence vehicles categorised under the extant Code of Practice for the Disposal of Motor Vehicle Salvage as –

- (a) category C (where repairable but not economically viable i.e., an insurance write-off)
- (b) category D (vehicle is damaged but repairable)
- (c) category N (repairable non-structural damage) or
- (d) category S (repairable structural damage).

6.134. However, before a licence is granted, or where appropriate, re-instated, the licensing authority will require relevant paperwork to confirm that the vehicle is suitably repaired and roadworthy, this will include but is not limited to evidence:

- (a) of the repair(s) carried out.
- (b) That repair(s) were undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents.
- (c) That repair(s) were carried out by a competent person, and
- (d) That the vehicle has subsequently passed an MOT.

### **6.135. Scrapped Vehicles**

6.136. The licensing authority notes that by law, vehicles previously marked as scrapped by the DVLA should not be on the road or otherwise available for sale in the UK. However, in the same way that vehicles which have been written off by insurance companies can make it back onto the open market, the same can happen with scrapped cars. As most scrapped vehicles are end-of-life and/or vehicles with significant mechanical or other serious faults these can present significant risks to anyone using one, together with other road users.

6.137. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not grant or renew a hackney carriage or private hire vehicle licence in respect of any vehicle that has previously been marked or recorded as scrapped by the DVLA. This policy will apply regardless of whether any vehicle presented to it meets all other requirements.

### **6.138. Vehicle mileage discrepancies**

6.139. According to some observers, several vehicles in the UK has a discrepancy between its actual and apparent mileage. Whilst some discrepancies may be legitimate, the licensing authority notes that vehicle mileage discrepancies can be a sign that a vehicle has been 'clocked', meaning someone has tampered with the odometer to make it appear as if the vehicle has done fewer miles than it actually has, masking the real mileage of the vehicle.

6.140. Whilst 'clocking' is often done to maintain or enhance a vehicle's value, this can result in a dangerous vehicle as it may mask the degree of wear and tear on the vehicle and/or other serious and costly problems. Clocking also raises concerns about major component failure(s) because they will not have been scheduled to have been replaced at the right time. Vehicle proprietors may also end up paying well over the odds for the vehicle (depending on how much its mileage has been changed by) and may consequently experience difficulties in maintaining it (i.e., affordability).

6.141. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not, subject to the following exceptions, grant or renew a hackney carriage or private hire vehicle licence in respect of any vehicle that is the subject of any mileage discrepancy.

#### **6.142. Exceptions**

6.143. The licensing authority notes that odometers and associated instrument clusters where the vehicle mileage is displayed can sometimes become faulty, be damaged (e.g., in a vehicle accident) and/or necessitate replacement. Some vehicles may also suffer electrical faults which can cause digital mileage data corruption along with other important vehicle data. In such circumstances, the licensing authority notes that mileage correction may be legitimately required to restore odometers and associated instrument clusters to their pre-fault value(s).

6.144. The licensing authority may therefore deviate from its general policy on mileage discrepancies and renew a hackney carriage or private hire vehicle licence in respect of any vehicle that is the subject of any mileage discrepancy, but may do so only where –

- (a) The vehicle was licensed with RBC at the time that the discrepancy occurred.
- (b) A suitable report is received from a competent person confirming the issue that led to the discrepancy, and any works that have been carried out to repair / replace parts in relation to it (by that competent person).
- (e) Evidence that repair(s) were undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents, and
- (c) An estimation of the correct mileage of the vehicle, with any available evidence.

6.145. Where the evidence of the estimated mileage is not to the satisfaction of the licensing authority, the vehicle will be required on condition to have the maximum number of MOT's each year, in accordance with the licensing authority's MOT policy, as if the vehicle was over the highest threshold in overall or annual mileage.

### **6.146. Imported Vehicles**

6.147. Imported vehicles that were delivered new and/or used in another country may not be built to UK specifications and requirements. The history of imported vehicles can be difficult to trace back further than when they were first registered in the UK. Imported vehicles may also be more expensive to insure and maintain; it generally being harder to obtain specialist servicing and/or replacement parts.

6.148. However, it is not possible to register an imported vehicle with the DVLA until such time as all requirements are met and the vehicle approval has been evidenced, therefore showing that the vehicle meets the UK requirements and safety standards. Issues of more expensive insurance and maintenance are considerations for the vehicle proprietor, therefore the licensing authority will allow a licence for an imported vehicle, if evidence of UK registration with the DVLA is received, and all other policy requirements are met.

### **6.149. Exported Vehicles**

6.150. The licensing authority notes that any vehicle recorded as officially exported, should not be available for sale in the UK, or otherwise be in the country as it cannot legally be used or insured on UK roads. As such, the identity of any presented vehicle recorded as exported is open to question together with whether the vehicle has been cloned.

6.151. For reasons of public safety and protection and by way of preventing vehicle fraud, the licensing authority will not accept any vehicle for licensing purposes that has previously been marked for or recorded as having been officially exported.

### **6.152. Vehicle registration plate (number plate) checks**

6.153. The licensing authority notes that it is relatively easy to change vehicle number plates. Indeed, some people may legitimately change a vehicles' registration plates to personalise their vehicle. However, in some cases, criminals and the unscrupulous can change vehicle number plates and/or replace them with those of another vehicle to hide a vehicle's history and/or identity.

6.154. For these reasons, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of those vehicles where the vehicle registration plate (and identifier) has been suitably validated and is consistent with the vehicle and all associated documentation concerned.

### **6.155. Logbook (V5 registration document) checks**

6.156. The licensing authority notes that a vehicle logbook (the V5C or vehicle registration document) registers a vehicle with and is issued by the Driver and Vehicle Licensing Agency (DVLA). It contains all the essential information about a vehicle, such as the date it was first registered, its manufacturer, colour,

engine size and vehicle identification details. The V5C logbook is also used to record the details of the registered keeper of a vehicle and may be subject to multiple updates and (re)issue when the vehicle is sold or transferred on to a new keeper.

- 6.157. For these reasons, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of vehicles where the vehicle logbook has been suitably validated, is current, up-to-date, and consistent with the vehicle concerned.
- 6.158. To ensure appropriate consent and/or use of the vehicle, the licensing authority will require the registered keeper where an individual to be listed on, and sign the application form for a vehicle licence either as the applicant, or a person with a financial interest in the vehicle, who would also become a joint vehicle proprietor.
- 6.159. Where the registered keeper is a company, but not the applicant for the vehicle licence e.g., where the vehicle is leased, the licensing authority will require a copy of the contract with or confirmation in writing from the registered keeper on letter headed paper, that they consent to the use of the vehicle as a hackney carriage or private hire vehicle, and to the relevant applicant applying for the requisite licence for the vehicle.
- 6.160. The licensing authority recognises that when a brand-new vehicle is purchased, there may be some delay in receiving the V5C, therefore the licensing authority will not delay licensing for this purpose, subject to submission of documentation showing that the applicant has purchased the vehicle e.g., a bill of sale. However, so that the licensing authority can be satisfied that the vehicle is appropriately registered, the licensing authority will require on condition the V5C to be submitted when received.
- 6.161. So as to ensure that V5C documentation remains up to date, the licensing authority will on condition require notification and submission of the new V5C at any time that it is re-issued by the DVLA e.g., change of ownership, address or any other detail.

#### **6.162. Vehicle Identification Numbers**

- 6.163. The licensing authority notes that all vehicles are given a unique vehicle identification number (VIN) and engine number at the point of manufacture.
- 6.164. The VIN is marked and displayed on each vehicle in several places. The exact location of each VIN plate varies depending on vehicle design and manufacturer. However, typical locations include the vehicle chassis, under the bonnet, under the carpet by the driver's seat, the passenger door jamb and/or etched on to the vehicle windows. The engine number is specifically stamped on the vehicle engine. The VIN and engine number are also detailed in the vehicle logbook (the V5C or vehicle registration document).

6.165. The licensing authority is also aware that missing, illegible, damaged or inconsistent vehicle identification and/or engine numbers can be a sign that a vehicle has been stolen, cloned, modified or has otherwise encountered other problems that may be being masked.

#### **6.166. Engine and vehicle identification number (VIN) policy**

6.167. By way of ensuring that vehicles and major parts are safe, suitable and conform to a recognised standard, the licensing authority will, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only in respect of those vehicles that have clear and consistent engine and vehicle identification number (VIN) markings on the vehicle, its relevant parts and documents.

6.168. As it will otherwise be unable to satisfy itself of a vehicle's identification, suitability and/or standards, the licensing authority will not grant a hackney carriage or private hire vehicle licence in respect of any vehicle where VIN markings or engine numbers –

- (a) are missing; illegible, damaged, defaced altered or tampered with in any way; or
- (b) are otherwise inconsistent on the vehicle (e.g., VIN plates, serial number plates, engine number plates) and/or related documents (e.g., MOT, V5 registration document, sale documents, vehicle history check etc).

#### **6.169. Vehicle History Checks**

6.170. In view of the above issues in respect of vehicle history, and to ensure that appropriate safeguards are in place, the licensing authority will, on first time application for any vehicle to be licensed as a hackney carriage or private hire vehicle, which is not brand new and purchased directly from a dealership, or where any vehicle has not been continuously licensed with the licensing authority, require applicants to submit a suitable vehicle history check (sometimes known as an HPI check) (or extant equivalent), dated no longer than 14 days before the vehicle is to be licensed, that covers, as a minimum, the following:

- (a) Outstanding finance on the vehicle.
- (b) Previous Write-offs.
- (c) Whether the car has been reported stolen.
- (d) Vehicle identity (including VIN and engine number).
- (e) Registration Changes.
- (f) Mileage Check.

(g) Whether the car has been scrapped.

(h) Whether the car has been exported

6.171. The licensing authority may, where it considers it appropriate to do so, require a vehicle history check at any time. **NB:** Third party non-refundable fees may be payable for these services.

6.172. As it will otherwise be unable to satisfy itself of a vehicle's suitability for licensing purposes, the licensing authority will refuse to grant a hackney carriage or private hire vehicle licence in respect of any vehicle where a suitable vehicle history check has not been provided at the time of application. Similarly, the licensing authority will not grant and may suspend or revoke a hackney carriage or private hire vehicle licence in respect of any vehicle where there is any contra-indication to the checks outlined.

### **6.173. Vehicle testing**

6.174. By way of satisfying itself of the safety, roadworthiness and suitability of vehicles, the licensing authority will require each vehicle to be subject to the following on application for both grant or renewal of a hackney carriage or private hire vehicle licence; namely -

(a) a valid MOT pass certificate, and

(b) inspection by Council officers.

### **6.175. MOT inspection and testing**

6.176. Under UK law (see the Road Traffic Act 1988), most vehicles over three years old used on any road must be subject to annual inspection and testing of vehicle safety, roadworthiness and exhaust emissions. This test and the associated pass certificate are often referred to as an 'MOT'. Whilst many local garages are authorised to perform MOT tests and to issue MOT certificates, MOT testing is regulated and licensed by the Department and Transport and the Driver and Vehicle Standards Agency (DVSA).

6.177. It is unlawful to drive a non-exempt vehicle that requires a test on public roads without a valid MOT, except when driving to or from (subject to insurance terms and conditions) a pre-booked MOT test.

6.178. The licensing authority notes that an MOT test certificate confirms that at the time of test, the vehicle has met the minimum acceptable environmental and road safety standards. It does not mean that the vehicle is roadworthy for the life of the MOT certificate. A vehicle could suffer a fault or damage after an MOT has been carried out, but the MOT certificate would still be valid, and obtaining a new one is not required by law. However, driving a vehicle which is in a dangerous condition on a public road is always illegal, irrespective of its test status.



6.179. To ensure that hackney carriage and private hire vehicles are safe and roadworthy, the licensing authority will require both on initial grant and renewal, the vehicle to have passed an MOT test within the preceding 28 days (on renewal within 28 days of the expiry date of the existing licence).

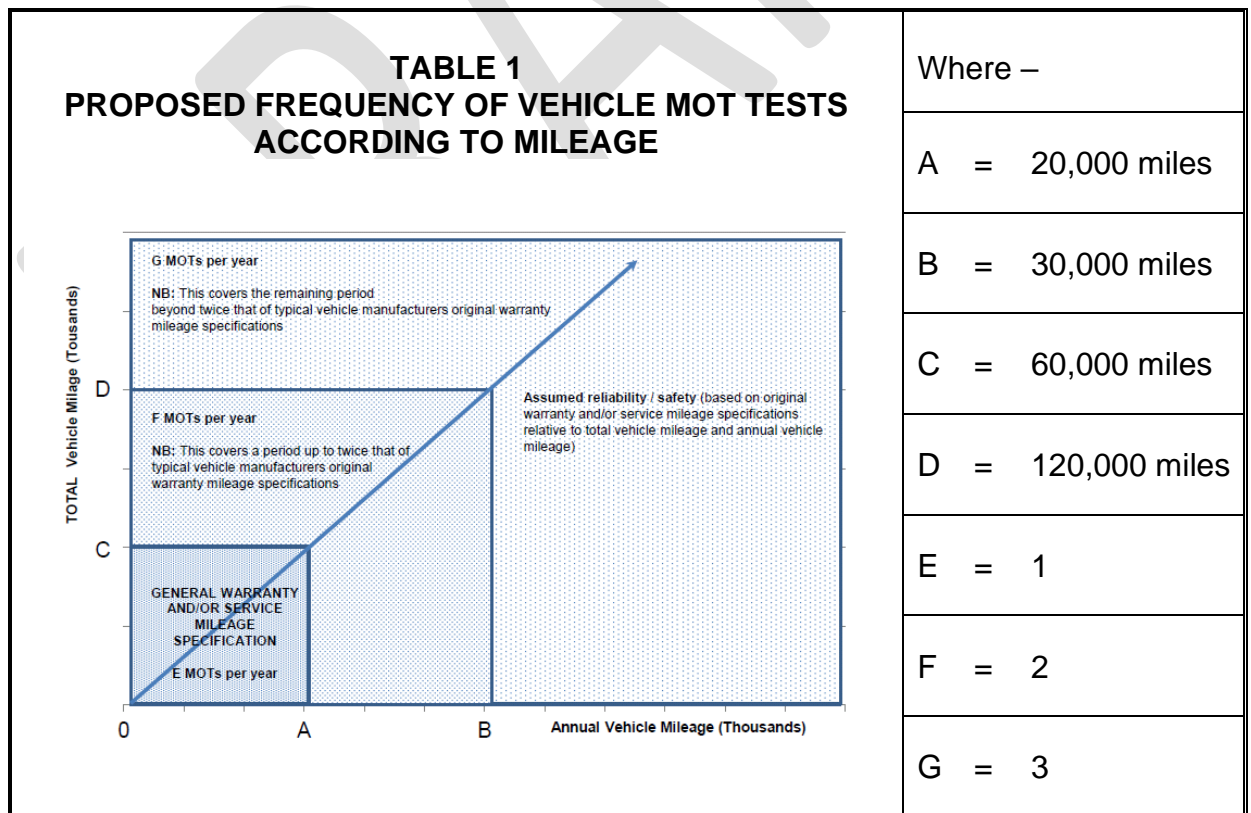
6.180. Where a brand new vehicle is to be licensed for the first time (within 56 days of the date of registration) in recognition that the vehicle will not have been used or subject to any wear and tear, an MOT test will not be required.

6.181. By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by the DVSA.

**6.182. Additional MOT inspection and testing requirements**

6.183. As hackney carriage and private hire vehicles are generally subject to high use and high mileage, the licensing authority considers it appropriate that all such vehicles should be subject to additional MOT inspection and testing above initial grant, renewal and/or annual MOT requirements.

6.184. To ensure vehicle safety and facilitate maintenance, the licensing authority will therefore require, on condition, licensed hackney carriages and private hire vehicles to be subject to MOT inspection and testing according to the frequencies determined by either the annual or total vehicle mileage limits (whichever greater limit applies) detailed in **table 1** below.



6.185. For these purposes, annual vehicle mileage shall be taken to mean the difference between odometer readings as recorded on the MOT completed at

the time of application and the MOT certificate undertaken for the previous application (where a vehicle is issued for 6 months, this will be doubled to provide a year of data). Where a vehicle was licensed as a brand-new vehicle and therefore not required to have an MOT in accordance with the above policy, the starting mileage will be considered as 0 for the purposes of calculating the number of MOT's required by condition on the subsequent licence.

- 6.186. Given that it is expected that a 6-month vehicle licence will only be applied for when the vehicle proprietor does not intend to renew the licence on its expiry (e.g. intends to replace the vehicle or leave the trade), in the circumstances where a vehicle falls into the 3 MOT's per year category, and a 6 month licence is applied for, the condition will be applied as for a 1 year licence that the MOT is due 4 months after licensing in accordance with the above. However, if the vehicle proprietor chooses to renew the vehicle licence, in accordance with this policy, an MOT will still be required in the 28 days preceding the expiry date of the licence.
- 6.187. As mechanical and electrical faults and other issues affecting roadworthiness may occur at any time during the term of a licence (where granted), the licensing authority may require additional inspection, test and MOT checks to be undertaken at any time it is considered necessary in the circumstances.
- 6.188. Recognising that good vehicle maintenance is a factor in ensuring roadworthiness and safety, the licensing authority will, subject to an initial warning on identification of the first concern, increase the number of required MOTs by a factor of one on licence renewal, where there are any indicators of poor vehicle maintenance. This may include, but is not limited to –
- (a) Repeated MOT failures prior to repair and pass (two or more occasions in a rolling 2-year period) and
  - (b) Where a previous MOT advisory results in current MOT failure
- 6.189. Where applied, this policy will apply for the life of the vehicle under licence with the vehicle proprietor concerned. Where a vehicle licence is subsequently transferred from one person to another, this policy will not be applied where the incumbent vehicle proprietor has no prior history of poor vehicle maintenance.
- 6.190. Where a vehicle proprietor repeatedly fails to carry out MOTs on time in accordance with licence conditions (two or more occasions in a rolling 2-year period), the licensing authority will, subject to an initial warning the first time it occurs, limit the term and duration of all hackney carriage or private hire vehicle proprietor's licences held by that licence holder in accordance with the MOT frequencies specified in this part.
- 6.191. MOT advisories / minor defects**
- 6.192. Advisory notes and / or minor defects may be provided as part of an MOT. Whilst not reasons to fail an MOT test, these notes give notice of things that

may eventually need fixing on a vehicle. Advisory notes and minor defects vary in importance dependent upon what they are for and can range from minor problems (e.g., a stiff boot) to early warnings of more serious issues which, if left unchecked, could lead to future MOT failure(s) and safety problems (e.g., signs of corrosion, low tyre tread depth, worn brake pads / discs, number plate deterioration etc).

- 6.193. As some advisory matters / minor defects (e.g., tyres close to the legal limit) may develop into unsafe and/or unlawful conditions during the term of a licence and/or the period between MOTs, the licensing authority is of the view that some advisory matters / minor defects should be subject to ongoing checks, maintenance and/or repairs as may be appropriate.
- 6.194. For this reason, and to ensure that hackney carriage or private hire vehicles remain safe and roadworthy, the licensing authority will where appropriate on condition require evidence that any advisory issue is being monitored and / or repaired / replaced within a suitable timescale.

### **6.195. Vehicle servicing & maintenance**

- 6.196. In recognition that poor vehicle maintenance can impact both on driver, passenger and public safety, the licensing authority will, regardless of any other policies or requirements, expect vehicle proprietors to maintain their vehicles in a good, roadworthy condition at all times and to exercise all due diligence in demonstration thereof.
- 6.197. In recognition that vehicles and/or their parts may fail at any time due to use, wear and tear and environmental conditions etc. the licensing authority contends that basic maintenance and safety checks should be undertaken before any licensed vehicle is taken out on the road and that all such checks should be subject to all due diligence.
- 6.198. For these purposes, the licensing authority will require vehicle proprietors, on condition of any licence to ensure that vehicle checks are carried out, on every day that the vehicle is used as a hackney carriage or private hire vehicle, before work commences, and keep and maintain a written record (paper or electronic) including the following:
- (a) The date & time that the check was carried out,
  - (b) The person who carried out the check,
  - (c) The vehicle functions and parts checked,
  - (d) Any defects identified, and
  - (e) Any remedial action taken

6.199. As a minimum, the licensing authority expect as a minimum the following to be checked to ensure that they are in a roadworthy condition, and / or are fully working:

- (a) Tyres (tread, pressure, damage etc.),
- (b) all vehicle lights,
- (c) windscreen wipers,
- (d) that there are no warning lights illuminated, and
- (e) time on taximeter (where one is fitted)

Whilst not needing to be checked daily, regular checks should also be carried out and recorded to ensure that oil, water, coolant, brake fluid and screen wash levels are suitable.

6.200. The licensing authority may ask to see these or the vehicle repair / service records at any time. Given the importance of maintaining the vehicle for the safety of the driver, passengers and other road users, the licensing authority will take a serious view of any vehicle proprietor who fails to ensure the vehicle is suitably maintained, checks are carried out or provide the records on request.

**6.201. Self-directed vehicle maintenance and repairs**

6.202. To minimise costs and/or maintain personal interests, some drivers and vehicle proprietors may seek to undertake their own vehicle maintenance and repairs. However, the licensing authority notes that some vehicles, their component parts and/or the interactions between them can be technically complex and require some degree of knowledge, skill and/or competence to test, inspect, replace, update and/or maintain etc.

6.203. In addition, the licensing authority contends that licensed vehicles have been licensed at the standard and specification determined at the point of being licensed.

6.204. In view of the above, the licensing authority will not discourage appropriate self-directed vehicle maintenance or repair but does expect that all vehicle maintenance and/or repairs are undertaken by a competent person who is suitably trained to a level commensurate to the type and nature of any work undertaken. Subject to its policies on vehicle modifications, the licensing authority also expects that any maintenance or repairs resulting in replacement or update of any vehicle parts are undertaken with suitable parts of the same (or equivalent) specification as the original vehicle specifications.

6.205. As poor vehicle maintenance, repair and/or use of unsuitable parts can cause or otherwise contribute to vehicle safety failure(s) and/or accidents, the licensing authority will take a serious view of any driver and/or vehicle proprietor

who undertakes any vehicle maintenance and/or repair for which they are not suitably trained or competent and/or where they use unsuitable parts and may request evidence of competence.

6.206. In recognition that many modern vehicles employ engine management and other systems, any reference to vehicle parts shall, in addition to any physical part(s), be taken to include vehicle management and/or systems software.

#### **6.207. Prolonged vehicle repairs / maintenance**

6.208. The licensing authority recognises that at times repairs on vehicles may take a long time due to availability of parts, complexity of works etc. In order to ensure that licensed vehicles cannot be used for licensable activities when not fit to do so, where a licensed vehicle has a defect that means it is likely to be off the road for a prolonged period of time (over 1 week) whether that be due to a mechanical fault or accident damage, the licensing authority will suspend the vehicle licence, require the plates to be temporarily returned to them and require evidence (a date stamped photograph) of the vehicle mileage at the time that it was taken off the road.

#### **6.209. Council test & inspection**

6.210. In recognition that an MOT check confirms that the vehicle is roadworthy, but does not check fixtures and equipment relevant to the comfort of passengers, standards of cleanliness and general condition / perception of the vehicle or requirements specific to its use as a hackney carriage or private hire vehicle in accordance with the policy of the licensing authority, the licensing authority will require both on initial grant and on renewal, the vehicle and, where appropriate, all relevant effects and equipment (e.g., ramps, anchorages etc), to be presented for test and/or inspection by licensing officers to ensure that it is suitable for public use.

6.211. Dependent on the nature of any issue identified during the council inspection, the licensing authority may refuse to grant or renew the licence, require remedial action before the licence is granted or renewed or grant or renew the licence subject to a condition that the issue is rectified within a suitable timescale.

6.212. For reason of ensuring public safety and the suitability of vehicles (and in accordance with legal frequency), the licensing authority may require vehicles to be presented for additional checks during the life of any licence, and where issues are identified require remedial works and / or suspend or revoke the vehicle licence. The licensing authority may from time-to-time search vehicles (i.e., for drugs, weapons, and anything else that does not belong in a public setting).

6.213. Where, during any inspection or on receipt of any intelligence / information there is an indication that there may be a mechanical issue with the vehicle, the licensing authority may require (in accordance with S68 of the Local

Government (Miscellaneous Provisions) Act 1976) the vehicle to be presented at a garage of the licensing authorities' choice for inspection.

## **6.214. Vehicle insurance**

6.215. The Road Traffic Act and associated Regulations require a suitable policy of insurance is in force in relation to the use of most motorised vehicles on the public highway. For this reason and similar requirements made by under S48(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority will require a suitable policy of insurance on grant or renewal of any hackney carriage or private hire vehicle licence and, on condition, that this is suitably maintained.

6.216. For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will be taken to mean –

- (a) a valid and fully comprehensive policy.
- (b) a policy that provides indemnity cover for each licensed driver of the vehicle concerned.
- (c) a policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate.

6.217. The licensing authority further notes that licensed hackney carriages and private hire vehicles can only be driven by a licensed hackney carriage and/or private hire driver and that this applies regardless of whether the vehicle concerned is, at any time, being used for public or private purposes. For this reason, the licensing authority will **not** accept any vehicle insurance as being suitable where it includes any named driver that is not licensed by them as a hackney carriage and/or private hire driver. Applications made with insurance that also covers one or more unlicensed drivers will be refused.

## **6.218. Bereavement**

6.219. In the unfortunate situation that a vehicle proprietor passes away, where there is a person with a financial interest in the vehicle named on the hackney carriage and/or private hire vehicle licence, and therefore jointly responsible for the vehicle licence, that person will automatically become the vehicle proprietor and be able to deal with any licensing related requirements.

6.220. Where there is no person with a financial interest named on the hackney carriage and/or private hire vehicle licence, the licensing authority will require proof of inheritance of the vehicle (e.g., copy of will, probate documents) to transfer the licence into the relevant person's name, along with any other submissions required in accordance with this policy (e.g., DBS certificate, insurance, V5C etc). Given the time that it may take to obtain these documents, and to ensure no unlawful use of the vehicle as a hackney carriage or private hire vehicle in the interim period, the licensing authority will suspend the vehicle licence until such time as the documentation is provided.

## **6.221. Taxi fares and meters**

### **6.222. Background & Context**

6.223. S65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the licensing authority may set the rates or fares for hackney carriage journeys within its area (as well for time and distance) by means of a table or scheme of fares. Whilst not a statutory requirement that taxis must be fitted with a taximeter, once established, the only means by which the scheme of fares can be reliably and impartially calculated is by a taximeter.

6.224. A taximeter is a mechanical or electronic device that calculates passenger fares based on a combination of distance travelled and journey duration, including waiting time. Distance is typically measured using a pulse generator (i.e. a transducer) fixed to a moving part of the vehicle, whilst duration and waiting time is regulated by an in-built clock. As a measuring instrument (measuring time and distance), taximeters used in the UK must comply the requirements of the Measuring Instruments Regulations 2016 (SI 2016/1153) which implement Council Directive 2014/32/EU (or extant equivalent).

6.225. Modern digital taximeters are programmed using access ports through which the taximeter parameters can be adjusted or calibrated to suit the class and type of vehicle concerned and the local scheme of fares to be applied. Taximeters are often 'sealed' after calibration to prevent tampering, adjustment, and fraud.

6.226. It is, within Rushmoor, an offence under S58 of the Town Police Clauses Act 1847 to charge more than the permitted scheme of fares; as effectively shown on the taximeter, plus any legitimate extras.

6.227. There is no similar power to set the fares charged by private hire drivers / operators. These are entirely a matter for negotiation with, and form a private contract between, the hirer and the operator. However, S71 of the Local Government (Miscellaneous Provisions) Act 1976 provides that where a private hire vehicle is fitted with a taximeter, the taximeter must be tested and approved by or on behalf of the licensing authority which issued the relevant vehicle licence. In light of this, where it is the intention for any private hire vehicle to be used with a taximeter, the licensing will check the meter as part of the Council Test inspection and will not licence the vehicle until they have been able to do so.

### **6.228. Taximeter policy**

6.229. As it sets a scheme of hackney carriage fares, the licensing authority will, by way of ensuring public protection, require, on condition of any hackney carriage vehicle licence and any private hire vehicle licence where the vehicle is fitted with a taximeter, that -

- (a) such a vehicle must be fitted with a suitable taximeter that calculates and displays the fare for each journey in accordance with its extant scheme of fares.
- (b) the fare display of the taximeter must be clearly visible to all passengers at all times.
- (c) a fare chart is displayed in the passenger compartment of the vehicle.

6.230. By way of ensuring public protection, the licensing authority will require, on condition, where appropriate, that any adjustment, calibration, calendarisation, programming and/or sealing of any taximeter is undertaken and certified by an independent competent person (e.g., an accredited taximeter agent).

6.231. By way of ensuring public protection, the licensing authority will require, on condition, any driver and/or vehicle proprietor to present any licensed vehicle fitted with a taximeter at such reasonable time and place to enable its inspection and testing on request.

### **6.232. Lifting equipment inspection certification**

6.233. The licensing authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment & Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law, the licensing authority will require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g., powered swivel seats, mechanical lifts etc).

### **6.234. Vehicle photographs**

6.235. By way of monitoring and recording vehicle condition, colour and advertising, the licensing authority will require applicants to –

- (a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the vehicle licence) suitable digital colour photographs of the vehicle; or
- (b) submit, at their own expense, suitable colour photographs.

### **6.236. CONDITIONS OF VEHICLE LICENCE & ASSOCIATED POLICIES**

6.237. Section 47(1) and Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a hackney carriage and private hire vehicle licence as may be considered reasonably necessary.



### **6.238. Relevance of conditions and other vehicle requirements**

6.239. Failure to comply with vehicle licence conditions and associated requirements may, where appropriate, be used as an indicator of vehicle safety, condition or status and may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

### **6.240. The numbers to be carried in licensed vehicles**

6.241. In recognition that the number of people to be carried in a hackney carriage or private hire vehicle can impact on public safety and/or determine the licensing regime applicable to the vehicle, the licensing authority will specify the total number of passengers that may be carried in any such vehicle. Subject to any exemption, this limit will be detailed on the vehicle plate and licence.

6.242. The licensing authority will licence only those vehicles capable of carrying up to eight passengers; this being the statutory maximum before a public service vehicle licence is required. However, the actual number of passengers to be carried in any one vehicle will be determined with reference to the following -

- (a) the manufacturers recommendations.
- (b) the number of passenger seats specified on the DVLA vehicle registration document V5.
- (c) the number of available seats and suitably fitted seat belts; and
- (d) the relevant vehicle specification.

### **6.243. Distinction between hackney carriage & private hire vehicles**

6.244. It is widely recognised that members of the public can often confuse private hire vehicles with hackney carriages without realising that private hire vehicles are not available for immediate hire or otherwise able to be hailed in the street. As this may affect insurance, the licensing authority considers it particularly important that the public can easily distinguish between each type of vehicle. A similar requirement is required in law under S48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

6.245. For these reasons, while it will accept similar types of vehicles to be licensed as a hackney carriage or private hire vehicle (except for purpose built London style 'black cabs'), the licensing authority will, where appropriate, seek to distinguish between hackney carriage and private hire vehicles by application of the following policies and considerations.

### **6.246. Vehicle plates**

6.247. To ensure that members of the public can easily identify a licensed vehicle, together with the number of passengers that it can carry, the licensing authority

will require, on condition, both hackney carriage and private hire vehicles to display a licence plate both –

- (a) on the exterior, at the rear of the vehicle;
- (b) on the interior, on display to the passenger compartment; and
- (c) in the case of private hire, on each side of the vehicle.

6.248. For clarity and ease of recognition, all licence plates will be of the specified size, shape and design outlined in **appendix D**.

**NB:** The licensing authority will allow some limited exemptions to these general requirements in accordance with the reasons and policies set out below.

#### **6.249. Plate/badge numbers policy**

6.250. To provide for the simple yet reliable identification of licensed vehicles, the licensing authority will issue a unique number which will correspond with the number of the vehicle licence (where granted) that will be used on all licence documents and plates. Subject to the policies detailed below, the number given will be issued on a first-come, first-served basis. However, numbers may be recycled for use once surrendered by the current user.

#### **6.251. Customisation of plate/badge numbers**

6.252. The licensing authority recognises that drivers and vehicle proprietors sometimes like to personalise the plate number that they are assigned (e.g., to match their vehicle call sign, radio number or vehicle index etc). Therefore, the licensing authority will offer numbers within the current range that are available for use, only where this is requested at the time of the application.

6.253. In recognition that some plate/badge numbers can be sensitive and/or perceived as offensive (e.g., 911, 666 etc), the licensing authority will seek to avoid issue and, where appropriate, to subsequently withdraw (on renewal or on exchange for an alternative) any vehicle plate/badge numbers that may reasonably be considered offensive.

#### **6.254. Colour of vehicle plates/badges**

6.255. To distinguish one type of vehicle from another, the licence plates / badges of hackney carriage and private hire vehicles will be printed in different colours.

#### **6.256. 'Pre-booked only' side plates for private hire vehicles**

6.257. As private hire vehicles cannot be hired immediately through the driver and may otherwise look like an ordinary vehicle, the licensing authority considers it important for public safety that the following details be provided on approach to any private hire vehicle offering a public service. For these reasons, the licensing authority will require them to prominently display on each side of the

vehicle, a sign (so-called 'side plates') of specified size, shape and design (see **appendix D**) that clearly –

- (a) Identifies the relevant vehicle plate number (i.e., licence number: XXX);
- (b) identifies the relevant licensing authority, and
- (c) specifies the words 'Advance bookings ONLY' (or similar).

6.258. However, we recognise that some businesses may prefer to use their own corporate vehicle branding rather than display licensing authority side plates. As such, the licensing authority may, where appropriate, and subject to the requirements concerning advertising, exempt private hire vehicles from the display of licensing authority designed side plates in favour of corporate branding / side plates, but only where the details listed above are –

- (a) prominently displayed on each side of the vehicle, is clear to read, and obviously stands out despite any other information e.g., operator name, telephone number
- (b) displayed in a suitable font that is, where appropriate -
  - (i) with respect to the vehicle plate number and licensing authority details, no less than 30mm in height; or
  - (ii) with respect to the 'Advance bookings ONLY' sign, no less than 20mm in height.

## **6.259. Roof mounted signs**

6.260. Hackney carriages must carry and display or otherwise be fitted with a roof mounted 'Taxi' or 'for hire' sign (or similar wording) that is clearly visible when the vehicle is available for hire both by day and night. To avoid claims of illegally plying for hire (e.g., in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

6.261. To avoid any confusion with a hackney carriage, the licensing authority will seek to ensure that private hire vehicles do not employ, display or otherwise have affixed –

- (a) any form of roof-mounted sign (whatever its wording).
- (b) any advertising, sign or other wording displayed on or in the vehicles that uses the words 'Taxi', 'Hackney', 'Cab', 'For Hire' or similar.

## **6.262. Alternative arrangements for certain private hire vehicles**

6.263. It is the view of the licensing authority that some private hire vehicles that provide limited, non-public driving services (e.g., executive chauffeur services, stretched limousines, vintage and other specialist vehicles etc) are -

- (a) self-evidently not a hackney carriage; and/or
- (b) do not need to be readily distinguished from a hackney carriage by the additional specific signage set out above.

6.264. The licensing authority believes that such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.

6.265. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer private hire vehicles used to provide exclusively limited, non-public prestige / executive driving services an exemption from the requirements to display an external rear plate and side plates. However, so that any such vehicle can be identified as a licensed vehicle, the licensing authority will require, on condition, that a licence plate of specified size, shape and design (see **appendix D**) be clearly displayed in the front windscreen of the vehicle.

6.266. For clarity and distinction between different categories of vehicles, this alternative arrangement shall not apply to any private hire vehicle that undertakes any general public work or school contract work.

## **6.267. Advertising on licensed vehicles**

6.268. The licensing authority recognises that advertising on and within licensed vehicles can provide a valuable income stream to the vehicle proprietor, and will, subject to the following, permit suitable advertising to be –

- (a) wrapped around the vehicle body (i.e., on all sides); and/or
- (b) displayed within the passenger compartment.

6.269. However, by way of further distinction between hackney carriage and private hire vehicles, and by way of providing clarity to the side plates required on private hire vehicles, the licensing authority will not permit any advertising on the exterior of any private hire vehicle, other than suitable corporate branding of the operator concerned.

6.270. For reasons of driver and public safety, the licensing authority will not permit any advertising material, corporate branding, or any other medium that –

- (a) interferes with any equipment fitted to the vehicle (including the vehicle electrics and wiring etc).
- (b) interferes with any vehicle design features such as methods of fixing, brake cooling vents, tyre inflation valve or with any wheel balancing dynamics or steering operation,
- (c) obscures any vehicle lights or 'For Hire' sign,
- (d) creates any safety hazard (e.g., non protected screens, headroom hazards etc).
- (e) uses or emits audio.

6.271. Further to the above, and by way of -

- (a) preventing any reduction to driver visibility (and therefore any impact on driver and public safety) and
- (b) ensuring maximum visibility into and throughout the vehicle (for the benefit of driver and public safety).

the licensing authority will not permit **any** advertising, corporate branding, or any other material, other than that which is required by law or on condition of licence, to be displayed on, or otherwise obscure any windscreen, window, or mirror.

6.272. In recognition that the nature, design, and content of some advertising can affect the visibility and clear distinction of other relevant signage, the licensing authority will not permit any advertising (including corporate branding) that obscures or confuses the visibility, legibility, clarity, or distinction of –

- (a) the vehicle licence plate.
- (b) the vehicle registration number.
- (c) any vehicle side plates or signwriting.
- (d) any fare(s) summary information required to be displayed by law or on condition of licence or
- (e) any other notice required to be displayed by law or on condition of licence.

6.273. In recognition that some forms of advertising can be misleading and/or inappropriate etc, the licensing authority will, where appropriate, expect and require, on condition, that –

- (a) nothing shall be displayed on or in a vehicle advertising, tobacco products, alcohol, contraceptives, sex shops, sex articles or sex-related products or services, gambling activities or which contains nudity.
- (b) no advertisement be displayed in relation to race, religion or anything that may reasonably be offensive.

6.274. Given the above and the discretion afforded in vehicle advertising, the licensing authority reserves the right to require any advertisement it deems unsuitable to be removed where appropriate.

### **6.275. Use of vehicles by third-party drivers**

6.276. Proprietors should ensure that any driver(s) is fully aware of all of the vehicle facilities, especially in relation to the deployment of ramps and the use of straps for securing a wheelchair in the vehicle, and that they are competent enough to carry out the basic maintenance checks required. Where a vehicle is used by more than one person the proprietor should ensure that the checks are carried out by one or all of the drivers.

6.277. The licensing authority will require vehicle proprietors on condition, where there are multiple drivers of the vehicle, to keep a written record of when each driver uses the vehicle, in order to identify the relevant driver in the case of complaint, driving offences etc.

### **6.278. Vehicle transfer arrangements**

6.279. In recognition that vehicle licensing requirements will have previously been met and, by way of assisting existing and prospective vehicle proprietors, the licensing authority will, subject to the following, permit the transfer of interest in a licensed vehicle together with the unexpired portion of the vehicle licence to another person who consents to the transfer. For safety and audit trail reasons, such transfers will be subject to the following requirements; namely –

- (a) Suitable proof of sale/transfer.
- (b) A suitable DBS certificate for the new vehicle proprietor.
- (c) a suitable policy of insurance of the new vehicle proprietor/driver(s) and
- (d) an updated V5C (given the delay in receiving these, where all other documentation is provided the licence will be transferred without this, with a requirement to submit it on receipt).

**NB:** It should be noted that these requirements may be waived if the transferee (i.e., the new vehicle proprietor) is already registered on the relevant vehicle licence as a person having a financial interest in the vehicle.

### **6.280. Accidents to & involving licensed vehicles**

6.281. S50(3) of the Local Government (Miscellaneous Provisions) Act 1976 requires that the vehicle proprietor must, as soon as is reasonably practicable (and within 72 hours), notify the licensing authority of any accident to a hackney carriage or private hire vehicle causing any damage affecting the safety, performance or appearance of the vehicle, and/or the comfort or convenience of passengers.

6.282. In recognition that accident damage can impact both on driver and public safety, comfort and convenience, the licensing authority will –

- (a) expect all qualifying accidents to or including a licensed vehicle to be reported to it; and
- (b) take a serious view of any proprietor who fails, without reasonable excuse, to inform it of any qualifying accident/damage to their vehicle; particularly where they or an authorised driver continue to drive/operate the vehicle and/or derive a monetary benefit from their activities.

### **6.283. Assessment and determination of vehicle condition**

6.284. By way of ensuring that vehicles continue to be safe, roadworthy, and eligible to be used as a licensed vehicle, it is the policy of the licensing authority to ensure that all licensed vehicles involved in a qualifying accident are -

- (a) suitably assessed in respect of the nature and extent of any damage done and
- (b) where appropriate, secured from further use until suitably repaired.

6.285. In recognition of the variable nature and degree of damage that can be incurred in vehicle accidents, the licensing authority will seek to inspect the vehicle and/or direct that the vehicle be subject to inspection and/or testing at a place and by individuals of its choice. Where this is not practical (e.g., the vehicle has already been taken to or recovered by a mechanic), the licensing authority will require suitable confirmation of the vehicle's condition and status. For this purpose, this may include an independent assessment of the nature and degree of damage done to the vehicle, whether the vehicle is salvageable (and to what extent), drivable and/or secure.

6.286. Where appropriate, the licensing authority has powers to suspend and/or revoke a vehicle licence, or otherwise allow the vehicle to continue in use. The licensing authority will have regard to -

- (a) the nature and extent of any damage.
- (b) the salvageable status of the vehicle.
- (c) the security status of the vehicle (i.e., whether accessible to/drivable by the vehicle proprietor or authorised driver).
- (d) the likely impact any damage may have on vehicle safety, performance or appearance.
- (e) the likely impact any damage may have on the comfort or convenience of passengers and

- (f) the length of time it may take to effect repair.

### **6.287. Temporary replacement vehicles for vehicles requiring repair**

6.288. So long as all eligibility criteria and requirements are met, the licensing authority will, where appropriate, permit another vehicle to be temporarily licensed for up to 3 months as a short-term replacement for any licensed vehicle involved in an accident.

6.289. Temporary replacement vehicles may be licensed for longer than 3 months but only where there is a suitable business case and documentary evidence showing –

- (a) why the damaged vehicle cannot be repaired within the initial 3-month period.
- (b) why the damaged vehicle cannot be replaced and/or why other vehicles could not be used. and
- (c) when the damaged vehicle will be returned to service.



## PART G

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### 7. OPERATOR LICENSING

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#### 7.1. GENERAL

- 7.2. Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e., to operate) a private hire vehicle must hold a private hire operator's licence.
- 7.3. A private hire operator may only operate a private hire vehicle that has been licensed by the same authority as the operator. Likewise, the private hire vehicle may only be driven by a private hire driver licensed by the same authority. All three licences (operator, vehicle and driver) must be issued by the same authority (e.g., RBC). This is known as 'the three-licence rule'. This does not however prevent a licensed private hire operator sub-contracting a booking to a private hire operator licensed with another authority.
- 7.4. A 'booking' includes an automated acceptance via a cloud-based system which does not require human intervention.

#### 7.5. Private hire bookings & booking services

- 7.6. Despite the above, the licensing authority is of the view that those simply acting as the agent of a hirer (e.g., where a hotel books a cab for a guest) will not require an operator's licence but that some booking services (e.g., a service that finds and/or books private hire vehicles with an operator) may require a private hire operator licence. In determination of whether such services require an operator's licence, the licensing authority will therefore take into consideration –
- (a) The nature and extent of any advertising of the service.
  - (b) Whether in the absence of any advertising, the service would or would not work; and
  - (c) The nature and extent to which the service/function serves to make provision for the invitation or acceptance of bookings.

#### 7.7. THE TERM & DURATION OF OPERATOR LICENCES

- 7.8. In accordance with the legislation, the licensing authority will, where appropriate, grant or renew a private hire operator's licence for a period of five years. However, the licensing authority may, using its discretion, grant operator licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.

## **7.9. ELIGIBILITY CRITERIA**

### **7.10. Age of Operators**

7.11. Providing they meet the eligibility criteria and application standards without restriction, the licensing authority will disregard the age (as an isolated consideration) of any applicant (or director of a business) in determining their suitability to hold a private hire operator's licence.

### **7.12. Nature of Operators**

7.13. Subject to any other company-related policies and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will accept applications for a private hire operator's licence from individuals, businesses, partnerships and similar (i.e., companies).

7.14. For these purposes, businesses, partnerships and similar shall be taken to mean any body, organisation or arrangement that has been suitably formed, registered, and/or incorporated as a recognised legal entity in UK law.

### **7.15. Applicability of policies to businesses, partnerships and similar**

7.16. However, and in recognition of their responsibilities, the licensing authority will, where the applicant is a business (or similar), apply its application requirements and criteria to each official / associate of the business, partnership (or similar) concerned.

7.17. For these purposes, an official of the business (or similar) shall be taken to mean any individual who has the right to exercise, or exercises, significant influence or control over the activities of the business concerned. This will include, but is not limited to company directors, the company secretary, partners and/or similar level trustees. The term 'official' shall be construed accordingly.

7.18. To ensure that information is up to date, and relevant checks can be carried out, the licensing authority will require on condition any licensed operator to notify it as soon as reasonably practicable, and in any case within 72 hours of any change to business officials / associates, and where new officials are identified will require submission of relevant documents for the individual(s) in accordance with the following requirements.

7.19. Given the potential implications of relevant checks not be carried out, the licensing authority will take a serious view of any operator failing to notify it of any change to business officials / associates.

### **7.20. Fit & Proper Person**

7.21. By virtue of S55 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority has a qualified discretion as to whether to grant a private hire operator's licence. This states that the licensing authority cannot grant a

private hire operator's licence unless satisfied that the applicant is a **'fit and proper person'** to hold such a licence.

- 7.22. Although an operator does not drive members of the public (unless also holding a private hire driver's licence), the licensing authority notes that in making provision for the invitation and acceptance of bookings, a private hire operator will, in the course of their business, be subject to a significant amount of personal and sensitive information. This may include information about customer movement(s), location, holiday plans, and other information or circumstances that could be used or exploited for criminal or other unacceptable purposes. For example, knowledge of homes or property that may be left empty and vulnerable (i.e., public safety/protection).
- 7.23. Operators also often deal directly with the public over the telephone or face-to-face at the operator base or office and will usually be the first port of call in the event of customer complaint, dispute and/or emergency. As a result, the licensing authority believes that the need for operators to be 'fit and proper' and the standards to be applied are just as important as they are for licensed drivers.
- 7.24. For these reasons, and as the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they are and/or continue to be -
- (a) of suitable background, character, and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance).
  - (b) of suitable knowledge, experience, and skills to perform the duties of a licensed operator.
  - (c) suitably diligent in exercise of their operator services.
  - (d) suitably entitled and, where appropriate authorised, to live, work and/or perform the duties of a licensed operator in the UK and
  - (e) suitably insured to perform the duties of a licensed operator.
- 7.25. The licensing authority will also, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they -
- (a) have, implement, and continue to maintain suitable policies, procedures, systems and/or arrangements to effectively manage the activities of their operation or undertaking and
  - (b) have or employ, where appropriate, safe, and suitable staff in respect of their operation.

## **7.26. General requirements**

7.27. S57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

7.28. In view of the above, the licensing authority considers the following as reasonably necessary for operator licensing purposes and will, where appropriate, require applicants and existing licence holders to provide, implement and/or maintain the following requirements in accordance with this policy -

- (a) suitable immigration and asylum status and/or work entitlement documents and checks.
- (b) a suitable declaration of application / licensed operator history.
- (c) a suitable criminal records disclosure.
- (d) certificate(s) of good conduct (or suitable equivalent documents).
- (e) suitable booking records, policies, procedures, and systems for the keeping of such records.
- (f) suitable certification of public and employers' liability insurance.
- (g) Suitable written policies / procedures in respect of –
  - (i) Customer care
  - (ii) Staff training
  - (iii) Determining suitability of non-licensed staff e.g., call handlers
  - (iv) Shift and fatigue management
  - (v) Complaints
  - (vi) Lost property
  - (vii) Safeguarding concerns
  - (viii) Equality / Disability requirements

## **7.29. Additional requirements for businesses, partnerships and similar**

7.30. To ensure that applications are made by and, where appropriate, licences are issued to suitable accountable legal entities, the licensing authority will, where the applicant is a business, partnership or similar, require applicants to submit, in addition –

- (a) a suitable copy of the company memorandum and articles of association and
- (b) suitable records of any resolutions passed at any time that affect the constitution of the company

Where a company is registered with Companies House, the licensing authority will check information provided with the records available from Companies House.

- 7.31. Where a company is registered with Companies House, the licensing authority will check information provided with the records available from Companies House. The licensing authority expects that all relevant updates are made to Companies House, and all documentation matches. Where there are discrepancies, this may result in suspension, revocation and/or refusal of the licence.
- 7.32. The above matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

### **7.33. CONDITIONS OF OPERATOR LICENCE**

- 7.34. S55 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire operator's licence as may be considered reasonably necessary. Whilst there are a number of conditions detailed in this policy that will apply, the licensing authority will attach any other conditions deemed appropriate to the type of business that the operator intends to carry out, and any other conditions as a result of information obtained throughout the licensing process, licensed history of the operator and/or its business associates and known local issues.

### **7.35. Determination of fitness and propriety**

- 7.36. In considering whether an operator applicant or licence holder is and/or remains fit and proper, the licensing authority will pose and seek to address the following question (or similar); namely –

***‘Without prejudice, and based on the information before me, would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes, and allowing a family member to travel in a vehicle operated by them?’***

- 7.37. If, on the balance of probabilities, the answer to the above question (or similar) is 'no', the licensing authority will take the view that the applicant operator and/or licence holder should not hold or be given a private hire operator's licence. In these circumstances, the licensing authority will suspend, revoke or refuse the licence as may be appropriate.
- 7.38. Being grounded in civil law, the licensing authority recognises that all licensing decisions on the suitability of an applicant or licence holder are made on the balance of probability. In recognition that licensing primarily concerns safeguarding of the public, the licensing authority will take this to mean that an applicant or licence holder should not be given 'the benefit of the doubt'. Furthermore, in borderline cases, where it is considered 50:50 as to whether an applicant or licence holder is suitable, the licensing authority will also take this to mean that the applicant or licence holder should not hold or be given a private hire operator's licence.
- 7.39. In all cases, the onus will rest with the applicant to prove their fitness and propriety to hold a licence to the satisfaction of the licensing authority.

#### **7.40. Policies, standards and relevance of fitness & propriety requirements**

- 7.41. In respect of immigration / right to work documentation, statements of good conduct and previous licensed history, the general policies and requirements that the licensing authority will apply to operator licensing are similar to that for driver licensing. For this reason, the policies, considerations, and requirements set out in Part 4 in those regards will, subject to the following, apply to operator licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to private hire operators.

#### **7.42. Criminal record disclosures**

- 7.43. As recommended best practice by the DfT, it is the policy of the licensing authority that all applicants (and, where appropriate, all directors or partners of any business applicant) must submit a suitable basic criminal records disclosure from the DBS at the point of each new application, on renewal and annually on condition of any licence issued.
- 7.44. However, as -
- (a) licensed drivers will ordinarily have undertaken and have provided an enhanced DBS disclosure for the purposes of obtaining a hackney carriage and/or private hire driver's licence, and
  - (b) during the term of their driver's licence the licensing authority will be aware of any infringements that would ordinarily appear on an enhanced DBS disclosure due to the DBS update service checks carried out,

... it is the policy of the licensing authority to exempt any individual operator applicant or business associate, who themselves hold a current driver's licence with the licensing authority from the requirement to provide another disclosure.

7.45. The DBS update service does not apply to basic checks, therefore, to ensure notification of any change to an applicant's criminal record, the licensing authority will, in addition to any other requirements, require, on condition of any licence granted, any licensed individual or business associate to –

(a) formally notify the licensing authority, within 48 hours of any investigation, arrest and release, charge, caution, or conviction; regardless of whether any of these arise or occur in the UK or abroad. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

7.46. As it may prevent the licensing authority from taking relevant information into account in protecting public safety, the licensing authority will take a serious view of any individual that fails to comply with this condition, particularly where they operate and derive a monetary benefit from their activities. In particular, the licensing authority may consider failure to comply with this condition as dishonest behaviour, and therefore question the suitability of the licence holder; regardless of the outcome of the initial allegation, investigation, circumstance, or case concerned.

#### **7.47. HMRC tax check**

7.48. It is a legal requirement that any applicant for a private hire operators licence (whether on first-time grant or renewal), who has held the same type of licence at any time in the preceding 12 months, with any licensing authority, carries out a tax check. Information on how to do this is available at [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

7.49. Completion of the check will generate a 9-digit code which the applicant must provide to the licensing authority, which enables them to confirm the check. In accordance with the legislation, the licensing authority will not grant a licence without having received the code and confirmed the tax check, unless the applicant has tried to carry out the tax check for 5 consecutive days, has been unable to do so because the service is unavailable, and the licensing authority can confirm that the service was unavailable.

#### **7.50. Public & Employers Liability Insurance**

7.51. As private hire operators carry contractual responsibilities with their customers (e.g., to ensure that vehicles are punctual and get passengers to the airport on time etc) and may provide facilities to the public as part of their daily business (e.g., waiting rooms, toilets etc at the taxi office), the licensing authority will, require applicants to provide and maintain a suitable policy of public liability insurance, covering a minimum of £5million. Such insurance must adequately cover any damage, loss, or injury to any third party (e.g., customers and other

members of the public) or property that may arise during the course of an operator's business and day to day activities.

- 7.52. Where an operator intends to or employs individuals the licensing authority will require applicants to provide and maintain a suitable policy of employers liability insurance.

### **7.53. Booking Record Requirements**

- 7.54. S56(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that licensed operators must keep a record of such particulars of every booking of a private hire vehicle invited or accepted by the operator concerned as may be prescribed by the licensing authority. Such particulars must be entered into a suitable booking record system **before** the commencement of each journey.

- 7.55. To enable suitable and sufficient investigations to be carried out if anything should happen to a passenger or driver, to assist with the recovery of lost property and, where a complaint is made, the licensing authority will require, on condition, licensed operators to keep the following records -

- (a) the name of the hirer.
- (b) the pick-up point.
- (c) the destination.
- (d) the date **and** time the private hire vehicle is required.
- (e) the date **and** time that the booking was made.
- (f) the fare quoted for the journey (where this is determined by taximeter and not agreed at the time of booking – the fare paid for the journey should be added to the record once the journey has been completed).
- (g) If the booking is sub-contracted from or to be sub-contracted to another operator, that operators' details (trading name, contact details and licensing authority) and
- (h) The name of any individual who responded to the booking request and/or dispatched the vehicle.

- 7.56. Where an operator's business is no individual bookings e.g., school contracts only, the licensing authority will amend the condition to suit the nature of the work and require journey / contract details to be kept as appropriate.

- (a) In addition, and to identify the vehicle that was used and the driver who was driving it at the time, the licensing authority will, on condition, and on exercise of S56(3) of the Local Government (Miscellaneous Provisions) Act 1976, also require licensed operators to record the details of the vehicle and the driver who carried out the booking / contract.



7.57. To provide a reasonable timescale for enquiry and to facilitate suitable investigation, the licensing authority will, on condition, require all booking records to be retained for a period of not less than 6 months from the date the hiring was executed, or in the event the hiring was not undertaken, from when the booking was made.

#### **7.58. Vehicle and driver licence records**

7.59. To ensure compliance with S56(3), in the use of licensed vehicles and drivers, the licensing authority will require, on condition, that an operator holds a copy of both the private hire vehicle licence of any vehicle that he is operating and the private hire driver's licence of any driver who is driving such a vehicle.

#### **7.60. Policies, procedures and related requirements**

7.61. To demonstrate that they have suitable arrangements in place, the licensing authority require applicants and licensed operators to produce, maintain and implement suitable policies and/or procedures, details as to what the policies are expected to cover as a minimum are providing in the following sections. The licensing authority will require these policies to be submitted on application for first time grant or renewal, and to be maintained on condition of licence.

7.62. The licensing authority may request review of these policies and evidence that they are being adhered to at any time.

#### **7.63. Customer care**

7.64. Customer care is key to both an operator's business to encourage repeat custom, and to ensuring that relevant safety and service standards are met. Therefore, operators should have policies and procedures in place, to ensure that customers are aware of the standard of service they provide, and drivers and other staff are aware of the expectations of them in providing that service.

#### **7.65. Staff training**

7.66. All staff / contractors should be provided with suitable and sufficient training to enable them to carry out their role safely and in accordance with the procedures in place. Operators should have a policy that specifies the relevant training for each role, and how often this should be refreshed. The licensing authority will require on condition written records to be kept for a minimum of 3 years, of all staff training and refresher training, which details who was trained, what the training covered, who delivered the training and where appropriate copies of certificate of attendance.

7.67. Given the relevance of safeguarding awareness detailed in the driver section of this policy and in recognition that often the staff working in the office / taking bookings will have a better awareness than drivers of patterns of bookings and will have direct contact over the phone, email etc. with customers, the licensing authority will require on condition of any operator's licence which authorises

bookings for general public work, that all staff who are not licensed drivers, on commencement of the role and every 3 years thereafter, to attend a safeguarding awareness course specifically designed for the taxi trade. For this purpose, the licensing authority will accept the Blue Lamp Trust (BLT) Taxi Safeguarding Classroom course, or RBC's Taxi Safeguarding course (or suitable equivalent). A third-party non-refundable fee may be payable for this (or a similar) service.

#### **7.68. Determining suitability of non-licensed staff**

7.69. Sensitive and personal information regarding customers is not only available to the operator themselves, but also to staff employed as drivers, call handlers and administrative staff. Whilst licensed drivers and business associates go through checks in accordance with this policy, to ensure that they are fit and proper persons, there is no licensing mechanism for other staff members.

7.70. To ensure that the people that have access to this information are suitable the licensing authority will require licensed operators on condition to require a basic DBS check for all staff who are not a named business associate on the operator's licence, or a licensed driver with the licensing authority, on initial application. The operator must have a policy in respect of determining suitability of those staff, which details as a minimum how they will use and make employment decisions based on information provided by the DBS check. The policy is expected to be consistent with the convictions policy at Appendix C in respect of licensed operators.

7.71. To ensure that compliance with this can be evidenced, licensed operators will be required on condition, to keep a register of all staff who take bookings, dispatch vehicles or have access to booking records. This register should detail when a basic DBS disclosure has been seen. Records in respect of an individual must be kept throughout the time of their employment and for a minimum of 6 months thereafter.

7.72. To ensure that up to date information is received in respect of all staff on the register, licensed operators will be required on condition to include as part of the employment contract a requirement for staff to notify the operator of any conviction during their employment.

#### **7.73. Shift and fatigue management**

7.74. The licensing authority recognises that often licensed drivers are self-employed and not contracted to work specific hours. The nature of the work means that the more hours they work the more they are likely to earn. However, the dangers of driving when tired are well publicised, and may be a significant risk to public safety. Therefore, the licensing authority expects licensed operators to have a policy to appropriately manage the hours that licensed drivers work, to reduce the risk.

## 7.75. Complaints

- 7.76. On some occasions, passengers and other road users may feel it necessary to complain about a service provided to them by an operator, driver or about a vehicle. In recognition that often the first point of contact for this complaint will be the operator with who the booking was made, the licensing authority requires licensed operators to have a policy / procedure as to how they will deal with complaints.
- 7.77. As complaints can often provide relevant information regarding the service provided, compliance with licence conditions and legislative requirements, and the fitness and propriety of drivers, vehicle proprietors and operators, the licensing authority will require, on condition, licensed operators to keep written records of all complaints received, which include as a minimum –
- (a) details of the driver / vehicle concerned.
  - (b) the details of the complaint.
  - (c) the complainant.
  - (d) any action taken as a result.
- 7.78. To allow the licensing authority to investigate any relevant complaints in a timely manner, operators will also be required on condition to submit their complaint records for the previous 7 days to the licensing authority every Monday by 12.00pm.
- NB:** As the data controller, it is a matter for the operator as to whether they have the appropriate requirements in place to share the complainant's personal information with the licensing authority. If this is not in place, the licensing authority will accept a redacted copy of the complaints log.
- 7.79. Nothing in the above requirements stops an operator from escalating a complaint that they believe should be investigated by the licensing authority due to the nature of the allegation, at the time that it is received.
- 7.80. Where the licensing authority receives a complaint directly, or otherwise feels that it is appropriate to further investigate a complaint, or pattern of complaints, they may contact the operator for further information, and expect them to assist in the investigation.
- 7.81. Given the potential implications of the licensing authority not being able to appropriately investigate and take action, a serious view will be taken of any operator failing to comply with the condition, or otherwise obstructing an investigation without reasonable excuse.

## 7.82. Lost property

7.83. The licensing authority recognises that often property will be left in licensed vehicles. As the operator takes the booking, and is therefore easily identifiable to the passenger, they are often the first point of contact for passengers looking to locate lost belongings. Lost belongings can often be valuable e.g., mobile phones etc. To ensure lost property is appropriately dealt with, the licensing authority will require licensed operators to have a suitable policy / procedure which includes as a minimum –

- (a) How lost property will be securely stored.
- (b) Steps to be taken to try to identify and reunite property with its owner.
- (c) Records to be kept of lost property and who claimed it.
- (d) The procedure for dealing with uncollected lost property.

#### **7.84. Safeguarding concerns**

7.85. Given the importance of safeguarding and the role that both drivers and operators play in reporting concerns, the licensing authority requires licensed operators to have a policy / procedure for dealing with and reporting safeguarding concerns identified by them and / or their staff.

#### **7.86. Equality / disability requirements**

7.87. In recognition of the Equality Act duties on private hire operators, the licensing authority requires licensed operators to have suitable written policies / procedures in place to ensure compliance with these duties.

#### **7.88. PCV Drivers and Vehicles used for bookings**

7.89. The licensing authority recognise that some licensed private hire operators also operate public service vehicles (PSV's) driven by licensed PCV drivers. Given that the checks for these licences may not be as stringent as those for private hire vehicles and drivers, the use of PSV's and PCV drivers for a private hire booking is not permitted without the informed consent of the booker, who must be told that the checks are not the same and do not include an enhanced DBS check.

#### **7.90. Association with drivers**

7.91. So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance and receiving bookings in accordance with the legislation, the licensing authority will require, on condition, each operator to notify it, as soon as is reasonably practicable, of the start and/or finish date of its use of and/or association with any individual driver.

## **7.92. Operating Base**

7.93. The practical effect of the requirement to hold an operator's licence is that the operator must have premises from which to control and direct one or more private hire vehicles. On grant or renewal of an operator's licence the licensing authority will therefore specify the address(es) from which the operator may operate (i.e., the licence is address specific). The operating address is not transferable between premises or different addresses and a new operator's licence will be required where there is any change of operating address. Operating from different premises than those specified on an operator's licence is unlawful, could create enforcement difficulties and result in the operation being unlicensed.

7.94. The licensing authority will only licence operators who operate and make provision for bookings from an address within the Rushmoor district. An inspection will be carried out at the operating address on application for first time grant and renewal. In addition to looking at relevant records and suitability of a location as an operating base, the licensing authority will also expect the following at an operating base –

- (a) Access to the premises, with the applicant or one or more of the named business associates present.
- (b) The ability to access all records from the base including booking records, complaint logs, training records, driver and vehicle records, policies, and procedures.
- (c) Secure storage of personal data.
- (d) Where the operator advertises a landline telephone number for bookings, that line to be at the operating base.

7.95. The licensing authority recognises that an operator may have multiple offices / operating bases in different local authority areas, and that the nature of the private hire trade often means that phone lines may be diverted to allow for mobile working and flexibility outside of office hours.

7.96. By way of ensuring that proper regulation and enforcement measures can be taken, the licensing authority will require, on condition, access to any operator premises at any reasonable time for the inspection of records and vehicles etc.

7.97. In recognition that planning consent may be required for a private hire operation, the licensing authority may notify the planning authority of any application for a private hire operators' licence.

## **7.98. Private hire operators operating hackney carriages**

7.99. The licensing authority recognises that many private hire operators will also operate hackney carriages and utilise these for bookings. Whilst there is no mechanism in law to licence a hackney carriage operator, where a licensed

operator does so, for consistency and to ensure appropriate processes are in place, the licensing authority expect all operator licence and legislative requirements to be in place in respect of the hackney carriage vehicles, drivers, and bookings it operates.

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## PART H

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### 8. SCHEME OF HACKNEY CARRIAGE FARES

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#### 8.1. GENERAL ARRANGEMENTS

8.2. S65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the licensing authority may set local hackney carriage fares for journeys within its area by means of a table or scheme of fares.

8.3. There is no similar power to set the fares charged by private hire vehicles. The charges levied by Private Hire operators and drivers are entirely a matter for negotiation and form a private contract between the hirer and the operator. However, where a private hire vehicle is fitted with a taximeter, the taximeter must be tested and approved by or on behalf of the licensing authority which issued the relevant vehicle licence.

#### 8.4. Frequency of review

8.5. To ensure currency, economic viability, and incentive to provide taxi services, it is the policy of the licensing authority that the scheme of hackney carriage fares be subject to review a minimum of every 2 years. A review may result in no change to the scheme of fares. The fare scheme may be reviewed at any time where it is deemed appropriate.

#### 8.6. Nature of review

8.7. Where appropriate, the licensing authority may review, in whole or in part, the structure, costs and/or any feature of the extant scheme of fares (e.g., unit costs, distances travelled, time periods, chronology, calendarisation and any additional permitted extras etc).

#### 8.8. Relevant considerations

8.9. In reviewing the scheme of fares, the licensing authority will have regard to, but not be bound by the following considerations –

- (a) the needs of the travelling public.
- (b) what may be reasonable to expect people to pay.
- (c) the need to provide sufficient incentive to provide a taxi service when it is needed.
- (d) the available supply of and demand for taxi services.

- (e) any graduation of the above by time of day, day of the week, seasonal variation and/or on special occasions etc; and
- (f) the practicality of proposed fare scheme arrangements.
- (g) the costs of fuel and other requirements, and the need for drivers to earn a suitable living.

**NB:** These considerations should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

8.10. To inform any fare review and take account of relevant issues, the licensing authority will seek to liaise with representatives of the taxi trade as part of any fare review, and before formal public consultation takes place.

### **8.11. Specific Fare Issues – Fouling Charge**

8.12. In recognition that taxi drivers, vehicle proprietors and operators may incur both loss of earnings and costs in cleaning vehicles that may be fouled by customers and/or their accompaniments (e.g. belongings, shopping / food, dogs etc), the licensing authority will allow drivers to levy a fouling charge where any fouling renders the cab unfit for future hire.

8.13. As the nature and degree of fouling may vary, the licensing authority will normally specify the maximum amount that may be levied as a fouling charge but allow drivers to exercise some discretion of the actual amount charged (up to the maximum permitted). However, in an effort to prevent abuse and ensure transparency of any such charge, the licensing authority will expect any driver that levies a fouling charge to be able to justify –

- (a) why the charge was levied, and
- (b) the amount of the charge so levied.

8.14. As drivers are expected to be persons of trust, the licensing authority will, where appropriate, take a serious view of any taxi driver that cannot reasonably justify the levy of any fouling charge. In consideration of what may be reasonable in the circumstances, the licensing authority will have regard to -

- (a) the nature, type, and degree of soiling to the vehicle.
- (b) the extent to which the vehicle was rendered unfit for future hire.
- (c) the reasonable time it took / would likely take to suitably clean the vehicle.
- (d) the reasonable costs of materials and, where appropriate, other services including professional cleaning if required to suitably clean the vehicle, and



(e) the amount that the driver may reasonably have earned over the period the vehicle was off the road for cleaning if it were otherwise available for normal taxi work.

8.15. In view of the above, the licensing authority expects any driver who levies any fouling charge to exercise due diligence by taking and retaining suitable photographs of the nature and extent of the soiling involved, and maintaining suitable records of the time, costs and materials needed to subsequently clean the cab to a suitable standard.

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# PART I

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## 9. TAXI LICENSING FEES & CHARGES

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### 9.1. General philosophy

- 9.2. By way of protecting the public funds it administers and ensuring that costs are not incurred on the public purse, the licensing authority will, where it is entitled to do so, seek to (re)cover all the costs incurred in administration and enforcement of the various taxi licensing regimes. As such, the licensing authority shall seek to ensure, so far as is reasonably practicable, that the various taxi-licensing regimes are self-financing.
- 9.3. In recognition of the laws regulating the fees and charges that may be levied, the licensing authority will, where appropriate, recoup all relevant costs through separate application and enforcement fees. For these purposes, application fees will include all relevant and reasonable costs incurred with the procedures and formalities of the licensing scheme concerned. Enforcement fees may include compliance and/or enforcement costs, together with any other reasonable costs incurred in administration and running of the licensing scheme but not included in the application fee.

### 9.4. Fees

- 9.5. By way of covering the costs associated with any licence application, the relevant application and maintenance fee shall be payable by credit or debit card, in full on grant / renewal of a licence. Failure to submit the correct fees will render the application invalid/void.
- 9.6. The fees payable on grant will be the standard application fee and the enforcement fee relevant to the duration of the licence granted, in accordance with the Council's list of fees and charges that is in force at the time the licence is issued.
- 9.7. Third-party charges (e.g., medical advisor) and service fees incurred as a consequence of the application (e.g., knowledge test charges) may also separately apply, are entirely separate from any application or enforcement fee and will be payable at the time that the relevant service is booked or required. The relevant service will not be provided until such time as payment of the relevant fee is made.
- 9.8. As fees and charges are subject to regular review and may be increased during the financial year, licences issued after any specified date of increase will require payment of any new charge levied. This shall apply regardless of when an application is made. A current list of fees and charges will be made available on the Council's website.

### **9.9. Pro rata payments**

9.10. In covering the costs of work associated with any application, the licensing authority will not pro-rata any application fee(s). However, where any licence is limited or extended beyond the usual term or duration of issue in accordance with this policy document, the licensing authority will, charge a pro-rata enforcement fee based on the standard enforcement fee applicable to the relevant licence concerned.

### **9.11. Third party fees and charges and service fees**

9.12. Where third-party fees and charges are applied and/or paid, all associated costs are to be borne by the applicant.

9.13. Regardless of whether or not it handles any monies or transactions for and/or on behalf of the applicant and/or any third party (e.g., medical advisor), the licensing authority will treat third party fees and charges entirely separately and as a transaction between the applicant and third party concerned. The licensing authority will not therefore, refund any third-party costs should any licence application be refused. In all cases, third party fees must, where appropriate, be paid at the time they are due.

9.14. Where service fees are incurred and payable to the Council because of any part of an application (e.g., knowledge test, safeguarding training), the licensing authority will treat them entirely separately from the application and enforcement fee. Payment will be required at the time of booking the relevant service and will be non-refundable.

### **9.15. Reimbursement**

9.16. By way of covering the costs of the work associated with any licence application, fees (or any part thereof) will not be reimbursed should any licence be unexploited or otherwise be surrendered at any time.

### **9.17. Dishonoured payments**

9.18. Where any means of payment for any fee or charge is dishonoured or otherwise contested in any way, the licensing authority will, where appropriate, treat any application for, and any licence granted in consequence, as being invalid or void.

## APPENDIX A

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### 10. CONSULTATION

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10.1. The following individuals, bodies and organisations have been consulted on this policy document.

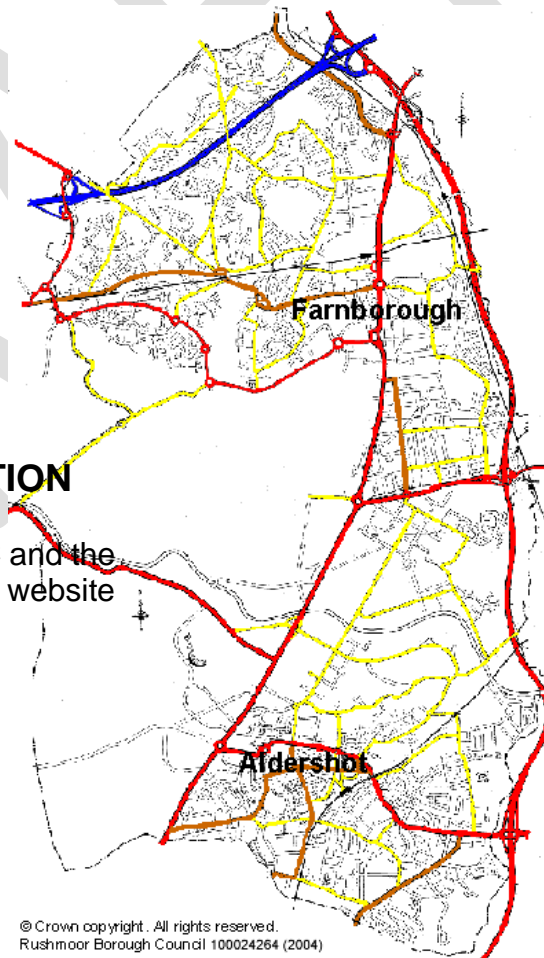
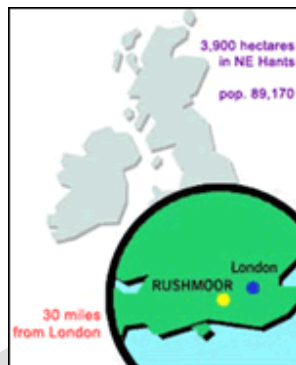
All licensed hackney carriage drivers  
All licensed hackney carriage proprietors  
All licensed private hire drivers  
All licensed private hire operators  
All licensed private hire vehicle proprietors  
RBC Environmental Health (Pollution & Health & Safety)  
RBC Community Safety  
RBC Legal Services  
RBC Planning Services  
RBC Traffic Management  
RBC Corporate Governance & Audit Standards Committee Members  
Rushmoor Accessibility Action Group (RAAG)  
Hampshire County Council (HCC) School Transport Team  
HCC Highways  
Trading Standards & Consumer Protection  
Hampshire Constabulary: Licensing Officer  
Hampshire Constabulary: Roads Policing Unit  
South Western Railway  
Cab Direct / Allied Vehicles  
Jubilee Automotive Group  
London Taxi Company  
Voyager MPV Ltd.  
KPM UK Taxis Plc  
The Council's Medical Advisor  
The Campaign for Better Transport  
Hampshire Chamber of Commerce

## APPENDIX B

### 11. THE BOROUGH OF RUSHMOOR

#### 11.1. OVERVIEW

- 11.2. Situated in the north-east corner of Hampshire between the towns of Camberley, Guildford, Fleet and Farnham, Rushmoor is located in the Blackwater Valley and includes the towns of Farnborough and Aldershot and a number of outlying villages.
- 11.3. Only 30 miles from London, the Borough covers an area of 15 square miles (3,900 hectares) of a mainly residential and varied light industrial mix. It is home to the British Army and has a domestic population of approximately 90,000 (2001 estimate).



#### 11.4. ADDITIONAL INFORMATION

- 11.5. Further information about RBC and the borough can be found on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

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## APPENDIX C

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### 12. POLICY ON THE RELEVANCE OF CONVICTIONS & OTHER ISSUES

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#### 12.1. Introduction

- 12.2. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the timescales below are intended to reduce the risk to the public to an acceptable level.
- 12.3. Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 12.4. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest, and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 12.5. This policy specifies how the licensing authority will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. Each case will be considered on its own merits in the light of this policy.
- 12.6. In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 12.7. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 12.8. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 12.9. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.

- 12.10. In determining safety and suitability the licensing authority is entitled to consider all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 12.11. S57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.
- 12.12. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
- 12.13. In recognition that they can only be imposed following an admission of guilt and that this is equivalent to a guilty plea on prosecution, a caution will be regarded in the same way as a conviction.
- 12.14. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction, or where there are indicators of that type of behaviour that may not be a criminal offence e.g., dishonesty.
- 12.15. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of this policy and the circumstances of the case, however the policies in respect of convictions will apply to both current licence holders and new applicants.
- 12.16. In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each case will be determined on its own merits, in the light of this policy.
- 12.17. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 12.18. As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not solely be determined by a specified period

having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

- 12.19. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 12.20. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences.
- 12.21. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 12.22. Any dishonesty by any applicant, licence holder or other person on the applicant / licence holders behalf which is discovered to have occurred in any part of any application process (e.g., failure to declare convictions or other relevant information, false names or addresses) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
- 12.23. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 12.24. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 12.25. Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 12.26. This policy does not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.



## **12.27. Drivers**

12.28. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

12.29. A driver has direct responsibility for the safety of their passengers and other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

12.30. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

12.31. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## **12.32. Crimes resulting in death**

12.33. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **12.34. Exploitation**

12.35. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

## **12.36. Offences involving violence**

12.37. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **12.38. Possession of a weapon**

12.39. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **12.40. Sex and indecency offences**

12.41. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

12.42. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

#### **12.43. Dishonesty**

12.44. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **12.45. Discrimination**

12.46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **12.47. Drugs**

12.48. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

12.49. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing to demonstrate that they are not using controlled drugs. This drug testing will be carried out by the licensing authority at a random time during the application process, and all costs associated with this will be borne by the applicant.

#### **12.50. Motoring convictions**

12.51. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **12.52. Drink driving / driving under the influence of drugs**

12.53. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of a conviction for driving under the influence of drugs, any applicant will also have to undergo drugs testing to demonstrate that they are not using controlled drugs. This drug testing will be carried out by the licensing authority at a random time during the application process, and all costs associated with this will be borne by the applicant.

## **12.54. Using a hand-held device whilst driving**

12.55. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **12.56. Other motoring offences**

12.57. Where an applicant has 7 or more current points on their DVLA licence or where their DVLA licence has previously been disqualified for 'totting up' of points, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence / disqualification imposed.

12.58. Where an applicant has a conviction for any other motor offence not specifically detailed in this policy and disposed of in any way other than points on their DVLA driving licence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence / disqualification imposed.

## **12.59. Private Hire Operators**

12.60. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

12.61. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

12.62. The basic DBS check required for an operator shows only unspent convictions, therefore any conviction which is spent will not be taken into consideration when determining an application for a vehicle licence.

12.63. Any applicant with convictions related to, or who has any connection with exploitation, sexual offences or burglary will not be licensed.

12.64. Any current unspent conviction for an offence involving drugs, dishonesty of any kind, violence or specifically related to the role of a private hire operator will result in an application being refused.

**12.65. Vehicle proprietors**

12.66. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

12.67. Firstly, they must ensure that the vehicle is always maintained to an acceptable standard.

12.68. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

12.69. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

12.70. The basic DBS check required for a vehicle proprietor shows only unspent convictions, therefore any conviction which is spent will not be taken into consideration when determining an application for a vehicle licence.

12.71. Any applicant with convictions related to, or who has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, or any kind of sexual offence but this is not an exhaustive list.

12.72. Any current unspent conviction for an offence involving drugs, dishonesty of any kind, violence or specifically related to the role of a vehicle proprietor will result in an application being refused.

## APPENDIX D

### 13. VEHICLE PLATES & BADGES

#### 13.1. HACKNEY CARRIAGE PLATES

- 13.2. For clarity and ease of recognition, all licensed hackney carriage vehicles must display on the exterior, at the rear of the vehicle, a licence plate of the size, shape and design detailed in **Figure 1** below.
- 13.3. For clarity and ease of recognition, all licensed hackney carriage vehicles must display into the passenger compartment, an interior licence plate of the size, shape and design detailed in **Figure 2** below.



FIGURE 1 – EXTERNAL HACKNEY CARRIAGE PLATE	
 <p>The image shows a rectangular external licence plate for a hackney carriage. At the top, it reads 'RUSHMOOR BOROUGH COUNCIL' and 'HACKNEY CARRIAGE'. The central feature is a large plate number '007'. Below this, it lists 'VEHICLE TYPE: LTI TX1', 'REGISTRATION: SC12 MIV', and 'EXPIRY DATE: 15.09.2013'. At the bottom, it states 'VEHICLE LICENSED TO CARRY 6 PASSENGERS'. A small blue circular logo is visible on the right side. The bottom edge contains the text 'THIS PLATE WAS ISSUED BY AND REMAINS THE PROPERTY OF RUSHMOOR BOROUGH COUNCIL' and 'www.vlp-system.com'.</p>	Height: 7" (17.8cm)
	Width: 9½" (24.2cm)
Other Features:	
(a) Name / logo of licensing authority	
(b) Vehicle type	
(c) Plate number	
(d) Vehicle model	
(e) Vehicle registration	
(f) Expiry date	
(g) Number of passengers the vehicle is licensed to carry	
(h) Genuine hologram	

FIGURE 2 – INTERIOR HACKNEY CARRIAGE PLATE	
 <p>The image shows a smaller rectangular interior licence plate. It features the plate number '007' at the top, followed by 'HACKNEY CARRIAGE', 'Registration No: SC12: MIV', 'Vehicle Type LTI TX1', 'Expiry Date 14.11.2011', and 'Licensed to carry 5 PASSENGERS'. The Rushmoor Borough Council logo is at the bottom. A large 'SAMPLE' watermark is overlaid on the image.</p>	Height: 3¾" (8.5cm)
	Width: 3½" (8.9cm)
Other Features:	
(a) Name / logo of licensing authority	
(b) Vehicle type	
(c) Plate number	
(d) Vehicle model	
(e) Vehicle registration	
(f) Expiry date	
(g) Number of passengers the vehicle is licensed to carry	
(h) Genuine hologram	

### 13.4. PRIVATE HIRE VEHICLE PLATES

- 13.5. For clarity and ease of recognition, all licensed private hire vehicles must, unless otherwise exempt, display on the exterior, at the rear of the vehicle, a licence plate of the size, shape and design detailed in **Figure 3** below.
- 13.6. For clarity and ease of recognition, all licensed private hire vehicles must display inside the vehicle, an interior licence plate of the size, shape and design detailed in **Figure 4** below.
- 13.7. For clarity and ease of recognition, all licensed private hire vehicles must, unless otherwise exempt, display on an external door panel on each side of the vehicle, an external licence plate of the size, shape and design detailed in **Figure 5** below.
- 13.8. For clarity and ease of recognition, exempt licensed private hire vehicles must display in the front windscreen of the vehicle, a licence plate of the size, shape and design detailed in **Figure 4** below.




FIGURE 3 – EXTERNAL PRIVATE HIRE VEHICLE PLATE	
 <p>The image shows a rectangular external licence plate with a maroon border. At the top, it reads 'RUSHMOOR BOROUGH COUNCIL' and 'PRIVATE HIRE VEHICLE'. The main number '007' is large and stylized. Below it, it lists 'VEHICLE TYPE: LTI TX1', 'REGISTRATION: SC12 MIV', and 'EXPIRY DATE: 15.09.2013'. At the bottom, it says 'VEHICLE LICENSED TO CARRY 6 PASSENGERS'. A small blue circular logo is on the right side.</p>	Height: 7" (17.8cm)
	Width: 9½" (24.2cm)
Other Features: <ul style="list-style-type: none"> <li>(a) Name / logo of licensing authority</li> <li>(b) Vehicle type</li> <li>(c) Plate number</li> <li>(d) Vehicle model</li> <li>(e) Vehicle registration</li> <li>(f) Expiry date</li> <li>(g) Number of passengers the vehicle is licensed to carry</li> <li>(h) Genuine hologram</li> </ul>	

FIGURE 4 – INTERIOR PRIVATE HIRE VEHICLE PLATE	
 <p>The image shows a smaller rectangular interior licence plate with a pink background. It features the number '007' at the top, followed by 'PRIVATE HIRE VEHICLE', 'Registration No: SC12 MIV', 'Vehicle Type: LTI TX1', 'Expiry Date: 14.11.2011', and 'License to carry: 5 PASSENGERS'. It includes the Rushmoor Borough Council logo and a 'Subject to terms and conditions' note.</p>	Height: 3¾" (8.5cm)
	Width: 3½" (8.9cm)
Other Features: <ul style="list-style-type: none"> <li>(a) Name / logo of licensing authority</li> <li>(b) Vehicle type</li> <li>(c) Plate number</li> <li>(d) Vehicle model</li> <li>(e) Vehicle registration</li> <li>(f) Expiry date</li> <li>(g) Number of passengers the vehicle is licensed to carry</li> <li>(h) Genuine hologram</li> </ul>	

**FIGURE 5 – EXTERNAL PRIVATE HIRE SIDE PLATE**

 <p>The image shows an oval-shaped side plate with a maroon border. The text 'PRIVATE HIRE VEHICLE' is written in white along the top inner edge, and 'ADVANCE BOOKINGS ONLY' is written along the bottom inner edge. In the center, 'RUSHMOOR BOROUGH COUNCIL' is written above the license plate number '0007'. Two small crests are positioned on either side of the license plate number.</p>	Height:	8" (20.5 cm)
	Width:	13½" (34.3 cm)
<p>Other Features:</p> <ul style="list-style-type: none"> <li>(a) Name / logo of licensing authority</li> <li>(b) Plate number</li> <li>(c) Vehicle type</li> <li>(d) Advance booking only signwriting</li> </ul>		

Key recommended policy changes – Taxi Licensing

<b>Current policy</b>	<b>Recommended policy</b>	<b>Justification</b>
No review timescale	Maximum of 5 yearly review	To be consistent with Licensing Act 2003
Nil	12 month period for existing licence holders to comply with any additional requirements. Licences to be suspended if not completed within this period.	Some changes will come at cost and take time for existing licence holders to complete, whilst it is right and in accordance with DFT guidance that they are brought to the same standard as new applicants it is reasonable to allow a time period to do this, however there needs to be a deadline, and a response if they fail to do so
Nil	Email address must be provided	This is the most cost effective and quickest way of communicating with applicants and licence holders and provides for an audit trail
No limit	A time limit for applications of 3 months, if all submissions not made within this period application will normally be refused – with a repeat application not accepted until 6 months have passed from refusal.	Applicants particularly for new driver licences often take a lot of time to meet and submit all the requirements and don't get in touch for long periods of time meaning that we have open applications on our system for a prolonged period. For drivers we get no payment for processing the application unless it is granted (in accordance with the legislation). This should encourage people to apply only when they are ready to commit to the process, and where they have not been able to meet the standards in that time period, to take time to prepare before re-applying.
Only original paper documents accepted	To allow electronic submission other than for criminal record checks and identity documents	Electronic documents were accepted by necessity during COVID and there are no known issues as a result. Streamline and efficiency of processing. More and more documents are provided electronically now e.g. insurance, training certificates. Documents can be verified where there are any concerns.
Nil	Maximum time before expiry that a renewal application can be made	To ensure that time-limited documents do not expire as a result of an application being made too early
Nil	Requirement to provide proof of residential address	It has come to light that some drivers have been using an address which is not their correct residential address – in some cases there have been concerns over benefit fraud. Evidence of address will



		ensure that we can identify any issues before licensing someone and at the earliest opportunity
Nil	On driver and operator licence renewal requirement for a code to show that a suitable tax check has been carried out with HMRC	New legislative requirement from April 2022
Nil	Consult and add records to NR3 database	DFT guidance – and in preparation for new legislation which has not yet come into force
Documents proving right to work required	Added use of gov.uk online system to prove right to work where appropriate	New system that should be used where it is appropriate as quicker than any other option and Home Office recommended route
DBS's must be applied for by Rushmoor Borough Council	Whilst we have a provider we use, applicants can choose to use any body registered with the DBS	RBC are no longer a registered body to do DBS's directly. The DBS monitor all registered bodies and have the same requirements, therefore no reason not to give freedom of choice to applicants, as admin fees may vary, and they may do DBS's from other bodies. Also fits with the principle of the DBS update service.
Nil	Subscription to DBS update service required on application and to be maintained on condition, with checks to be done at no more than 6 monthly intervals.  Requirement that where a check is carried out and it shows a change in record, the applicant / licence holder must apply for a new certificate within 48 hours, and provide consent to access update service.	In accordance with new DFT guidance. Also ensures that we are aware of any changes in criminal record during the life of the licence thereby allowing relevant investigation and action to be dealt with expediently. Increases speed of renewal, streamlines process and allows same DBS to be used for multiple agencies. Current provider offers these checks at fortnightly intervals but DFT guidance is 6 monthly.  Update service will not provide record details, only tell us that something has changed – we need to get a new certificate with the detail ASAP so that we can determine whether any action should be taken in respect of the licence.
Statement of good conduct required where	Statement of good conduct required where have lived	In accordance with DFT guidance

have lived overseas for more than 6 months since age of 10	overseas for more than 3 months since age of 18, and now required for operators and vehicle proprietors	
If lived overseas with armed forces then military discharge / conduct report required in place of statement of good conduct	No statement of good conduct or military discharge / conduct report required if lived overseas with armed forces	Government guidance states that convictions when overseas with armed forces will show on PNC and therefore would be shown on DBS certificate therefore not required
Medicals on initial application, renewal following 45 <sup>th</sup> birthday, every 6 years thereafter until age 65 then annually	In accordance with the Group 2 medical standards	Whilst the original policy was based on the Group 2 medical standards it was not exactly the same and effectively allowed for up to 3 years additional licensing without a medical, we state that we comply with Group 2 medical standards which is in accordance with DFT guidance, therefore it is right that we follow the guidelines specifically. Also by changing policy to say as per Group 2 medical standards, if they change we do not need to make a policy change.
Medicals must be dated within 6 months	Medicals must be dated within 1 month of date of submission	Medical circumstances can change at any point – we are allowing a 3 month period for new applicants which means that even with a 1 month window the medical could be 4 months old at point of licensing. The longer gap the bigger the risk. It is reasonable that an applicant / licence holder can submit a medical to us within a month of having it done
No additional cost for medical advisor (included as part of licence fee)	Medical advisor costs are treated as a third party fee and payable by the applicant or licence holder to which they relate	To ensure full cost recovery (licence fee is only payable on grant by law, therefore if refused these costs are not currently covered). To ensure that applicants without medical issues are not paying for those who do have. We often get lacking medical information which results in multiple referrals to the medical advisor – we pay per referral. If the applicant / licence holder are responsible for covering this cost, this should encourage them to provide all relevant information in the first instance.

Nil	Ability to carry out both random and targeted drug and alcohol testing, policy to suspend or revoke where an applicant or licence holder refuses or has a non-negative result	There has been a demonstrable issue in the taxi trade identified during operations. Given the risk that driving under the influence of drugs or alcohol poses it is important that we are able to identify those who are putting the public at risk and take robust action
Nil	Introduction of a licensing laws, policies and conditions test	Often licence holders breach conditions of their licence or other requirements and advise that they were not aware. To assist licence holders to compliance, a test will ensure that they are aware of the requirements that they will be bound to comply with.
Requirement to pass initial assessment in literacy at Entry Level 1	Requirement to pass B1 level test in speaking, listening, reading and writing in English or provide equivalent qualification	Current requirement doesn't check speaking and listening which is imperative to the role of a licensed driver – also the level of English required to pass it is not high enough for what is needed to appropriately carry out the role. Suggested policy matches the initial policy implemented in London (although they have moved on to a different test since then). Also in accordance with DFT guidance.
Nil	Requirement for disability awareness training	New legislation, lots of queries from the trade and an increase in complaints in this area.
Maximum 3 knowledge test attempts at 2 weekly intervals	Maximum 3 month application period at weekly intervals	We regularly have to give additional attempts and applicants often want to re-sit sooner than the 2 weekly intervals.
1 year licences for vehicles	Also offer a 6-month licence	Request from operator who changes their vehicles on a 6 monthly basis
Only brand new vehicles can be licensed as hackney carriage	No age limit for licensed vehicles	The age of a vehicle is not a relevant consideration as long as the vehicle is mechanically fit and well maintained. The current policy is a barrier of entry into the trade, and is resulting in a shift from hackney carriage to private hire both in new and current drivers, which is also reducing the number of wheelchair accessible vehicles. Also in accordance with DFT guidance

Evidence of vehicle type approval needed	Nil	Where type approval is legally required the DVLA will not register the vehicle without it. We already require the V5C to check it is registered so not necessary to do both.
Nil	Basic DBS check required for vehicle proprietors	In accordance with DFT guidance
Nil	Requirement for wheelchair belts and other removable wheelchair attachments to be permanently marked with registration number	To stop drivers swapping them between vehicles for council inspection which has been known to occur and ensure that all wheelchair accessible vehicles have the relevant equipment to carry and secure wheelchair users safely
Nil for Private Hire. Hackney carriages must be within 2 iterations of current EU standard	All licensed vehicles must be within 2 iterations current EU standard on renewal – and must meet the current standard or be electric on first time licence	Climate change
Nil	Mandatory card payments	To keep abreast of technology, safety for customers not carrying cash and still being able to get home, members wishes during previous fare reviews
Nil	Specification and conditions for in-cab CCTV included (encouraged but not a necessity)	DfT guidance requires us to consider and consult on CCTV and to make it mandatory where appropriate – given the cost of this to the drivers in the current climate, and that there is not a significant number of incidents reported in our taxis not proportionate to make it compulsory however it is a benefit. Changed the spec from the one previously used in accordance with the DFT guidance.
Nil	Vehicle history (HPI) check required on first-time licence for any vehicle which is not brand new – and associated policies for the things that are checked	Given removal of brand new vehicle policy, and to ensure that no issues with history of vehicle e.g. written off, scrapped, exported, stolen etc.
MOT for all vehicles on licensing	Exemption for brand new vehicles on first time licence	We have not had a brand new vehicle fail an MOT (since current policy implemented in 2012) therefore there is no data to suggest a need for this and it is an additional cost to the vehicle proprietor

Nil	Additional MOT's to be added where there is repeated vehicle maintenance issues e.g. failure before passing, advisories being a failure next time and a warning has already been issued	We already have the power to do this on a case by case basis we are putting into the policy as a consistent approach and to make vehicle proprietors aware of how seriously a lack of vehicle maintenance will be taken given the safety issues linked with it. Staged approach with warning first.
Nil	Requirement for vehicle proprietors to ensure daily vehicle checks are done and keep records	We have experienced lots of issues with vehicle maintenance – this is a cost free way of ensuring that basic checks are being done – and puts into policy the action that we may take where they are not done
Operator Application form asks who business associates are	Company memorandum & articles of association and any resolutions affecting constitution to be submitted and checked against companies house	In past information provided has not matched companies house and has been based on hearsay which has caused problems with ensuring appropriate checks are done on all parties and with determining responsibility when issues have occurred.
Nil	Requirement for operators to have, maintain and implement policies in respect of: (i) Customer care (ii) Staff training (iii) Determining suitability of non-licensed staff e.g., call handlers (iv) Shift and fatigue management (v) Complaints (vi) Lost property (vii) Safeguarding concerns (viii) Equality / disability requirements	To deal with issues identified when dealing with complaints, and to ensure that operators are taking their responsibilities seriously.
Nil	Operators to keep booking records for 6 months	In accordance with DFT guidelines

Nil	Operators staff with access to personal / sensitive information who are not licensed to have a basic DBS check	Staff have access to much of the same information as the business associates therefore only right that they are checked. In accordance with DFT guidance
Basic DBS check on application	Annual basic DBS check	In accordance with DFT guidance
Nil	Operator to keep and submit to licensing authority complaint records on a weekly basis	Operators choose which complaints they notify us about, and have been known not to notify of complaints that we deem to be serious and where we should be investigating and potentially taking action. Also complaint history is a good indicator of the need for action, further training etc. and often this comes to light too late for us to gather evidence.
Nil	NO PSV's or PCV's without informed consent of customer	In accordance with DFT guidance
Nil	Office staff to complete safeguarding training every 3 years and records of all training to be kept for at least 3 years	Complaints are often about office staff so they need to be suitably trained. Office staff are in the unique position of seeing patterns of addresses, people etc. that drivers may not recognise therefore they need to have an awareness of safeguarding and when to report – also they deal with the public.
Fare review annually and process	Fare review minimum of 2 yearly which may result in no change – less defined procedure – removed specific notional uplift and instead detailed considerations – specified liaison with trade representatives throughout	To allow more time between fare reviews where appropriate and given previous experience to allow for review to be done in liaison with the trade rather than on a notional uplift formula which rarely gets agreed with and implemented but creates a lot of work for the Council. Proposed process in line with last successful fares review
Ability to pay by direct debit where multiple licences are held	Nil	Legislation says fees are payable on grant so not lawful – we have only had one person take us up on this since 2012 and it was administratively a huge amount of work. Difficult to obtain payment if licence surrendered

Convictions policy	Complete re-write of convictions policy and time before licensing	In accordance with DFT guidance however more specific in respect of penalty points / motoring offences as guidance vague – used IOL standards as a guide in respect of penalty points.
Hackney Carriage Vehicle Specification	Removed out of date and legal requirements in accordance with policy changes	To make current

## Appendix 3 Amendments to proposed policy following consultation

Paragraph No.	Amendment	Justification
1.3	Included those with disabilities in examples of vulnerable people	Consultation response from RAAG member
3.23	Wording changed from consent to permission	Consultation response from Planning
4.14	Moved further forward in section for clarity	Consultation response from Legal
4.24	Changed period after which repeat applications will be accepted from 6 months to 3 months as more reasonable time period	Consultation response from Legal
4.36	Added “whether or not they have received a reminder from the licensing authority” for clarity	Consultation response from Legal
4.68	Changed wording to “comply”	Consultation response from Legal
5.25	Added for clarity to state that public safety is overriding factor in determining applications	Consultation response from Legal
5.65	Included maximum time period which is stated elsewhere in document for clarity	Consultation response from Legal
5.339	Added maximum time period – specified in legislation	Consultation response from Legal
6.11	Added details of reference wheelchair	Consultation response from member of public
6.180	Time period in which exemption applies extended from 28 – 56 days	Consultation response from licence holder
6.258 (b) (iii)	Minimum height of text changed from 60mm to 20mm	For consistency with RBC side plate design, and shift in style of corporate branding due to rising costs
7.47 – 7.49	Added requirement for HMRC Tax Check	Legal requirement not included in consulted policy in error
12.12 – 12.13	Separated points for clarity and removed reference to fixed penalty notices and community resolution	Consultation response from Legal





# Full Equality Impact Assessment

## Guidance Notes

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics'.

This applies to policies, services and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, and how serious any potential impacts might be. We use this Equality Impact Assessment (EIA) template to complete this process and evidence our consideration. The EIAs analyse how all our work as a council might impact differently on different groups, help us make good decisions and evidence how we have reached these decisions.

### When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the borough, or at a national level (eg: a change of legislation)


### Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

<b>Title of EIA</b>	Taxi Licensing Policy
<b>Date of EIA</b>	January 2023
<b>Department/Service</b>	Licensing – Place Protection
<b>Focus of EIA</b>	Update to the Council's Taxi Licensing policy in respect of Driver's, Vehicles and Operators. This is the policy in respect of the Council's duties as the Licensing Authority for applications and regulation under Local Government (Miscellaneous Provisions) Act 1976, The Town Police Clauses Act 1847 and associated legislation.
<b>1.Previous EIA and outcomes</b>	
What actions did you plan last time and what improved as a result? (If there is no previous EIA write Not applicable)	
Not Applicable	
<b>2.Equality analysis and potential actions</b>	
Assessment of overall impacts on those with the following protected characteristics and what potential actions could be undertaken to mitigate impact.	
Age	<p><b>Positive Impact</b></p> <p>The purpose of the Taxi Licensing Policy is to ensure that those who are licensed are and remain fit and proper people to carry out the role. Taxi drivers routinely carry passengers of all ages, and this is taken to account in the policy document, as well as considering any vulnerabilities due to age. The policy revisions could have a positive impact for these individuals.</p> <p><b>Negative Impact</b></p> <p>Age is not a determining factor in whether to issue a licence (outside of the legal minimum age to hold a driver's licence, and the legal minimum period to have held one) however the regularity of medical assessment is based on age, therefore resulting in additional cost to those over the ages specified (45 and 65). These are taken from the DVLA Group 2 medical standards, which are applied in accordance with DfT best practice guidance. The reason for the additional medicals is to ensure that applicants / licence holders are medically fit and safe to carry out the role and therefore the safety implication outweighs the additional cost and requirements on the applicant. Decisions in this regard are made on medical fitness not on age.</p>
Disability	<b>Positive Impact</b>

	<p>The amendments to the Taxi Licensing Policy include new provisions in the Equality Act 2010 to ensure a better service for those with disabilities. In addition, new measures have been introduced in the policy to improve the service to those with disabilities including Disability Awareness training for all drivers. There has been a public consultation and consultation with RAAG members, and their feedback has been taken into consideration in producing the final version of the policy.</p> <p><b>Negative Impact</b></p> <p>There are no policy changes which would have a negative impact on those with disabilities.</p>
Gender Reassignment	No impact
Marriage or civil partnership	No impact
Pregnancy or maternity	No impact
Race	No impact
Religion or belief	No impact
Sex	No impact
Sexual orientation	No impact
<b>3. Assessment of overall impact and potential actions</b>	
<p>The proposed policy may have an impact on the two protected groups outlined above. In relation to “disability”, there is no disproportionate impact. Any impact is likely to be positive.</p> <p>In relation to age, there is a negative impact in increased cost due to medical requirements however this can be justified. Firstly, the proposed medical policy is in accordance with DfT guidance and the DVLA Group 2 standards. Secondly, it is known that age can have an impact on health, therefore it is appropriate to check more regularly, however for those who are medically fit the impact is limited to cost only. Any decisions on licence applications based on medical fitness are made on the basis of the medical situation NOT the person’s age. Driving whilst not medically fit carries a significant safety risk which outweighs the cost of more regular medicals.</p>	
<b>4.Consultation &amp; community feedback</b>	
What consultation has taken place or will take place with each identified group?	
Age	There has been a public consultation open to all ages, which was specifically sent to all current licence holders.
Disability	There has been a public consultation sent to all. This was specifically sent to RAAG (Rushmoor Accessibility Action Group) members for their comment
Gender Reassignment	There has been a public consultation open to all.
Marriage or civil partnership	There has been a public consultation open to all.

Pregnancy or maternity	There has been a public consultation open to all.	
Race	There has been a public consultation open to all.	
Religion or belief	There has been a public consultation open to all.	
Sex	There has been a public consultation open to all.	
Sexual orientation	There has been a public consultation open to all.	
<b>5. We understand the Council requires this Equality Impact Assessment and we take responsibility for its completion and quality.</b>		
<b>Completed by: name and role</b>	<b>Shelley Bowman Licensing Manager</b>	<b>Date: 09/01/2023</b>
<b>Signed off by: Head of Service</b>		<b>Date 09/01/2023</b>

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CABINET

7<sup>th</sup> February 2023

KEY DECISION: YES

COUNCILLOR MARTIN TENNANT  
MAJOR PROJECTS AND PROPERTY  
PORTFOLIO HOLDER  
EXEMPT REPORT NO. REG2302

**REGENERATION PROGRAMME - ACQUISITION OF BLOCKS 1-4 THE MEADS  
AND KINGSMEAD SHOPPING CENTRE, FARNBOROUGH**

**SUMMARY:**

In August 2021 Cabinet resolved to undertake further negotiations with St Modwen to secure the best price and commercial offer for their land and property interests in the town and to undertake the required due diligence, legal assessment, feasibility study and business case and prepare an initial town centre strategy.

This report follows on from the exempt report considered by Cabinet reporting on the due diligence undertaken to date on land and property owned by Key Property Investments Limited (a member of the St Modwen group of companies) in Farnborough Town Centre with a view to acquisition by the Council. At that meeting Cabinet resolved that work should continue and the business case be brought forward for decision.

The majority of the due diligence has now been completed and this report forms the final business case to inform a Cabinet approval and recommendation to Council to proceed with the acquisition in April 2023. There is ongoing due diligence principally in relation to service charge costs and construction risks which is due to be completed by the end of the financial year and the recommendation below takes account of these matters needing to be satisfactorily concluded.

**RECOMMENDATIONS**

**(a) That Cabinet**

- 1) Consider the interim due diligence and key points from the business case as set out in the report
- 2) Approve the business case and agree to the acquisition of the land and property outlined in this report during the 2023/24 financial year at the price and on the terms set out in confidential Appendix A and subject to the conditions as set out in the confidential appendix.
- 3) Grant delegated authority to the Executive Director in consultation with Portfolio holder for Major Projects and Property to negotiate and complete the acquisition of the Property on the terms set out in Confidential Appendix A, subject to the conclusion of all appropriate due diligence and with any necessary minor adjustments in line with this decision.

- b) **RECOMMEND the Council** to agree that the acquisition be included in the Capital Programme for 2023/24.

## 1. INTRODUCTION

- 1.1 In August 2021 Cabinet considered an exempt report and consequently approved a budget to proceed with negotiation and due diligence relating to the acquisition of The Meads and Kingsmead (RP2107 The Meads).
- 1.2 This is the final business case to inform the Council's decision to acquire the asset following detailed due diligence. Outcomes from the due diligence to the end of December were shared in Cabinet report REG2301 considered on 17 January 2023 and Cabinet agreed that the full business case should be considered in February. ([Cabinet Minutes 17 January, 2023](#))
- 1.3 This report sets out the history and rationale for intervention in the town centre by the Council. Further to the January decision it sets out the business case for acquisition of the Meads and Kingsmead, updates on the due diligence and price negotiations since the previous report. It invites Cabinet to consider the decision to acquire the Meads and Kingsmead with a recommendation to full Council for the inclusion of funding for acquisition to be included in the Capital Programme for 2023/24.

## 2. BACKGROUND

### Project History

- 2.1 Regeneration of Farnborough town centre is a key priority for the Council. The St Modwen group ("**St Modwen**") through their subsidiary company, Key Property Investments ("**KPI**"), have been the major developer in the North of the town centre for over 20 years.
- 2.2 KPI secured planning permission for delivery of a mixed-use regeneration scheme comprising a food store, non-food retail, a hotel, commercial leisure, and residential accommodation in 2004. KPI entered into a development agreement with the Council with obligations to deliver this scheme.
- 2.3 The first phase of development, known as The Meads, was completed in 2009 (Blocks 1 & 2 – see Figure 1 below) with some improvements to the shopping centre in 2015. Development of Block 3 & 4 commenced in 2019 but has not progressed since the pandemic.
- 2.4 St Modwen have confirmed their desire to dispose of their land and property interests in the town, following their acquisition by Blackstone. This also requires release from their obligations under the existing development agreement with the Council.
- 2.5 Cabinet agreed that the primary rationale for intervention by the Council in terms of any acquisition and subsequent release of obligations under the development agreement was to facilitate the current and future regeneration of this significant part of the town centre as set out in the 2021 report.



## Scope of Acquisition

- 2.6 The proposed acquisition of The Meads and Kingsmead includes a number of separate elements in the heart of the town centre which are described as Blocks 1-4 The Meads, Kingsmead Shopping Centre, Kingsmead Car Park, and Kingsmead Business Centre and approximately shown in the plan at Figure 1.

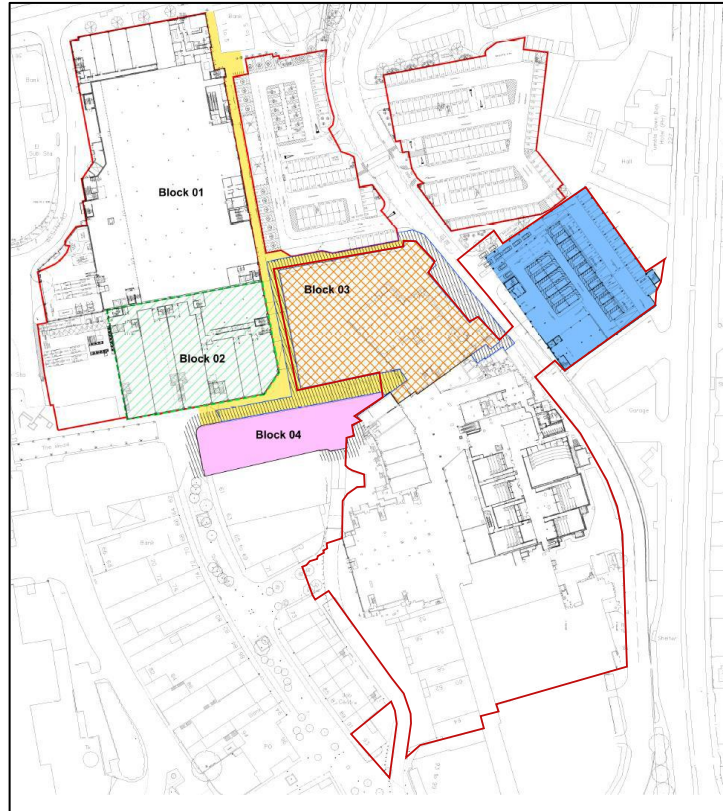


Figure 1 Blocks 1-4 The Meads

- 2.7 The acquisition site is approximately 9.4 acres (3.8 ha) and the combined internal area (excluding residential accommodation) is 31,075 square metres/ 334,489 square feet.

### Blocks 1 and 2 The Meads

- 2.8 Blocks 1 and 2 include:

- Eight ground floor retail units, gym and large play centre located on the first floor.
- Sainsbury's supermarket, Travelodge Hotel, Weatherspoon's Public House, and Papa John's retail unit - all sold on long leases for 125 years.
- 70 residential units of which 25 are affordable - sold on long leases.
- A surface level car park, which is let to and managed by Sainsburys with circa 150 spaces.



## Blocks 3 & 4 The Meads

### 2.9 Block 3:

- Vacant site of c. 1.179 acres
- Current live planning application for eight retail units on the ground floor (totalling 2462 msq) and 104 residential apartments (totalling 7100 msq) and bridge link to Block 1 & 2.
- Site clearance, hoarding and piling underway prior to construction standstill in 2020
- Opportunity to bring this site forward as part of regeneration delivery in early development phase.

### 2.10 Block 4

- This vacant site is located opposite Blocks 1 & 2 and has planning for eight further retail units and either offices or residential above.
  - The site has potential public realm value and could provide an important central focus to the town centre once redevelopment works have been completed.



## **Kingsmead Shopping Centre**

2.11 The Shopping Centre was constructed in the mid-1970s and is made up of:

- 24 retail units on the ground floor (approximately 8 currently vacant) with a total floor area of 95,747 sq. ft with the business centre above
- Vue Cinema (opened 2015)

## **Business Centre and Car Park**

2.12 The Business Centre is situated above the Shopping Centre and is made up of:

- 28 separate units (approximately 16 vacant) totalling an area 41,286 sq. ft.
- 5 Floors of which whole of fifth floor and majority of third floor, and much of second floor unoccupied
- 3 Telecoms masts/ leases in place

2.13 The Multi-storey Car Park links to the Shopping and Business Centre and has up to 619 spaces. There are a number of residential permits for occupants of residential accommodation above Blocks 1 & 2.

## **Acquisition Strategy**

2.14 In August 2021, Cabinet approved a strategy to pursue acquisition of Kingsmead Shopping Centre (including car park) in addition to Blocks 1-4 and thereby, not requiring the development by St Modwen of the commercial and residential accommodation on Block 3 in line with a development agreement currently in place with KPI.

2.15 Cabinet considered that, without intervention, it was likely that the Block 3 site would remain in its current position with a vacant, hoarded site. There would be no development in the short or medium term and the associated town centre disruption and lack of regeneration to the North of the town centre would continue. This was considered unacceptable to local people and detrimental to the short and long-term prospects of the town centre. The primary rationale for intervention by the Council in terms of any acquisition and subsequent release of obligations under the development agreement was therefore to facilitate the current and future regeneration of this significant part of the town centre.

## **3. FINAL BUSINESS CASE**

3.1 The business case has been developed using an adapted version of the HM Treasury Business Case model<sup>1</sup>. The approach considers the business case for intervention in five key dimensions:

- (1) Strategic
- (2) Economic
- (3) Commercial

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<sup>1</sup> For further information see: <https://bit.ly/3ZKNise>

- (4) Financial
- (5) Managerial

3.2 Given the critical connection between Strategic and Economic issues from a Council perspective, these are assessed together. Section 5 of the report brings together the risks for each element of the business case.

### **(1) Strategic case & (2) Economic Case**

#### **Strategic Alignment**

3.3 Regeneration of Farnborough town centre is a key priority for the Council and aligns with a number of Council and partner strategies and plans including:

- Your future, your place - a vision for Aldershot and Farnborough 2030 – Vibrant and Distinctive Town Centres - a vision document for Rushmoor developed in 2018/19 which continues to inform and shape the development of the Council Plan. Informed by resident engagement and consultation, this vision prioritises the delivery of vibrant and distinctive town centres.
- Rushmoor Local Plan - regeneration vision for the Civic Quarter as adopted in the Rushmoor Local Plan (2019) and the Civic Quarter Masterplan Supplementary Planning Document.
- Council Business Plan (2021-2024) which prioritises town centre regeneration for Rushmoor.
- Rushmoor's Investment Plan for the UK Shared Prosperity Fund (signed off by Government in December 2022) focused investment in the town centres, supporting planned regeneration with a programme of events and further opportunities for arts, culture, heritage and events. The focus for this planned investment will be in Farnborough Town Centre. UKSPF will see £1,000,000 available over the next 3 years to help achieve the following outcomes:
  - Increasing economic growth by maximising footfall in the town centres and enabling them to operate in a far more integrated manner to take full advantage of the ambitious regeneration plans for both Aldershot and Farnborough.
  - Supporting healthy lifestyles by promoting walking and increasing physical activity.
  - Increasing community pride in the area by promoting the attractiveness and vibrancy of the town centres, supporting outdoor events, and community projects and engaging new audiences in the cultural life of the area.
- Enterprise M3 LEP's Strategic Economic Plan (SEP) objective of unlocking housing and accelerating housing delivery alongside the emerging Local Industrial Strategy (LIS) objective of promoting mixed use developments 'that put homes alongside jobs and services. The SEP also encourages investment in the future of town centres to create dynamic places that draw in young people, support flourishing communities and address the needs of an ageing

population. Enterprise M3 had identified Farnborough as a Growth Town, identifying it as a priority place for the Local Growth Fund.

- Positively contributing towards the Government's overarching agenda to rebuild the UK in response to COVID-19 with the sector not only protecting jobs but also supporting local economic activity, productivity, and social value.

### Delivering our vision and meeting Community needs

- 3.4 Regeneration of the town centre has been a key priority for the Council for a number of years. In 2019 detailed consultation was undertaken with the public and key community stakeholder groups to understand how they felt about the existing town centre and their aspirations for the future of the Civic Quarter. As part of this initial engagement, five 'Vision Workshops' were carried out with council members and local stakeholders, including members of the Farnborough Society, Heart of Farnborough, and Farnborough Civic Group.
- 3.5 This activity generated a set of core community priorities and design principles for the future regeneration of Farnborough. The top priority identified by consultees was the need to create a community heart. Further aspirations focused on developing a strong identity and sense of place for Farnborough, encouraging community cohesion, improving health and wellbeing, and developing arts & cultural facilities as detailed in Figure 2.



Figure 2– Core Community Priorities

- 3.6 In the most recent residents survey, town centres were identified by all groups as the number one area of dissatisfaction, with two-thirds of respondents reporting that they are either very or fairly dissatisfied with the quality of Rushmoor's town centres.

### Delivering a joined-up Town Centre Strategy

- 3.7 As part of the due diligence process, a Town Centre Strategy was commissioned and agreed by Cabinet in July 2022 - [Farnborough Town Centre Strategy - Report No. REG2204.pdf \(rushmoor.gov.uk\)](#) to help understand how acquisition of The Meads and Kingsmead could unlock and contribute to the wider regeneration of Farnborough.

3.8 The Strategy highlighted some key principles around the place we want to create in Farnborough as summarised in Figure 3 below:

A vision for the future

Farnborough Town Centre - where people choose to go for what they want and need, and find a whole lot more...

- An offer that will make Farnborough attractive – more of a mix of uses, broader leisure, cultural and community offer, something for everybody, a day through to night time economy
- About place, space and activity, developing pride, loyalty, a sense of ownership and an identity
- A place where people live and work, celebrate, socialise and play
- A place of education, Leisure, culture, performance, trade, service and business
- A linked up place, integrated with its surroundings
- An active sustainable environment where people want to spend time
- A greener place

What Amazon Can't Do

Figure 3 – Town Centre Strategy – Vision for the Future

3.9 In order to achieve this, the strategy outlined the process required to deliver the vision (Figure 4). Acquisition of the Meads is a key element of moving town centre regeneration forward.

Process for delivery

- Strategy is part of the first stage in a process:
  - Policy Development
    - Public Realm Strategy
    - Wayfinding Strategy
    - Farnborough Transport Plan
    - Design Principles for Town Centre Living
    - Completion of draft Cultural Strategy
  - Detailed masterplan in collaboration with owners of Princes Mead, Queensmead, The Meads
  - Expanded focus on Town Centre Management
  - Progressing development – Council Partnership led: Civic Quarter; Privately led: anticipated proposals for Princes Mead
  - Short-, medium- and longer-term activities over a period likely to extend to circa 15 years

Figure 4 – Town Centre Strategy – Process for delivery

### Rationale for Intervention

- 3.10 Acquisition, along with its other land ownership, would give the Council control of a large area of Farnborough Town Centre and allow the delivery of a wider town centre masterplan aligned to the Civic Quarter masterplan to deliver a coherent town centre offer. This has been strengthened by the recent acquisition of Princes Mead shopping centre by Sovereign Housing which creates an opportunity to work together to deliver a joined-up local plan for Farnborough.
- 3.11 Lack of investment and stalled regeneration have meant that the town centre offer has deteriorated in recent years. Without intervention, it is likely that the site would remain in its current position with a vacant, hoarded site, no development, continued town centre disruption and lack of regeneration.
- 3.12 This is combined with a housing-led redevelopment of Princes Mead which will further impact the commercial and retail elements of the town centre offer.
- 3.13 By acquiring key assets such as The Meads and Kingsmead and appointing expert management professionals, the Council has an opportunity to significantly improve the town centre offer in the short to medium term to benefit residents and local business while the Princes Meads development is completed.
- 3.14 The Council has a responsibility to maintain a vibrant local economy. Without intervention it is likely that the condition of these assets will continue to deteriorate, reducing occupancy of retail units without active management and promotion. This will in turn reduce footfall in the town centre and significantly impact the local economy.
- 3.15 In addition to the regeneration rationale, due diligence has identified that the acquisition will generate a stream of revenue income which will support the maintenance of the Meads and Kingsmead and facilitate delivery of wider regeneration priorities as part of the revised capital strategy.
- 3.16 The acquisition will facilitate delivery of the Councils regeneration aspirations for the town centre in the medium to long term and deliver a short to medium-term revenue stream which will support this regeneration.

## Strategic & Economic SWOT Analysis

<ul style="list-style-type: none"> <li>▪ Alignment with Council strategy and clear case for intervention</li> <li>▪ Additional revenue stream to support delivery of regeneration programme and mitigate asset acquisition risk</li> </ul>	<ul style="list-style-type: none"> <li>▪ Organisational capacity and resource</li> <li>▪ Affordability against wider capital programme aspirations</li> <li>▪ Capital receipt assumption realisation</li> </ul>
<ul style="list-style-type: none"> <li>▪ Alignment of Civic Quarter, Princes Meads and wider town centre regeneration</li> <li>▪ Proactive management of town centre retail offer, over 7-10 years offers opportunity to improve footfall and local economy</li> <li>▪ Key regeneration site in the town centre which will unlock delivery of cohesive town centre masterplan, regeneration and town centre strategy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Economic uncertainty and impact on retail market</li> <li>▪ Acquisition of asset at end of life and associated risks</li> <li>▪ Uncertain delivery strategy for long term aspirations</li> <li>▪ Strategic delivery dependencies (Princes Meads/ Civic Quarter etc.)</li> <li>▪ Public perception of Council acquisition/ intervention</li> </ul>

Figure 5 SWOT Analysis

### Summary – Strategic & Economic cases

#### 4.17 In summary;

- The acquisition of the property for regeneration aligns to a number of key strategic aims and policies adopted by the Council.
- The acquisition will facilitate delivery of community aspirations as part of the wider regeneration programme.
- The acquisition will align with delivery of both the Civic Quarter and Princes Meads development to deliver a coherent regeneration masterplan.

### (3) Commercial Case

- 3.17 This is a regeneration acquisition, however, given there are no specific plans for a regeneration scheme covering all the land and property and therefore no specific development appraisal for such regeneration scheme, in acquiring land and buildings of this scale and complexity, the Council must ensure that the decision to proceed will not negatively affect the Council's overall financial position. The due diligence and detailed asset report produced by LSHIM (Exempt Appendix C - version 4 December 2022) confirms that the asset will return a net initial yield over 10 years. This report will be further updated at the conclusion of the due diligence and prior to exchange and completion.
- 3.18 Exempt Appendix B provides updated detail on the Meads' and Kingsmead performance and income position as well as outlining the sensitivity analysis and assumptions used to test this model and assess viability.
- 3.19 This income will support the maintenance of the Meads and Kingsmead and any surplus income will be used to facilitate delivery of wider regeneration priorities in line with the revised capital strategy and off-sets the risk of acquiring an asset of this nature.



- 3.20 While it is anticipated that most of the Meads and Kingsmead will be held for 7-10 years there is an opportunity to progress a scheme on Block 3/ 4 more quickly as part of an early development phase. Work is currently underway to explore how the development of these sites could be progressed.
- 3.21 There is also an opportunity to generate further income, further reduce risk to the Council and deliver income to fund the regeneration programme by increasing occupancy in the Business Centre as well as letting vacant units in the shopping centre.
- 3.22 The Council have appointed a professional property management agent who will proactively manage and promote the Meads and Kingsmead combined with investment and enhancement (wayfinding/ signage/ branding etc) to attract new tenants and retain existing tenants in the short to medium term.
- 3.23 As development of the town centre takes place there are opportunities for new leases as businesses look to relocate.

#### Summary – Commercial case

- 3.24 In summary;
- At the proposed purchase price, the Meads and Kingsmead delivers a yield in the short to medium term which mitigates the risk associated with acquiring an asset of this complexity and condition.
  - Further to this, the income can also be used to facilitate delivery of the Council's wider regeneration aspirations and delivery of the town centre strategy.
  - There is an opportunity to bring forward early regeneration activity with the development of Blocks 3 and 4 prior to the development of the rest of the site.
  - There is an opportunity to generate additional revenue through proactive management and enhance the town centre offer in the short to medium term while other key developments (Civic Quarter and Princes Meads) come forward securing a vibrant town centre offer.

#### (4) Financial Case

- 3.25 Whilst this is a regeneration asset, the council has undertaken modelling of a range of scenarios set out over a ten-year period to test the affordability of this acquisition, building in a range of risks. Exempt Appendix B of this report sets out the latest version of these scenarios which are based on the revised approach to capital investment agreed by the Cabinet in November. The scenarios bring together the commercial property income cashflow, capital expenditure requirements as identified in due diligence surveys, operational management costs and the Council's financing costs.
- 3.26 They model different assumptions for acquisition price, extent of borrowing vs use of existing capital receipts, interest rates and other financing costs. All scenarios demonstrate a positive benefit to the Council over a 10 year 'hold' period on the assumption that Kingsmead shopping centre would be redeveloped after this point.

- 3.27 For the purpose of the business case, work has been undertaken to develop a realistic but prudent financial model which reduces the revenue financial risk to the Council as far as possible.

#### Timing and Funding Strategy

- 3.28 Acquisition of the Meads and Kingsmead was originally planned to take place in autumn 2022. However, as a result of the council's financial position and changes to rates of borrowing the original financing strategy of using PWLB borrowing over the life of the Meads and Kingsmead was no longer considered appropriate. Further work was subsequently undertaken to understand how the acquisition could be financed should it go ahead. The approach was set out in the Budget Strategy report considered by Cabinet in November described below.

*“The most credible and sustainable way of bringing forward a new capital investment is both to consider the most appropriate way of funding and to carefully think through sequencing of investment, as such the business case is based on the following capital principles:*

- *All new capital investment priorities should be funded from either capital receipts or external sources (grants)*
  - *The financing of new capital investment should focus on ensuring borrowing is limited to the lowest possible value*
  - *Schemes should be sequenced credibly and added each year through only the Budget Setting report – single decision point for investment.*
  - *The approach to new capital investment will be based around the following process to ensure that all new investment is prudent, affordable, and sustainable:*
  - *Create a hierarchy of new capital investment priorities (officers and Members)*
  - *Develop a pipeline of asset disposals ringfenced to fund the new capital investment – timing and value need to be accurate*
  - *Complete a global view of cashflows and funding need of the hierarchy.*
  - *Determine any resultant borrowing need and test affordability vs. MTFS budget gap”*
- 3.29 Considering the above, the advice of the interim S151 officer in November was that it would be in the Council's interests to defer acquisition to the next financial year in order to offset MRP payments against a full year of income and provide the longest timeframe to secure alternative capital receipts.

#### Mitigation of Financial Risk

- 3.30 The financial modelling included in Appendix B has been developed based on a set of assumptions to ensure that we can provide a realistic assessment of the risk associated with an acquisition of this scale and complexity.
- 3.31 As expected with an asset of this age and complexity, the due diligence has identified a number of risks and issues which will be mitigated or managed as part of the acquisition, mobilisation, and operational management. Early mobilisation using an experienced Property Management agent will enable the

council to understand these in greater detail and develop clear plans for how these will be addressed.

- 3.32 It is assumed that the Kingsmead shopping centre will continue be run for the next 7-10 years whilst a new Masterplan and subsequent redevelopment schemes are being worked up.
- 3.33 The asset report (Appendix C) has factored all financial and tenancy information provided by KPI and recommendations identified in the planned maintenance and condition surveys.
- 3.34 The Council's property team have reviewed the scope of capital works identified in surveys to develop a planned maintenance and capital spend profile which has been factored into the finance model. These costs have been included in the financial model at a recovery rate of 30% building in additional flexibility should the recovery rate be more in line with that anticipated in the LSH report (60%)
- 3.35 "Pessimistic scenarios" have been used assuming each tenant vacates upon lease expiry or exercises a break option.
- 3.36 Significant rental letting void periods of 18-months have been assumed prior to relet.
- 3.37 Upon the end of an existing lease, it is assumed that units will not relet for between 12-24 months, and upon reletting, a rent-free period of 6-12 months is assumed.

## **(5) The Management Case**

### Approach to Managing the Asset

- 3.38 Eddisons Commercial Ltd ('Eddisons') have been procured to provide a full property management service including handling all estate management matters for the shopping centre including Income Collection, Occupier Management, Contractor Management, Service Charge Administration, and Lease Management.
- 3.39 It was agreed in January 2023 to mobilise the property management company prior to exchange and completion of the acquisition of the Meads and Kingsmead. This will allow consolidation of the due diligence undertaken to date by a highly experienced asset management company. During mobilisation there will be an opportunity to identify any further issues prior to exchange.
- 3.40 In addition to Eddisons role in managing the Meads, the Council property team will also take a proactive role in building relationships with tenants as the landlord. High quality communication and management of our existing tenants is fundamental in ensuring we retain our current tenants and attract new tenants to the Meads and Kingsmead.
- 3.41 The financial model includes budget for managing the marketing and promotion for the Meads and Kingsmead,. Additional funding will be identified for cosmetic improvement and signage works as well as resource to support

promotion as part of the overall budget and capital allocation. This activity will be aligned to the Councils wider Town Centre improvement activities and UKSPF delivery plan.

- 3.42 An expert client-side team has been identified to work with Eddisons and ensure successful operation of the Meads and Kingsmead including the appointment of a dedicated asset surveyor. The client-side property team will work with Eddisons to manage the asset and will engage with legal services on matters related to leases and other asset-related activity as required.
- 3.43 The Eddisons appointment allows the Council to direct award commercial estate agency services as required. The Council's property service team will liaise with the agency team to commission estate agency services when required. It is anticipated that the Eddisons contract manager will oversee all aspects of delivery on a day to day basis, reporting to Executive Head of Property and Growth and Corporate Property Manager.
- 3.44 Working with the Council's property team, LSHIM's role is to be confirmed, but is likely to include covering preparation of the annual business plan for the Meads and Kingsmead, identifying asset / income enhancement opportunities, agreeing capital expenditure programmes and monitoring performance of the property managers. In addition, LSHIM will incorporate the Meads and Kingsmead into their wider portfolio strategy, performance management and monitoring role, reporting into PIAG quarterly.
- 3.45 The Council property team already liaise with a number of external asset and property management organisations. These relationships require significant input on both strategic and operational levels. The addition of the Meads and Kingsmead will require a dedicated internal asset surveyor to support the Executive Head and Growth of Property and Corporate Property Manager in managing client-side functions and realising benefits as outlined in this business case.
- 3.46 The redevelopment of Block 3 and taking forward the Masterplan for the remainder of the Town Centre will be the responsibility of the Regeneration and Development Service and managed through the Council's existing regeneration programme arrangements
- 3.47 Figure 6 below shows the planned management and governance arrangements for the acquired land and property.

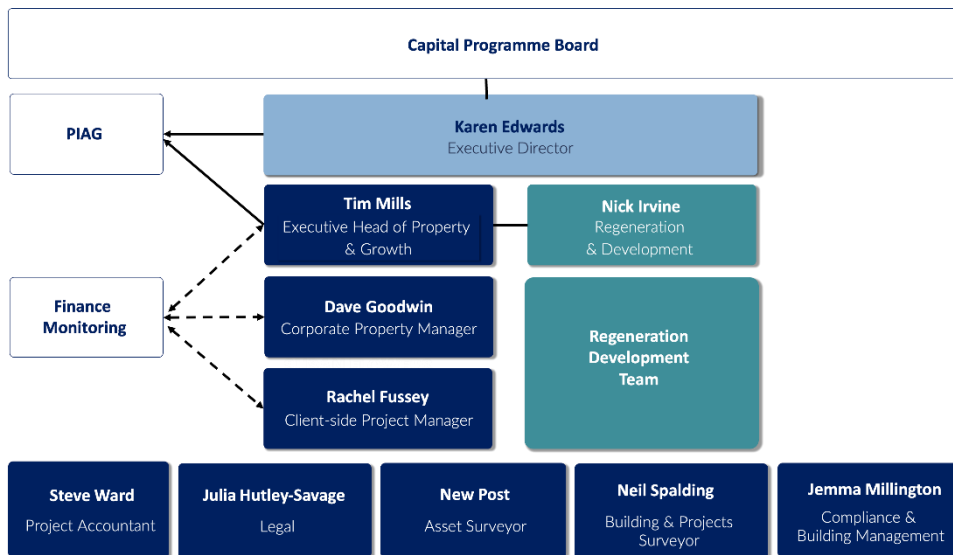


Figure 6 Client-side team and reporting

- 3.48 The operational team will meet every 2 weeks with the core client-side team.
- 3.49 Commercial asset performance will be monitored through PIAG with Executive oversight through the Capital Programme/Regeneration Board which meets every 6 weeks.
- 3.50 The Capital Programme/Regeneration Board will also inform and oversee future regeneration proposals for the site as part of the wider regeneration programme.
- 3.51 In addition to the requirement of a dedicated internal asset surveyor the acquisition will increase the need for legal advice and support on a strategic level and also to support the inhouse property team operationally. The level of legal support required will need to be fully assessed once there is a better understanding of the level of change associated with the asset, some provision for this has been made within the financial modelling.

#### Benefit realisation

- 3.52 A reserve fund will be created where annual net income will be allocated, and this will be drawn on for delivery of regeneration activities.
- 3.53 The delivery team will prepare an annual budget including revenue forecast and will report against this at quarterly finance review meetings.

#### Risk Management

- 3.54 A detailed project and technical risk register has been developed for the project and will be used as a key management tool by the internal and external operational delivery teams to manage residual risks and monitor and manage new risks and issues that arise. The risk register is attached at confidential Appendix D.

- 3.55 Risks will be reviewed at monthly monitoring meetings with any significant changes to risk or new risks arising being escalated between meetings if necessary.

#### Summary – Management Case

- The Council has an existing property service and has appointed expert asset managers to provide expertise and manage the asset on a day to day basis
- Lambert Smith Hampton Investment Management are the Council's appointed asset management advisers and have undertaken the due diligence on this acquisition
- Surplus income from the property will be used to fund regeneration across Farnborough Town Centre and the Civic Quarter
- Redevelopment will be managed through the Council's existing regeneration arrangements

#### **4. Alternative Options**

- 4.1 In addition to an assessment of each of the business case dimensions outlined above, the Project Team have also considered the following alternative options:

##### Do Nothing Option

- 4.2 KPI have expressed their desire to vacate Farnborough. They stood down their developer last year and are currently reducing operational resource in anticipation of completing the acquisition in April 2023.
- 4.3 In the current economic conditions, there are unlikely to be many interested purchasers in developing retail opportunities, in line with the town centre strategy, which means that the development of Block 3 will continue to stall, and town centre regeneration will be further delayed.
- 4.4 There is the possibility of a sale to an alternate purchaser who would bring forward the current scheme which is now out of date and not fit for purpose or propose an alternative which is not in line with the Town Centre Strategy. If the Council doesn't acquire the asset the projected surplus income from the scheme would not be available to support regeneration prior to scheme redevelopment.

##### Postpone acquisition Option

- 4.5 Whilst this option could provide the Council with further time before incurring borrowing the acquisition has already been deferred from October and delay is unlikely to be welcomed by the vendor and could lead to a sale to an alternative party with the same risks identified above.
- 4.6 The agreed price reduction is subject to achieving completion by the end of April 2023.

### Pursue the development agreement

- 4.7 As set out in the earlier report the development proposed for Block 3 was no longer considered fit for purpose and unlikely to be financially viable for the developer. Whilst taking legal action under the development agreement is an option, it is likely to be costly, take significant time and would be unlikely to result in quality development that meet the needs of local people and businesses in the town.

## **5. RISKS AND IMPLICATIONS**

### **Risks**

- 5.1 The Council will be accepting a number of risks in proceeding with this acquisition. These include the usual risks associated with acquisition of commercial property in respect of Blocks 1 & 2 and Kingsmead. In addition, Kingsmead is an older building with the risks that brings and the need to plan for its regeneration. In terms of Block 3 the Council will take on the cost and risk of planning for a new scheme and if it takes forward the development the Council would also be accepting development risk.
- 5.2 There is a strategic risk that the town centre will not support future viable regeneration. However, as identified above, during the due diligence period the Princes Mead shopping centre (located directly to the west of The Meads) has been acquired by Sovereign Housing Association who are working up an outline planning application for housing with commercial to be submitted in Q4 2023 indicating that viable development is possible, albeit housing led.
- 5.3 A detailed project risk register has been prepared and will form part of the detailed business case. The current live register is included at Appendix D and includes mitigation against points raised.

### **Legal Implications**

- 5.4 The Council has a general power to acquire property through agreement for the delivery of its services and functions, or for the benefit, improvement, or development of the borough (s120 Local Government Act 1972). It also a general power of competence (Section 1 of the Localism Act 2011) which allows it to do anything that individuals generally may do, subject to certain constraints. One of the constraints is that anything done for a commercial purpose must be done through a company. Due to the primary purpose being to regenerate Farnborough Town Centre, it is not acting purely for a commercial purpose and therefore can own The Meads directly without the need for a company.
- 5.5 The Council is permitted to acquire assets provided the primary purpose is regeneration and supporting growth of the local economy rather than for the purpose of generating a commercial return. Acquisitions should promote or improve the economic, social or environmental wellbeing of the Borough.

- 5.6 There are a number of legal implications associated with the acquisition of The Meads and details of these were shared in Appendix D of the January Cabinet Report REG2301 (Exempt).
- 5.7 The Council's project team have undertaken detailed review and consideration of the risks in conjunction with our external legal advisers, Freeths. Mitigation has been put in place in the form of additional budget provision in the financial model and risk analysis, and there is an opportunity to obtain insurance or indemnities against some of the remaining risks as outlined in Confidential Appendix A of this report, Appendix D of the January Cabinet Report REG2301 (Legal issues report) and the risk register at Confidential Appendix D of this report.

### **Financial and Resource Implications**

- 5.8 Members will be aware that the Government recently brought in restrictions affecting the ability of Councils to use Public Works Loan Board (PWLB) borrowing purely for the acquisition of commercial property for income generation purposes. Commercial property acquisitions related to or enabling housing and / or regeneration are acceptable provided the income arising from them is used to support regeneration.
- 5.9 The acquisition of the retail assets are regeneration projects in themselves in that the Council is seeking to secure control of the town centre in order that it can ensure that a placemaking approach is adopted in the future and that by securing ownership the assets contribute to the future of the town. The risk being if the Council doesn't act and with an owner that wishes to leave the borough the assets may not be invested in nor maintained thereby affecting the vibrancy and quality of the town centre.
- 5.10 In accordance with the previously agreed Capital Strategy and the impact on the Medium-Term Financial Strategy as detailed above, there is a need to limit the use of borrowing to fund the acquisition over the medium term. However, due to the lack of immediately available alternative funding sources there will be a need to enter into initial short-term borrowing for the majority of the purchase price until capital receipts from other sites come forward.
- 5.11 The scenarios in Appendix B detail the amount of borrowing required at different purchase price options and also indicate the estimated use of Capital Receipts to be utilised to clear the initial debt. The most likely scenario indicates that debt will require to be funded until early 2025 when the availability and use of capital receipts will enable the facility to be managed free of any debt charges.
- 5.12 The scenarios in Appendix B also indicate the level of net income estimated each year for the next 10 years based on a variety of assumptions regarding both income and expenditure (see paragraphs 4.34 to 4.39 above). The most likely scenario indicates that all of the ongoing running costs and the property maintenance costs can be contained within the level of income received from leases and rentals and that a positive annual cash flow can be achieved in each year of operation. It is anticipated that this positive cash flow will be utilised to support the funding of both ongoing and future regeneration activity.



## **Equalities Impact Implications**

5.13 There are no known Equalities Impact Implications arising as a result of the decision in this report.

## **6. CONCLUSIONS**

6.1 The decision to enter a regeneration acquisition of this scale will always represent a balance of risk and opportunity for a local authority. The Council has undertaken significant due diligence and now has a solid understanding of the risks and issues involved and has, or will, put in place appropriate and available mitigation over the coming months. The risk profile has been reflected in the revised purchase price.

6.2 Ownership of the land and buildings in this report provide the Council with control over what happens next. With that ownership comes the responsibility to take plans forward in a reasonable timescale. In financial terms, the assets would, over the anticipated period before redevelopment, deliver a net surplus which can be used to fund the Council's regeneration activity for priority schemes in Farnborough.

## **BACKGROUND DOCUMENTS/APPENDICES:**

Confidential Appendix A – Price and Acquisition Terms

Confidential Appendix B – Financial and Commercial Position including figures from January update from Lambert Smith Hampton Investment Management

Confidential Appendix C – Asset Plan Report – Kingsmead December 2022 v4 – Lambert Smith Hampton Investment Management

Confidential Appendix D – The Meads Risk Register draft v0.4

## **CONTACT DETAILS:**

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CABINET

COUNCILLOR PAUL TAYLOR  
CORPORATE SERVICES  
PORTFOLIO HOLDER  
REPORT NO. FIN2304

07 FEBRUARY 2023

KEY DECISION: ~~YES~~/NO**REVENUE BUDGET, CAPITAL PROGRAMME AND COUNCIL TAX LEVEL****SUMMARY AND RECOMMENDATIONS:**

This report contains recommendations for the budget, Council Tax Requirement, and proposals for budget savings for 2023/24. The report includes:

Appendix 1: Medium Term Financial Strategy

Appendix 2: List of Savings and Transformation items for inclusion in the budget

Appendix 3: Capital Programme

Appendix 4: Strategy for the Flexible Use of Capital Receipts

Cabinet are requested to consider and approve for recommendation to Council:

- i) the Medium-Term Financial Strategy set out in Appendix 1
- ii) the Savings and Transformation items for inclusion in the budget, set out in Appendix 2
- iii) the Council Tax Requirement of £7,448,100 for this Council
- iv) the Council Tax level for Rushmoor Borough Council's purposes of £225.98 for a Band D property in 2023/24 (an increase of £6.56)
- v) the Capital Programme, set out in Appendix 3
- vi) the Strategy for the Flexible use of Capital Receipts set out in Appendix 4
- vii) the balances and reserves position including proposed reserve transfers for 2023/24 as set out in Section 5 of the report

Cabinet is recommended to approve delegation to the Council's Section 151 officer, in consultation with the Leader of the Council and the Portfolio Holder for Corporate Services:

- i) for any changes to the General Fund Summary stemming from the Local Government Finance Settlement, the Business Rates Retention Scheme estimates and any other final amendments

## 1. INTRODUCTION

- 1.1 This report sets out the key factors taken into account in preparing the budget plans for Rushmoor Borough Council for 2023/24.

## 2. BACKGROUND

- 2.1 Cabinet approved the budget framework set out in the Budget Strategy 2023/24 report on 15 November 2022 ([FIN2234](#)).

- 2.2 The budget and MTFs have been prepared in the context of ongoing pressure on the Council's finances. The residual impact from Covid-19, the war in Ukraine, restrictions on the supply chain (particularly from China), the ongoing reset of the UK economy following Brexit, all contributing to the high inflation and the cost-of-living crisis means the economic context is subject to considerable uncertainty. The continuation of constraints in government funding (both in terms of the level of funding and duration) adds to this uncertainty which restricts the Council's ability to financially plan for the medium to long term.

### Local Government Finance Settlement 2023/24

- 2.3 The provisional settlement for 2023/24 was announced on 19 December 2022 preceded by a Local government finance policy statement 2023-24 to 2024-25, on 12 December which attempted to provide some policy context for the two years. The settlement was better than had been feared as Government tried to reflect the additional costs due to high inflation and smooth some of the impact of high levels of Government borrowing during the pandemic. Significant changes to local government finance have been delayed for at least two years with the Government indicating that the funding pot will only be increasing by 1% from 2025/26, potentially placing local authorities under additional pressure as they attempt to maintain services to local people.
- 2.4 The government's consultation on the settlement closed on 16 January 2023 with the final settlement due to be confirmed shortly. This report has been prepared based on figures contained within the provisional local government finance settlement and are not expected to change.
- 2.5 The provisional settlement provided the total funding expectations for local government outlined in the Budget and Spending Review 2021, however, the redistribution of business rates and reform of social care were deferred until 2025.
- Confirmation of the Council Tax referendum principle of 3% or £5 (whichever is higher) for shire districts and boroughs
  - New Homes Bonus scheme continues for a further year, but at a lower level of funding
  - Rural Services Delivery Grant maintained
  - Increased Social Care Funding
  - Lower Tier Services Grant was removed
  - The Services Grant allocations to provide additional funding for all tiers of local government was continued, but at a lower level of funding
  - Continuation of the approach to eliminating negative RSG and an uprating of the Settlement Funding Assessment (SFA)

- Some grants related to Council Tax Support have been rolled into the Revenue Support Grant
- A 3% increase of Core Spending Power, minimum funding guarantee
- Business Rates revaluation was implemented., however the Business Rates Multiplier was frozen at 49.9p for the third year.
- The Business Rates reset has been deferred to, at least 2025/26.

2.6 The MTFFS continues to provide a risk-based General Fund balance of £2m being the minimum expected level for total working balances.

### **3. 2022/23 BUDGET Monitoring**

#### Revenue Budget

3.1 Forecast overspend on service expenditure is £0.692m in 2022/23, which is indicative of the pressures caused by the high level of inflation experienced during 2022, particularly energy costs and the higher-than-expected national pay award. The Council is mitigating some of the overspend by a reduction in the contribution to reserves for pension contribution risk £0.500m, due to the outcome of the triennial review of the Pension Fund removing that risk. Any residual overspend will be covered by earmarked reserves set aside to manage risk of this nature.

3.2 Because the overspend is a permanent increase in cost, the inflation figure on £2.197m in 2023/24 MTFFS includes both the additional inflation experienced in 2022/23 and the expected increases in 2023/24.

3.3 A full analysis of actual under and overspends will be part of the 2022/23 outturn report to Cabinet in July 2023.

#### Capital Budget

3.4 The revised Capital Budget was £41.326m, with current forecast that actual spend will be 25.487m. The main reasons for the underspend are mainly due to the delayed expenditure in respect of The Galleries, RHL projects, The Civic Quarter and also a lower level of expenditure than anticipated on Union Yard.

3.5 However, the revised Capital Programme as set out in Appendix 3, includes any schemes deferred. If there are any slippages identified at year end a separate request, as part of the outturn report will be made.

### **4. MEDIUM TERM FINANCIAL STRATEGY 2023/24 TO 2026/27**

4.1 The residual impact from Covid-19 on service expenditure and income, the war in Ukraine, restrictions on the supply chain (particularly from China), the ongoing reset of the UK economy following Brexit, all contributing to the high inflation and the cost of living crisis and the continuation of constraints in government funding (both in terms of the level of funding and duration) means the budget and medium-term are subject to considerable uncertainty. The continuation of constraints in government funding (both in terms of the level of funding and duration) adds to this uncertainty which restricts the Councils ability to financially plan for the medium to long term.

- 4.2 Portfolio budgets have been updated for 2023/24, along with forecasts of Corporate Items. Inflationary provision has been included as a separate item and assumes:
- Pay inflation of 5% and an assumption of the impact of pay increments
  - Price inflation on major contracts, utilities, and IT costs (in-line with the approach set out in the Budget Strategy). Additional inflationary provision has been made in the budget and across the MTFS period recognising energy price rises.
- 4.3 Fees and Charges have been reviewed in accordance with the approved methodology for the annual review of fees and charges made for Council services ([FIN1624](#)). An increase of 12.4% has been reflected in fees and charges that are increased in-line with the annual increase in the RPIX inflation rate. Budget holders are required to review the fees and charges as part of the budget setting process to ensure they are set at an appropriate level and that charges are transparent and show a clear methodology for their increase.
- 4.4 The estimates for 2023/24 includes changes to service income and expenditure budgets that are summarised below. Income and cost pressures have been reviewed given the financial pressures faced by the Council. In most cases, budget estimates have only been amended where the impact is unavoidable – either through inflationary pressure (pay and contractual), which for 2023/24 is considerable, with additional allocations any pay award up to 5% and inflation risk or where there is a projected income shortfall.
- 4.5 As with the Revised Estimates for 2022/23, the summary above excludes the impact of changes in Support Service charges, Capital Charges and Pension Accounting charges. A detailed analysis of the budget changes will be shown in the Council's 2023/24 Budget Book which will be available in March 2023.

#### Budget Pressures

- 4.6 Inflationary provision has been set aside of £2.186m to reflect the additional costs generated from the current economic situation, including contract inflation and energy costs. Additional service budget will be distributed after the additional cost has been demonstrated and that any mitigations have been identified.
- 4.7 Other items of supplementary expenditure may be proposed during 2023/24 as the Council reacts to changing conditions or levels of demand, for example. Given the financial pressures facing the Council and the funding gap across the MTFS period, each item will be reviewed individually prior to any formal decision, in line with current financial regulations. Given the financial pressures it is anticipated that any such requests will be reviewed in the context of ongoing need for budgetary control and the need to deliver further cost reductions. Therefore, consideration will only be given to essential expenditure and agreed priority areas only.

#### Non-Service Expenditure and Income

- 4.8 Corporate Items covers the non-service revenue expenditure and income that is included in the Council's General Fund. Non-Service budgets for 2023/24 of £1.821m are proposed and increase to £2.597m, £3.006m and £4.543m over the MTFS period. Specific budgets covering the Council's Treasury Management

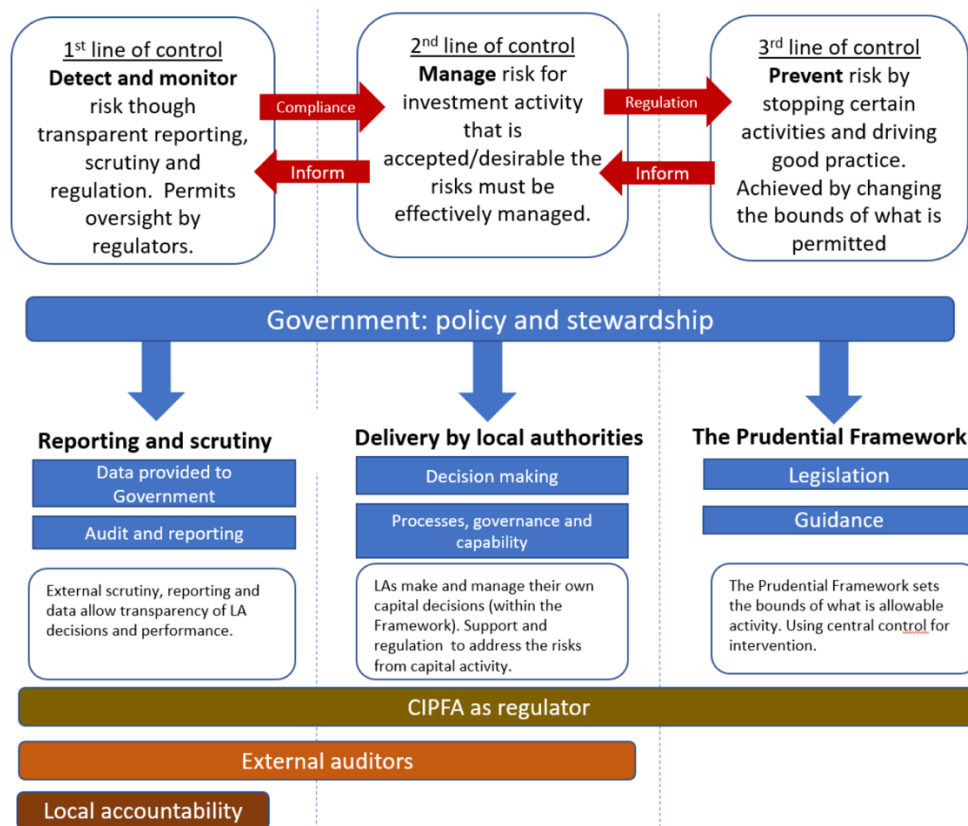


activities, approach to the revenue implications of capital financing, and planned reserve transfers are set out below in more detail.

#### Treasury Management and PWLB Lending Terms

- 4.9 The MTFS includes an updated estimate of the additional cost of borrowing as interest rates increase. The Treasury Management Strategy for 2023/24 will be considered by Corporate Governance, Audit and Standards Committee at their meeting on 30 January 2023. This will indicate that external short-term borrowing has been taken to finance the capital programme to date. This takes advantage of current low interest rates, with a planned move to longer-term external borrowing as interest rate rises are expected over the medium term thereby providing a degree of mitigation against refinancing risk. Advice will be sought from the Council's Treasury Management advisors Arlingclose, in terms of timing, maturity profile and debt composition.
- 4.10 The Government provided further guidance and clarification on the revised PWLB Lending Terms in August 2021. The key points are set out below.
- Any investment asset acquired after 26th November 2020 would result in the authority not being able to access PWLB in that financial year or being able to use the PWLB to refinance the transaction at any point in the future
  - authorities should provide details of capital plans, regardless of funding source, covering the whole current financial year and subsequent two financial years
  - Individual projects and schemes may have characteristics of several different categories. In these cases, the section 151 officer or equivalent of the authority should use their professional judgment to assess the main objective of the investment and consider which category is the best fit.
  - an asset that is held primarily to generate income which is used to support wider service spending, but serves no direct policy purpose, should not be categorised as service delivery
  - authorities cannot use receipts from primarily for yield assets to buy further primarily for yield assets
  - Capital expenditure to maintain existing properties or in order to increase their value where the local authority is planning to sell the property is permitted
- 4.11 The Government also set out their views on the local authority capital finance framework. Whilst the Government have recognised the importance of local government capital investment, they are concerned at the risks some local authorities have taken around investment in commercial property.

**Figure 1: Three-lines of control model for strengthening the capital system**



4.12 In December 2021 CIPFA confirmed changes to its Prudential Code on Capital Finance and Treasury Management Code of Practice following a consultation in the Autumn. Where possible, local authorities should make their best endeavours to adhere to their provisions and not undertake any new investments which would not be consistent with the changes. The codes will be fully implemented in the 2023/24 financial year. The main changes to the Codes are summarised below.

4.13 **Prudential Code** – The updated code includes the following as the focus of the substantive changes:

- The provisions in the code, which present the approach to borrowing in advance of need in order to profit from additional sums borrowed, have been strengthened. The relevant parts of the code have augmented to be clear that borrowing for debt-for-yield investment is not permissible under the Prudential Code. This recognises that commercial activity is part of regeneration but underlines that such transactions do not include debt-for yield as the primary purpose of the investment or represent an unnecessary risk to public funds.
- Proportionality has been included as an objective in the Prudential Code. New provisions have been added so that an authority incorporates an assessment of risk to levels of resources used for capital purposes.
- A new requirement has been added so that capital strategies are required to report investments under the following headings: service, treasury management and commercial investments.

- 4.14 **Treasury Management Code** – The main changes to the Treasury Management code are as follows:
- Investment management practices and other recommendations relating to non-treasury investments are included within the Treasury Management Practices (TMPs) alongside existing TMPs.
  - The guidance will recommend the introduction of the Liability Benchmark as a treasury management indicator for local government bodies (note that CIPFA has issued a toolkit to assist local authorities with the production of this indicator).
  - Environmental, Social and Governance (ESG) risks are incorporated into TMP1 (Risk Management) rather than a separate TMP 13.
  - The purpose and objective of each category of investments should be described within the Treasury Management Strategy
- 4.15 As set out in the Annual Treasury Management Strategy, the Council's borrowing strategy is *"to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required"*.
- 4.16 The MTFs includes estimates of the borrowing costs arising from the financing of the capital programme.
- 4.17 Arlingclose expect the Bank base rate to increase in the short-term above the current 3.50% to 4.25% by May 2023 with the next increase likely in February 2023. Rates are expected to start to fall back in the final quarter of 2024, although not expected to fall back to the historically low rates of the last few years.
- 4.18 The Treasury Management Strategy sets out the Council's policy on Minimum Revenue Provision (MRP) and is the minimum amount which a Council must charge to its revenue budget each year, to set aside a provision for repaying external borrowing (loans).
- 4.19 The level of MRP to be charged to the revenue budget has been reviewed in light of the updated capital programme and the funding of future capital included in the Financial Strategy approved by Cabinet 15 November 2022 (FIN2234). MRP of £2.433m is to be charged in 2023/24 and is forecast to increase to £3.232 by 2026/27.
- 4.20 Estimates of interest receivable on other investments remain positive but with some uncertainty around the continued impact from Covid-19 on the Council's longer-term investment returns. The Council continues to hold up to £25m in Pooled Funds, which are performing well. Investment income of £1.5m has been forecast for 2023/24 recognising a recovery in performance over the last 12 months whilst recognising that volatility remains a factor. This will be kept under review in terms of the overall cash position of the authority and the impact of forecast interest rate rises.

## 5. BALANCED BUDGET REQUIREMENT

- 5.1 The Council is legally required to set a balanced budget for the following financial year and remains balanced. As can be seen in the MTFS, the Council's core financial position is a balanced budget 2023/24 and 2024/25 (after utilisation of the other transfers to reserves). However, there is a significant and increasing projected funding gap (prior to any further savings target) of £1.964m in 2025/26, rising to £2.979m in 2026/27.
- 5.2 An important part of the strategy for financial sustainability will be to continue to deliver efficiencies and savings over the coming years. The Council Business Plan and services must be delivered within the overall resource envelope available to the Council thereby reducing reliance on earmarked reserves to support the budget.
- 5.3 The level of savings set out in the MTFS does meet the funding gap identified for 2023/24 and 2024/25. The MTFS Equalisation reserve is not planned to be utilised in either 2024/25 and 2025/26, however is being used to balance the budget in the 2025/26 and 2026/27 and will be depleted over the MTFS period leading to a deficit position during 2025/26. As illustrated in Table 5 in this report, the Council will need to address the scale of the funding gap to ensure a balanced budget can be set for 2025/26 and beyond. Given the level of complexity and uncertainty we continue to operate in the position set out in this report is by no means fixed and the funding gap may change due to assumptions being updated and changes in external factors including interest rates.
- 5.4 The CIPFA Financial Management Code (FM Code) was published in 2019 and is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The FM Code applies to all local authorities with the first full year of compliance required in 2023/24.
- 5.5 The FM Code is based on a series of principles supported by specific standards which are considered necessary to provide the strong foundation to:
- financially manage the short, medium and long-term finances of a local authority
  - manage financial resilience to meet unforeseen demands on services
  - manage unexpected shocks in their financial circumstances
- 5.6 A key element of demonstrating financial sustainability and compliance with the FM Code is for the Council to ensure suitable mechanisms are in place around savings to that they are identified, agreed, planned, implemented and achieved. This will help to ensure the funding gap identified within the MTFS is addressed in a planned and managed way.
- Savings and Transformation Programme
- 5.7 The Council adopted a revised approach to its Savings Programme to address the funding gap identified in the February 2021 MTFS. The programme set out a revised process for how savings are identified, evaluated, and approved, with clearer reporting and monitoring and governance arrangements. This approach was approved by Cabinet during March 2021, with significant work being undertaken by officers and members over the course of the current financial year.

- 5.8 The Savings and Transformation programme has developed a number of workstreams that help the Council achieve a robust, balanced, and proportionate reduction in cost/additional income. The programme has considered and reviewed service delivery options, organisational redesign programmes such as ICE, improved procurement outcomes, and how to embed a commercial approach to service delivery and improved utilisation of property and income-generating assets.
- 5.9 As can be seen from Tables 4 and 5 in this report, the requirement to reduce costs and balance the budget over the medium term are substantial. The Savings and Transformation Programme has been extended to ensure sustained focus over the MTFS period. The programme is supported by a project team which reports to the Executive Leadership Team Board on a monthly basis to ensure identified opportunities are on target and can be delivered. Member oversight on the programme is through the Budget Strategy Working Group.
- 5.10 The aim of the programme is to achieve financial sustainability and enable service transformation within the MTFS period without significant impact on Council Plan priorities. In 2023/24 the Savings and Transformation Programme will focus on:
- 1) the delivery of the new programme of savings projects identified through the recent Outcomes Based Budgeting process (See below)
  - 2) Efficiencies from the ongoing transformation programme
  - 3) Asset management and redevelopment (incl. increasing income from existing assets)
  - 4) Fees and Charges – cost recovery principle

#### Outcome Based Budgeting

- 5.11 The MTFS includes £1.825m of previously agreed savings in 2023/24 rising to £3.241m in 2026/27. However, given the forecast budget gap this was insufficient and additional savings were required to balance the budget.
- 5.12 In November Cabinet agreed an Outcome Based Budgeting exercise, which aimed to identify further changes and projects to ensure that net costs were brought down, whilst ensuring that the Council's aims continued to be fulfilled.
- 5.13 The exercise was undertaken against the budget principles:
- A clear focus on fulfilling the **Councils Best Duty Value**. Developing and mobilising a continuous savings programme to close the majority of any gap by driving out costs from the running expenditure of the Council, focused both in the short (23/24) and medium term (24/15 onwards).
  - The Council will not rely on the use of one-off funding sources to address recurring budgetary pressures, specifically it **should not place material reliance on use of reserves** for revenue purposes
  - Recognising the challenging inflationary environment the Council is currently operating in and the increased in service costs, where services are charged for, **fees and charges need to be set at an optimal price**, ensuing full cost recovery as a minimum.

- Recognising the Councils capital investment imperatives and the importance to the residents of the Borough, a sustainable funding solution should be developed to fund all new capital acquisitions – with a specific focus on **funding all new capital activity predominantly from asset sales with minimal borrowing and grants**
- Ensuring the long-term viability of service provision from as stable a position as possible is vital to continued success of quality service delivery, a **continued focus on budget sustainability** will be key to all considerations with a reduction in the use of one off measures or borrowing to fund activity.

5.14 The work identified significant number of options which were validated. These were subsequently reviewed by the Cabinet who agreed a set of proposals for incorporation in this budget.

5.15 The proposals set out in detail in Appendix 2 have been agreed by Cabinet and result in net amendments to portfolio budgets as shown in the table below.

**Table 1 – Outcome Based Budgeting summary**

OBB Savings Proposals by Portfolio 2023-24 and 2023-24	2023/24 (£'000)	2024/25 (£'000)
Corporate Services	(224)	(246)
Customer Experience & Improvement	(414)	(441)
Democracy, Strategy & Partnerships	(120)	(105)
Major Projects & Property	(639)	(639)
Operational Services	(524)	(729)
Planning & Economy	(223)	(268)
Cross-Portfolio	(165)	(165)
<b>Total</b>	<b>(2,309)</b>	<b>(2,593)</b>

5.16 Each OBB proposal includes an assessment of the impact upon residents and in particular protected groups in accord with the Equality Duty. The assessment for each proposal was then reviewed by the OBB working group and further consideration or information was requested where appropriate. As a result, mitigation action was considered appropriate in 15 proposals and these mitigations are either already in place or will be actioned as the proposed changes are implemented. These impact assessments are highlighted in the supporting report. The equality impact assessment process will continue for many proposals where changes involve new operating practices and/or procedures that are still in development at the time of this report.

Balances and Reserves

5.17 The Council's financial position is supported by its balances and reserves.

- 5.18 The Budget Strategy set a target for the General Fund balance to be maintained at a minimum of £2m, with the Stability and Resilience Reserve balance held at a level that would allow the Council to mitigate short-term fluctuations in income and expenditure (e.g., Business Rates, Government funding changes). Given the funding gap identified over the MTFS period, the Council must identify and deliver additional cost reductions and new income to ensure an adequate reserve balance is maintained.
- 5.19 However, these reserves should not be utilised to fund normal, on-going service provision. It is important to review the level of reserves regularly.
- 5.20 Members will recall that as part of the 2019/20 budget setting process a Commercial Reserve was established to provide a source of funding to mitigate potential fluctuations commercial property income. The level of the reserve will need to reflect the financial risks associated with the commercial property portfolio and the impact from Covid-19 and the cost of living crisis on income. Although a draw on this reserve is likely in 2022/23, no assumption on any further drawdowns is made for 2023/24 onwards, as commercial income is returning to the levels expected with the MTFS.
- 5.21 The triennial review of the Pension Fund has been undertaken and, due to a combination of better performance of the scheme investments and changes to the valuation methods required of Pension Funds, the MTFS now assumes no additional contributions to the Pension Fund and the transfer of the brought forward balance into the MTFS Equalisation Reserve during 2022/23 as part of a review of reserves balances in September 2022.

**Table 2 – Balances and Reserves forecast**

Earmarked Reserve	SOA Balance as at 31/03/2021 (£'000)	Final Balance 31/03/2022 (£'000)	Estimated Balance 31/03/2023 (£'000)	Estimated Balance 31/03/2024 (£'000)	Estimated Balance 31/03/2025 (£'000)	Estimated Balance 31/03/2026 (£'000)	Estimated Balance 31/03/2027 (£'000)
COVID BRR Earmarked Reserve	10,812	4,547	4,162	4,162	4,162	4,162	4,162
Stability and Resilience Reserve	4,577						
Business Rates Equalisation Reserve	-	2,000	2,676	2,676	2,676	2,676	2,676
MTFS Equalisation Reserve	-	2,577	4,529	4,529	4,529	2,565	
Negative Balance of MTFS Equalisation *							(414)
Service Improvement Fund	129	-	-	-	-	-	-
Commercial Property Reserve	1,750	1,483	388	388	388	388	388
Regeneration, Property & Major Projects	357	257	100	-	-	-	-
ICE Reserve	-	-	-	-	-	-	-
Climate Emergency Reserve ***	239	208	-	-	-	-	-
Deprivation Strategy Reserve ****	94	139	109	109	109	109	109
Pension Reserve	669	1,487	-	-	-	-	-
Workforce Planning Reserve	200	100	100	100	100	100	100
Treasury Earmarked Reserve	400	220	-	-	-	-	-
Covid-19/Recovery Grant reserve	393	233	233	233	233	233	233
CPE Rolling Fund	281	327	327	327	327	327	327
Budget Carry Forwards	390	432	-	-	-	-	-
All Other Earmarked Reserves (excluding SANG/s106) **	2,796	3,465	3,218	2,734	2,781	2,828	2,828
Commuted Sums/Amenity Areas	3,973	4,530	4,498	4,466	4,436	4,405	4,405
TAG Environmental Fund	96	97	97	97	97	97	97
<b>Total of all Earmarked General Fund Reserves</b>	<b>27,156</b>	<b>22,102</b>	<b>20,437</b>	<b>19,821</b>	<b>19,838</b>	<b>17,890</b>	<b>14,911</b>
<b>Excluding SANG/S106/TAG &amp; BRR</b>	<b>12,275</b>	<b>12,928</b>	<b>11,680</b>	<b>11,096</b>	<b>11,143</b>	<b>9,226</b>	<b>6,247</b>
<b>Capital Receipts Balance</b>	<b>410</b>	<b>2,135</b>	<b>3,968</b>	<b>4,103</b>	<b>4,103</b>	<b>4,103</b>	<b>6,208</b>

**Notes:**

\* Negative Balance on MTFS Equalisation Reserve – this is shown as a negative balance should the Council not find sufficient savings or additional income to address the funding gap highlighted over the MTFS period. In practice, a negative reserve would not be created but is show for illustrative purpose to highlight the impact.

5.22 Whilst the level of balances and reserves shown in the table indicates that the Council is in currently a good financial position, the cumulative funding gap of £4.943m over the MTFS period - £1.964m in 2025/26 rising to £2.979m by 2026/27 (as shown in Table 4 below), would reduce the MTFS Equalisation Reserve to a nil balance during 2026/27. This will need to be addressed over the coming months as the Council will need to make significant decisions on future mitigation options.

5.23 Clearly, the Council will need to ensure the Savings and Transformation Programme is robust, balanced, and proportionate, and mitigates the funding gap over the MTFS period.

**Table 3 – Medium Term Financial Forecast**

Item	2023/24 (£'000)	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)
Portfolio Net Expenditure	9,769	9,026	8,768	7,619
Corporate Items	2,421	2,597	3,006	4,543
Inflation	2,186	2,646	3,207	4,229
<b>Portfolio + Corporate Items</b>	<b>14,375</b>	<b>14,270</b>	<b>14,981</b>	<b>16,391</b>
Additional Items & Budget Pressures	303	315	262	12
Budget Proposals	-	-	-	-
Risk items (Waste)	-	350	350	350
Outcomes Based Budgeting Savings	(2,309)	(2,593)	(2,593)	(2,593)
<b>Draft Net Revenue Budget</b>	<b>12,369</b>	<b>12,342</b>	<b>13,000</b>	<b>14,160</b>
<b>Funded by:</b>				
Council Tax	7,448	7,748	7,993	8,111
Business Rates	4,057	3,732	2,744	2,797
New Homes Bonus	658	658	-	-
Other Grant Funding	197	205	299	273
Council Tax/NNDR Surplus or (Deficit)	10	-	-	-
<b>TOTAL Funding</b>	<b>12,369</b>	<b>12,342</b>	<b>11,036</b>	<b>11,181</b>
<b>Funding Gap / (Surplus)</b>	<b>-</b>	<b>-</b>	<b>1,964</b>	<b>2,979</b>

## 6. FUNDING

6.1 The MTFS includes a forecast of the level of funding available to support the General Fund over the medium-term which are set out in detail below.



### Business Rates

- 6.2 The Council was required to finalise its Business Rates estimates for 2023/24 and its initial estimate of any surplus or deficit for 2022/23 by 31 January 2023. The estimate of retained business rates income included in this report do not take into account the final forecasts for business rates that were submitted in the NNDR1 return.
- 6.3 Forecasting business rates income is complex with the residual impact from Covid-19, the Business Rates Revaluation, freezing of the Business Rates Multiplier and additional reliefs announced in the Budget contributing to the level of uncertainty around forecasts for the medium-term. The estimate of business rates income has been prepared based on the rateable value of properties on the rating list on 31 December 2022. Forecasts have been made concerning the level of mandatory and discretionary reliefs that will be given, and an allowance made for bad debts and repayments.
- 6.4 Business rates are collected by the Council, and the proceeds are shared between Rushmoor and Hampshire County Council, and also with central Government to fund services. There is an element of risk and reward involved in the Business Rates scheme, which is designed to incentivise Councils to promote business growth within their areas. The Council expects its share of retained business rates to be £3.366m in 2023/24. The business rates retention scheme is volatile and estimating the outturn is complex due to factors such as appeals, demolitions, new builds, occupation, and reliefs. The draft forecast for business rates included in this report, although broadly similar to last year, has seen significant changes in terms of rateable values and reliefs.
- 6.5 The Business Rates Collection Fund is forecast to be in a deficit position by the end of the current year, largely due to the residual impact from Covid-19 and additional reliefs in the year. This is consistent with the outturn position on the collection fund for 2021/22. Owing to the way in which business rates are accounted for through the budget setting process and the year-end collection fund, any surplus or deficit from the previous year is dealt with in the following year's budget.
- 6.6 The Local Authorities (Collection Fund: Surplus and Deficit) (Coronavirus) (England) Regulations 2020 implemented the announcement made by the Secretary of State on 2 July 2020 that "the repayment of collection fund deficits arising in 2020-21 will be spread over the next three years rather than the usual period of a year, giving councils breathing space in setting budgets for next year". The Council has taken advantage of this change in the regulations and spread the Business Rates Collection Funds deficit with £0.223m included in the MTFS for the financial years 2021/22 to 2023/24. The final position on Business Rates income for 2022/23 will not be known until the NNDR3 return is completed in May 2023. It is expected that there will be a significant deficit on the NNDR Collection Fund as set out in paragraph 6.6. This will be mitigated through Section 31 Grant to compensate the Council for reduced income from business rate payers, although there is a timing difference in terms of how these are accounted for.

- 6.7 Final agreement of the Business Rates estimates will be made by the Council's Section 151 Officer in consultation with the Leader of the Council, under the delegation agreed by Council on 20th January 2014, and an update will be provided to Cabinet alongside this report.
- 6.8 Should the business rates estimates be materially different from those presented in this report, the General Fund Summary will be updated by the Council's Section 151 Officer in consultation with the Leader of the Council and the Portfolio holder for Corporate Services, prior to consideration of the budget by Council on 23 February 2023.

#### New Homes Bonus

- 6.9 Planned consultation on a new reward scheme has been deferred once again the current scheme would continue for a further year. The allocation of New Homes Bonus (NHB) for 2023/24 was included in the provisional settlement.
- 6.10 Whilst the total amount of NHB for 2023/24 is £0.658m, it is a one year allocation and will not generate legacy payments in future years. The MTFs includes a projection for one further year in 2024/25, no assumption is made on further receipts from 2025/26 onwards of NHB (or its replacement) as the funding stream is part of the fair funding review.

#### Other funding and grants

- 6.11 Alongside the finance settlement, the government has confirmed the following grants and other funding scheme contributions that the Council will receive in 2023/24.
- Services Grant (£0.092m)
  - Revenue Support Grant (£0.104m)
- 6.12 The Government have indicated that the Services Grant will not be included in any consultation around Transitional arrangements as and when the local government finance system is reformed and should therefore be seen as one-off in nature.
- 6.13 Revenue Support Grant is paid for the first time in a number of years, however this is only because two grants, Local Council Tax Support Admin Grant and the Family Annexe Grant have been rolled up into The Revenue Support Grant and therefore this is not additional funds.
- 6.14 Given the single-year settlement with an indication of the strategy for 2024/25, and uncertainty around the timing and level of reform to the local government finance system there is significant risk in forecasting of funding beyond 2024/25. Government has indicated that public sector funding will be squeezed from 2025/26 with only 1% increases factored in (a real terms cut if inflation is at or above the target rate of 2%).
- 6.15 The forecast shown in table 5 is based on the assumption that local government finance reforms and Business Rates rest (required to fund the reforms) reduces the Council's business rates income to the baseline level (£2.381m in 2025/26). No assumption has been made on any replacement to the New Homes Bonus scheme.

- 6.16 Therefore, the level of Government funding reduces significantly over the MTFS period (based on the assumptions made above) and the Council will need to take appropriate actions to ensure the financial sustainability of the Council is maintained in light of reduced resources over the medium-term.

#### Council Tax

- 6.17 The referendum threshold for 2023/24 for Shire Districts such as Rushmoor is 3% or £5 (whichever is the greater). The Spending Power calculation published with the Local Government Finance Settlement assumed that all authorities would raise their Council Tax towards the maximum allowable amounts. Factoring such increases into the funding assessment, removes flexibility for local authorities to take local decisions about tax levels and to use increases in local taxation to offset local spending pressures. Councils now need to make these increases just to keep total funding levels at a standstill.
- 6.18 The revenue budget assumes a 2.99% (£6.56) increase in a Band D charge for Council Tax, which falls within the permissible level of increase before triggering a local referendum and equates to an increase of around 13 pence per week for a Band D property.
- 6.19 A council tax rise of £6.56 increases the Band D rate from £219.42 to £225.98 and will generate approximately £0.216m in additional council tax revenue annually (when taken with estimated changes to the taxbase). The MTFS assumes an increase of up to £6.76 increase in 2024/25 and £5 per annum in subsequent years. This would generate a further £0.552m over the remaining years of the MTFS period.

#### Council Tax Support

- 6.20 Cabinet considered the report from the Council Tax Support Task and Finish Group at their meeting on 22 November 2022 ([FIN2301](#)). Following the review of Council Tax Support by the Task and Finish Group, the recommendation to full Council is that the current scheme for working age customers continues for 2023/24 with the usual alignment to Housing Benefit Rates. This would mean that the minimum contribution would remain at 12%. Also a further £20k was set aside to continue funding a Hardship Fund into 2023/24 for those requiring additional support.
- 6.21 Cabinet endorsed the approach set out in the report and the recommendation to commission the Council Tax Support Task and Finish Group to undertake a further detailed review of the Council Tax Support Scheme in early 2023 to take into account the impact of the cost of living crisis and the increasing cost of the scheme and its local impact on scheme recipients and other local council tax payers.
- 6.22 Cabinet accepted the proposal from the Group, the impact of which is included within the estimates on the Council Taxbase for 2023/24.

#### Council Taxbase

- 6.23 The Taxbase for 2023/24 has been estimated at 32,959.11 and represents an increase of 163.82 (0.50%) over the 2022/23 position.

#### Council Tax Collection Fund

- 6.24 The Council Tax Collection Fund is estimated to be in surplus by the end of the current financial year by £0.090m (Rushmoor's Share £0.010m) and is included within the Council Tax Collection Fund surplus line within the MTFs in addition to the impact from 2020/21 which was spread over a 3-year period.
- 6.25 Collection rates for Council Tax have improved throughout 2022/23. At the time of writing, the Revenues team have been able to collect the majority of Council Tax due for the year. The total collected is forecast to be broadly in-line with the level precepted against the Collection Fund.
- 6.26 Any surplus or deficit on the Collection Fund is shared across the major precepting authorities (Hampshire County Council, Hampshire Police and Crime Commissioner, Hampshire Fire and Rescue Authority).
- 6.27 The Council Tax base and surplus were agreed under delegated powers by the Council's Section 151 Officer, in consultation with the Leader of the Council, during February 2023.
- 6.28 The decision to set Council Tax remains an annual decision for Council to consider when setting the budget one year from the next.

#### **7. CAPITAL PROGRAMME 2022/23 to 2026/27**

- 7.1 The Council's Capital Strategy and Capital Programme are considered over a five-year period. The Strategy provides the framework for the Council's capital expenditure and financing plans to ensure they are affordable, prudent and sustainable over the longer-term.
- 7.2 The Council has set out its Capital Programme for the period 2022/23 to 2026/27 based on the principles of the current Capital Strategy. This is summarised in Table 7 below and in further detail in Appendix 3 of this report. A total capital expenditure budget of £44.6m in 2023/24 is proposed. Total expenditure currently decreases to £10.785m and £1.562m in 2024/25 and 2025/26 respectively, and in the final year of the current programme 2026/27 spend is estimated at £1.288m.

**Table 4 – Summary Capital Programme**

Portfolio / Scheme	2022/23	2022/23	2022/23	2023/24	2024/25	2025/26	2026/27
	Original Estimate (£'000)	Revised Estimate (£'000)	Estimated Out Turn (£'000)	Estimate (£'000)	Estimate (£'000)	Estimate (£'000)	Estimate (£'000)
<b>Corporate Services</b>							
Flexible Use of Capital Receipts	0	0	0	0	0	0	0
<b>Subtotal CS</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Customer Experience &amp; Improvement</b>							
Computer Systems	265	265	130	221	0	0	0
Council Offices	40	40	10	74	59		
<b>Subtotal CE &amp; I</b>	<b>305</b>	<b>305</b>	<b>140</b>	<b>295</b>	<b>59</b>	<b>0</b>	<b>0</b>
<b>Major Projects &amp; Property</b>							
Aldershot Town Centre Projects	3551	3551	3	3400	0	0	0
Civic Quarter Farnborough	2627	2791	791	1600	400	0	0
Housing Matters	6751	6751	1826	5894	4068	0	0
Property and Assets	0	425	350	10502	0	0	0
Property Enhancements	1151	1151	336	662	0	0	0
Union Yard Aldershot	20950	22534	19045	19838	2020	0	0
<b>Sub Total MP &amp; P</b>	<b>35,030</b>	<b>37,203</b>	<b>22,351</b>	<b>41,896</b>	<b>6,488</b>	<b>0</b>	<b>0</b>
<b>Operational Services</b>							
CCTV	400	400	0	400	0	0	0
Crematorium	0	50	50	750	2500	274	0
Depots	0	0		0	0	0	0
Parks & Open Spaces	0	210	210				
Playground Works	0	0					
Refuse/ Recycling inc Food Waste	105	340	374	127	127	127	127
Southwood SANG visitor centre and café	685	853	1159	0	450	0	0
Improvement Grants	1111	1965	1203	1161	1161	1161	1161
<b>Sub Total OPS</b>	<b>2,301</b>	<b>3,818</b>	<b>2,996</b>	<b>2,438</b>	<b>4,238</b>	<b>1,562</b>	<b>1,288</b>
<b>Planning &amp; Economy</b>							
No Capital Schemes	0	0	0	0	0	0	0
<b>TOTAL Capital Programme</b>	<b>37,636</b>	<b>41,326</b>	<b>25,487</b>	<b>44,629</b>	<b>10,785</b>	<b>1,562</b>	<b>1,288</b>

7.3 The capital programme is focussed on delivering against the Council's key priority of Town Centre Regeneration, with further schemes focused on enhancing the delivery of core services through improvement and enhancement of assets. The programme also includes support for the provision of local housing and the Council's statutory duties in respect of Disabled Facilities Grants.

- 7.4 The Capital Programme, as set out in this report, includes the forecast contract expenditure estimates for the construction and development of the Union Yard scheme that Council approved in July 2021. Whilst the expenditure on Union Yard has to date been lower than anticipated it is anticipated that the whole of the budget approved to date will be fully spent by 2024/25. Current forecasts of likely variations to the Contract could, if they are fully required, increase the expenditure above the current approval. As there was no contingency approved within the original budget a contingency sum of £1.6m (3.6% of the approved budget) has been included within the programme for 2023/24.
- 7.5 Expenditure estimates have also been included within the capital programme for the proposed purchase of The Meads, the refurbishment of the Crematorium and for the development of the Civic Quarter, Farnborough scheme. This will allow site assembly and land remediation to continue, along with further detailed planning of the wider site. Members will be aware of the £20m Levelling Up funding award and we are currently awaiting further details of the condition of the grant and the likely drawdown process before including the construction of the scheme in the Capital Programme.
- 7.6 With regards to the Crematorium refurbishment the Capital Programme includes a current estimate of the costs. Accurate assessment of costs will become available once Architects have been appointed and further detail will be provided to Cabinet with a full business case. It is anticipated that £90k will be spent on progressing the plans and no further funds should be committed until a full business case is approved.
- 7.7 Due to the scale and complexity of these schemes detailed proposals for each regeneration scheme will need to be considered by Cabinet and Council once the due diligence work has been completed. Each scheme will have significant legal and financial implications and will require the Council to consider the long-term financial commitments and risks. The Capital Strategy, Treasury Management Strategy and the Capital Programme will need to be updated to reflect decisions taken by Cabinet and Council.
- 7.8 There will be a continued review of capital spending requirements as the Council regeneration, new Property and Major Works programmes, and other schemes are brought forward in more detail, with affordability and deliverability will be a key consideration in this regard.
- 7.9 The Council's capital expenditure is, for projects already committed/commenced, predominantly financed from prudential borrowing. Going forward, wherever possible any new projects will be funded from other sources of finance to support the capital programme, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts).

- 7.10 The level of prudential borrowing included reflects the financing available in the revenue budget, assumes capital receipts align with forecasts and grant funding and other contributions are based on already notified allocations or best estimates at the time of preparation. If additional resources become available or there is a compelling business case which does not put the Council's ability to balance its budget at risk, further projects that meet the Council's strategic capital objectives may be brought forward for individual approval.

**Table 8 – Summary Capital Financing Statement**

	2022/23 Original Estimate (£'000)	2022/23 Revised Estimate (£'000)	2022/23 Estimated Out Turn (£'000)	2023/24 Estimate (£'000)	2024/25 Estimate (£'000)	2025/26 Estimate (£'000)	2026/27 Estimate (£'000)
<b>Capital Financing Statement</b>							
Revenue Contribution to Capital	0	75	0	0	0	0	0
Grants& Contributions from Other Bodies	2632	2632	2062	3420	20	20	20
Grants& Contributions - Improvement Grant	1060	1914	1203	1111	1111	1111	1111
Section 106 Developers Contributions	0	175	175	0	450	0	0
Prudential Borrowing	33429	36015	22047	40098	9204	431	157
Capital Receipts	515	515	0	0	0	0	0
<b>TOTAL Financing</b>	<b>37,636</b>	<b>41,326</b>	<b>25,487</b>	<b>44,629</b>	<b>10,785</b>	<b>1,562</b>	<b>1,288</b>

## 8. RISKS AND UNCERTAINTIES

- 8.1 There are a number of financial risks that the Council will face over the medium-term. The 2023/24 Budget and the MTFs have been prepared with consideration of these risks, but as with any forecast, an inherent level of risk will remain.
- 8.2 For Local Government, there are 2 significant strategic risks.
- 8.3 The first key risk is around the nature and scope of local government funding from central government from 2024/25. The implementation of the Fair Funding Review and Business Rates changes has already been delayed (originally due from April 2020) and have been deferred to 2025. The forecast impact on District and Borough Councils is likely to be significant as resources are moved around Local Government to recognise Social Care cost pressures.
- 8.4 It is very difficult to estimate the with certainty the impact on Rushmoor. Fundamental changes to the way in which each Council's needs are assessed and funded are difficult to model despite some engagement from Government with local authorities. Therefore, considerable risk and uncertainty remains in the estimates for 2025/26 and beyond. However, an initial estimate of a 30-40% reduction in the level of retained business rates income has been included in the MTFs assumptions. An estimate has been made around transitional arrangements, but these are not based on any indication or commitment from the Government.

8.5 The second key risk is around the continued impact on the Council from pressures within the wider economy, with the cost of livings crisis fuelled by the residual impact from Covid-19, the war in Ukraine, restrictions on the supply chain (particularly from China) and the ongoing reset of the UK economy following Brexit. This will have an impact on income and expenditure budgets during 2023/24 and will require timely and accurate financial reporting to Cabinet. These risks include:

- Income from Council Tax and Business Rates will continue to be under pressure in 2023/24 with an expectation that the taxbase for Council Tax and Business Rates may take time to recover.
- Increased demand for certain services (e.g., Homelessness) may put additional financial pressure on the Council
- Cost of services where the Council is exposed to risk sharing in contract costs
- Energy cost pressures

8.6 The budget has been prepared in light of key financial risks facing the Council over the medium- term, principally:

- Business Rates Retention and changes to the Local Government Finance system/Levelling Up Agenda
- Replacement of New Homes Bonus from 2025/26 at a time this Council will be continuing to delivering a significant number of new homes.
- Treasury management issues including interest rates, level of capital expenditure, use of internal resources, borrowing costs.
- Impact of the UK having left the European Union on the UK economy.
- Financial impact of the Capital Programme on the revenue budget – the affordability of the capital programme and future schemes needs to be carefully considered.

## **9. CONSULTATION**

9.1 All Members of the Council were invited to budget briefing seminars during January and February 2022 to discuss the budget proposals and the full budget report is available online.

## **10. EQUALITIES IMPACT ASSESSMENT**

10.1 Each OBB proposal includes an assessment of the impact upon residents and in particular protected groups in accord with the Equality Duty. The assessment for each proposal was then reviewed by the OBB working group and further consideration or information was requested where appropriate. As a result, mitigation action was considered appropriate in 15 proposals and these mitigations are either already in place or will be actioned as the proposed changes are implemented. These impact assessments are highlighted in the supporting report. The equality impact assessment process will continue for many proposals where changes involve new operating practices and/or procedures that are still in development at the time of this report.



## 11. CONCLUSIONS

- 11.1 Despite the uncertainties around future levels of Government Funding, the impact from Covid during 2021/22 and the general economic position, the Council has been able to prepare a sound budget whilst maintaining services to residents. The budget will also provide a platform for Rushmoor to address future challenges.
- 11.2 The budget has been prepared in accordance with the approved budget strategy. This includes the principle of maintaining the Council's general fund revenue risk-based balance at £2m and maintaining other usable reserves to mitigate risk and support improvement.
- 11.3 The Council will need to continue to take steps to manage and address the funding gap identified over the MTFS period.
- 11.4 The Capital Programme includes planned expenditure £44.6m in 2023/24 with the Council needing to consider the outcome from feasibility studies and due diligence work on other potential schemes before any further capital expenditure is committed.
- 11.5 The budget proposals provide for the current Council Tax level to increase by £6.56 for a Band D property (from £219.42 per annum to £225.98) – an increase of around 13p per week) in line with government assumptions within its settlement funding formula.
- 11.6 In order to achieve this, the budget will require the implementation of cost reduction and efficiency savings of £2.350m.
- 11.7 The Council will need to continue the Savings and Transformation Programme to ensure a balanced portfolio of cost management and income generation opportunities to ensure the Council is able to achieve financial sustainability over the medium-term strategy period. As endorsed by Cabinet at their meeting on 18 January 2022, the Budget Strategy Working Group to act as consultee on the development of the programme.
- 11.8 Reserves continue to be held to support the implementation of key projects and to mitigate against the substantial increased risk the Council is facing. Reserves held to mitigate risk (Commercial Property reserve, MTFS Equalisation reserve) are forecast to be depleted over the medium term and reviewed as to their adequacy for future financial years given the current risks identified in this report. All reserves will be monitored and reported to Cabinet throughout 2023/24.

### **Background documents:**

Budget Strategy 2023/24 ([FIN2234](#))

Council Tax Support Scheme 2023/24 ([FIN2301](#))

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## MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2026/27

Item	2023/24 (£'000)	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)
Portfolio Net Expenditure	9,769	9,026	8,768	7,619
Corporate Items	2,421	2,597	3,006	4,543
Inflation	2,186	2,646	3,207	4,229
<b>Portfolio + Corporate Items</b>	<b>14,375</b>	<b>14,270</b>	<b>14,981</b>	<b>16,391</b>
Additional Items & Budget Pressures	366	274	221	(29)
Budget Proposals	-	-	-	-
Risk items (Waste)	-	350	350	350
Outcomes Based Budgeting Savings	(2,372)	(2,552)	(2,552)	(2,552)
<b>Draft Net Revenue Budget</b>	<b>12,369</b>	<b>12,342</b>	<b>13,000</b>	<b>14,160</b>
<b>Funded by:</b>				
Council Tax *	7,448	7,748	7,993	8,111
Business Rates *	4,057	3,732	2,744	2,797
New Homes Bonus	658	658	-	-
Other Grant Funding	197	205	299	273
Council Tax/NNDR Surplus or (Deficit)	10	-	-	-
<b>TOTAL Funding</b>	<b>12,369</b>	<b>12,342</b>	<b>11,036</b>	<b>11,181</b>
<b>Funding Gap / (Surplus)</b>	<b>-</b>	<b>-</b>	<b>1,964</b>	<b>2,979</b>



### Outcomes Based Budgeting Process

The outcomes based budgeting process was undertaken by all service managers with budget holders between November and mid-December 2022. An Initial £3.88m of unvalidated potential opportunities was identified against forecast gap of £3.25m. Validation and removal of double counting was undertaken in January and £2,593,520 of savings proposals have been identified for inclusion in the savings package for the purposes of the budget as set out below. The figures shown in the tables are full implementation savings which will be achieved for the 2023/24 financial year. Where a smaller saving will be delivered in 2023/24 that is identified in the proposal description.

The current savings requirement identified in the Budget report for 2023/24 is £2.372m. Total savings identified for 2023/24 to date = £2,308,734. In addition there will be further income from fees and charges still to be quantified and currently not included in this appendix.

Given anticipated increased financial pressures after 2024/25 the council will still need to continue developing options to ensure we bring overall cost of services in line with funding. As a result, the Savings and Transformation Programme will be extended for further 2 years

The proposals for inclusion in the budget as agreed by portfolio holders have now been grouped in line with the current Council Plan and are detailed below:

#### Place & Environment Priority:

Proposal	Proposed Budget Reduction
Change new CCTV contract to 50% cameras monitored and 50% cameras self-recording	£36,000
Reduce cost of environmental health services towards statutory level (£27,000 in 2023/24)	£52,000
Income from roundabout sponsorship	£20,000
Reduce budget for ad-hoc requirements at Cove Brook	£6,000
Bring back in-house the crime statistics analyst	£6,313
Ceasing external tree inspection consultancy service	£8,800
Change approach to tree preservation orders	£9,776
Delete vacant Community Patrol Team Leader post	£64,979
Farnborough Leisure Centre – delete maintenance budget	£20,000
Increase use of SANG funding for works at for Rowhill Copse and delete revenue budget	£6,000
Outsource stray dog service	£8,034
Reduce budget for ad-hoc repairs, maintenance and infrastructure within parks and open spaces	£10,000
Reduce capacity in planning conservation and design service	£4,526
Reduce RBC depot materials budget	£4,000
Reduce recycling promotions budget	£5,000

## APPENDIX 2

Reduce replacement litter bin budget	£5,000
Reduce street nameplate replacement budget	£4,000
Reduction and reprioritisation of economic development and business support	£93,247
Reduction in budget for non-planned ground maintenance works	£7,000
Reduction in the tree works budget	£6,000
Return bus shelter maintenance to Hampshire County Council	£2,000
Review grounds maintenance contract inventory updates	£10,000
Vehicle lease saving	£3,961
<b>Total</b>	<b>£392,636</b>

### People Priority:

<b>Proposal</b>	<b>Proposed Budget Reduction</b>
Changes to Customer Service opening hours	£51,570
Reduction in editions of Arena – two per year retaining winter and summer editions	£16,000
Reduce out of hours service to emergency response only	£13,500
10% reduction in the Princes Hall marketing budget	£3,000
Cease requirement for contractor to carry out resident survey	£1,610
Changes/restructure to Planning Service (£42,000 in 2023/24)	£84,000
Contracts team to take on delivery of replacement and additional food waste caddies	£12,920
Delete vacancies in revenues and benefits	£34,900
Deletion of repairs and maintenance budget at Aldershot Ski Centre	£1,000
Extend/increase Grainger contribution for Implementation Officer from 2024/25 (£0 in 2023/24)	£28,000
Funding the Landlord Liaison and Housing Allocation Role through Homelessness Prevention Grant	£28,000
Maintaining delivery of Rushmoor Homes and a degree of slowing on Housing Strategy	£12,590
Reduce capacity in Community and Partnerships team	£19,024
Reduced capacity in the Communications team	£41,035
Reduced planning officer working hours	£7,700
Reduction in hours of 2 posts in housing service	£44,852
Reductions to post and print budgets	£47,500
Use of Better care Fund to pay administrative costs	£83,199

## APPENDIX 2

<b>Total</b>	<b>£530,400</b>
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### Corporate, Support and Management Costs:

<b>Proposal</b>	<b>Proposed Budget Reduction</b>
Corporate, Support and Management Costs (2023/24 £1,090,621)	<b>£1,204,407</b>

### Democratic Costs:

<b>Proposal</b>	<b>Proposed Budget Reduction</b>
Reduced frequency of civic and committee meetings	£1,633
Reduction in the number of Special Responsibility Allowances for Members	£4,350
Reduce budget for annual election canvas	£8,000
<b>Total</b>	<b>£13,983</b>

### Changes to grant budgets and rent reliefs:

<b>Proposal</b>	<b>Proposed Budget Reduction</b>
Reduction in grant budgets and rent reliefs	£83,576
Cease Ward Grants	£39,000
<b>Total</b>	<b>£122,576</b>

### Fees and Charges:

All fees and charges are being reviewed and increased in line using the most appropriate approach:

1. Specific proposals (table below)
2. Cost recovery linked to the cost of service
3. Market-led
4. RPIx (12.4%)

<b>Proposal</b>	<b>Estimated additional income</b>
Increase building control fees	£25,218
Increase Lido admission prices	£21,860
Increase S.106 monitoring and pre-app fees	£18,600
Introduce/increase charges for use of civic suite for community groups and other customers	£10,000
Charge for replacement and additional recycling bins	£7,400
Increase fees for the crematorium, grave sales, interments and monument rights	£94,440
Increase car park charges (£76,000 in 2023/24)	£152,000
<b>Total</b>	<b>£329,518</b>

**Total Annual saving by**      **2024/25 = £2,593,520**  
    **2023/24 Saving = £2,308,734**





## APPENDIX 3

<b>CAPITAL PROGRAMME SUMMARY 2022/23 TO 2026/27</b>	All amounts are in £					
	Original Estimate 2022/23	Revised Estimate 2022/23	Anticipated Payments			
			E stimate 2023/24	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27
<b>CAPITAL EXPENDITURE ON PORTFOLIOS</b>						
Corporate and Democratic Services	-	-	-	-	-	-
Customer Experience and Improvement	305,000	305,000	295,000	59,000	0	0
Major Projects and Property	35,030,413	37,202,795	41,896,165	6,488,349		
Operational Services	2,300,510	3,818,245	2,438,000	4,238,000	1,562,000	1,288,000
Planning and Economy	-	-	-	-	-	-
Savings & Transformation/ICE Modernisation Programme	-	-	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURE</b>	<b>37,635,923</b>	<b>41,326,040</b>	<b>44,629,165</b>	<b>10,785,349</b>	<b>1,562,000</b>	<b>1,288,000</b>
<b>CAPITAL EXPENDITURE RESOURCES</b>						
Revenue Contribution to Capital - General	-	75,000	-	-	-	-
Revenue Contribution to Capital - Improvement Grants	-	-	-	-	-	-
<b>Total Revenue Contributions</b>	-	75,000	-	-	-	-
Grants & Contributions from Other Bodies (see Grants & Concs Summary page)	2,631,586	2,631,586	3,420,000	20,000	20,000	20,000
Grants & Contributions - Improvement Grants	1,060,510	1,914,648	1,111,000	1,111,000	1,111,000	1,111,000
Section 106 Developers Contributions (see s106 Summary page)	0	175,000	0	450,000	-	-
	3,692,096	4,721,234	4,531,000	1,581,000	1,131,000	1,131,000
Capital Receipts & Borrowing - General Fund Schemes	33,943,827	36,529,806	40,098,165	9,204,349	431,000	157,000
Capital Receipts & Borrowing - Housing home improvement grant schemes	-	0	0	0	0	0
<b>Total Capital Receipts &amp; Borrowing</b>	<b>33,943,827</b>	<b>36,529,806</b>	<b>40,098,165</b>	<b>9,204,349</b>	<b>431,000</b>	<b>157,000</b>
<b>TOTAL CAPITAL FINANCING</b>	<b>37,635,923</b>	<b>41,326,040</b>	<b>44,629,165</b>	<b>10,785,349</b>	<b>1,562,000</b>	<b>1,288,000</b>

## APPENDIX 3

GRANTS & CONTRIBUTIONS SUMMARY 2022/23 TO 2026/27				All amounts are in £			
Project Number	PROJECT	Original Estimate 2022/23	Revised Estimate 2022/23	Anticipated Payments			
				Estimate 2023/24	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27
	<b><u>General Fund - Grants &amp; Contributions</u></b>						
6518	- Wheeled Bin Contributions (Developers & Householders)	20,000	20,000	20,000	20,000	20,000	20,000
6567	- Replacement Cremator (CAMEO)						
	- Moor Road - Recreation Ground Development (Sport England, PEBL, Landfill Tax)						
6613	- Parks and Open Spaces - Southwood Golf Course SANG Initial Setup	1,000,000	1,000,000				
6619	- Parks and Open Spaces - Heritage Trails						
	<b><u>Regeneration Projects</u></b>						
5407	- Union Yard (LEP and Housing Infrastructure Fund)	1,611,586	1,611,586				
	- Games Hub (LEP)						
5409	- The Galleries (Housing Infrastructure Fund)			3,400,000			
	<b><u>Activation Aldershot Projects</u></b>						
5404	- Project 2 Phase 6 - Station Forecourt Improvements (Local Growth Fund, HCC, South Western Railway)						
	<b>Total General Fund Grants &amp; Contributions</b>	<b>2,631,586</b>	<b>2,631,586</b>	<b>3,420,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
	<b><u>Housing Schemes - Government Grants</u></b>						
640050013	- Improvement Grants - Disabled Facilities Grants (Better Care Fund)	1,060,510	1,914,648	1,111,000	1,111,000	1,111,000	1,111,000
	<b>TOTAL GRANTS &amp; CONTRIBUTIONS</b>	<b>3,692,096</b>	<b>4,546,234</b>	<b>4,531,000</b>	<b>1,131,000</b>	<b>1,131,000</b>	<b>1,131,000</b>

# APPENDIX 3

SECTION 106 DEVELOPERS CONTRIBUTIONS SUMMARY 2022/23 TO 2026/27				All amounts are in £			
Project Number	PROJECT	Original Estimate 2022/23	Revised Estimate 2022/23	Anticipated Payments			
				E estimate 2023/24	E estimate 2024/25	E estimate 2025/26	E estimate 2026/27
	<u>General Fund Schemes</u>						
6571	Southwood SANG S106				450,000		
6619	- Park and Open Spaces - Southwood Play Area		175,000				
<b>TOTAL SECTION 106 DEVELOPERS CONTRIBUTIONS</b>		<b>0</b>	<b>175,000</b>	<b>0</b>	<b>450,000</b>	<b>-</b>	<b>-</b>

CUSTOMER EXPERIENCE & IMPROVEMENT PORTFOLIO CAPITAL PROGRAMME 2022/23 TO 2026								All amounts are in £
1 of 1				Anticipated Payments				
Project Number	Project	Original Estimate 2022/23	Revised Estimate 2022/23	Estimate 2023/24	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27	
	<b>COMPUTER SYSTEMS</b>							
730540012	IT Equipment Replacement	265,000	265,000	221,000				
750040224	PCI Compliance (s)							
730740012	Telephony Replacement Project							
	<b>COUNCIL OFFICES</b>							
5303	Office Accommodation	40,000	40,000	74,000	59,000			
	<b>TOTAL</b>	<b>305,000</b>	<b>305,000</b>	<b>295,000</b>	<b>59,000</b>			
<b>Notes:</b>	(bc) denotes projects which are subject to further business case and presentation to Cabinet							
	(s) denotes projects which include slippage from 2021/22 into 2022/23							

## APPENDIX 3

MAJOR PROJECTS AND PROPERTY PORTFOLIO CAPITAL PROGRAMME 2022/23 TO 2026/27							All amounts are in £	
1 of 1				Anticipated Payments				
Project Number	Project	Original Estimate 2022/23	Revised Estimate 2022/23	Estimate 2023/24	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27	
	<b>ALDERSHOT TOWN CENTRE PROJECTS</b>							
5409	The Galleries Regeneration (bc) (s)	3,000,000	3,000,000	3,400,000				
5404	Adlershot Forecourt Improvement	550,760	550,760					
	<b>CMC QUARTER FARNBOROUGH</b>							
5405	REGENERATION - Farnborough Leisure Centre demolition (s)	627,514	791,296					
5405	REGENERATION - Farnborough Leisure Centre Feasibility and design work	2,000,000	2,000,000	1,600,000	400,000			
	<b>HOUSING MATTERS</b>							
5406	Housing PRS Delivery (bc) (s)	6,751,139	6,751,139	5,893,899	4,068,425			
	<b>PROPERTY AND ASSETS</b>							
5202	The Meads (s)		350,000	10,502,000				
	Briardiff Feasibility		75,000					
<b>Notes:</b>	(bc) denotes projects which are subject to further business case and presentation to Cabinet							
	(s) denotes projects which include slippage from 2021/22 into 2022/23							

MAJOR PROJECTS AND PROPERTY PORTFOLIO CAPITAL PROGRAMME 2022/23 TO 2026/27							All amounts are in £	
2 of 2				Anticipated Payments				
Project Number	Project	Original Estimate 2022/23	Revised Estimate 2022/23	E stimate 2023/24	E stimate 2024/25	E stimate 2025/26	E stimate 2026/27	
	<b>PROPERTY ENHANCEMENTS</b>							
5313	Property Services Capital R&M schemes (bc)	500,000	500,000					
tba	Ashbourne House	51,000	51,000					
tba	Frimley 4 Business Park Unit 4.3 E nhancement Works	100,000	100,000	272,000				
tba	Frimley 4 Business Park Unit 4.4 E nhancement Works							
5316	Hawley Lane	500,000	500,000	390,000				
	<b>UNION STREET ALDERSHOT</b>							
5407	Union Yard - Party Wall (s)		262,334					
5407	Union Yard Aldershot Regeneration	20,950,000	21,488,266	18,238,266	2,019,924			
5407	Union Yard - Commercial Settlement		783,000					
	Union Yard - Contingency			1,600,000				
	<b>TOTAL</b>	<b>35,030,413</b>	<b>37,202,795</b>	<b>41,896,165</b>	<b>6,488,349</b>			
Notes:	(bc) denotes projects which are subject to further business case and presentation to Cabinet							
	(s) denotes projects which include slippage from 2020/21 into 2021/22							

# APPENDIX 3

OPERATIONAL SERVICES PORTFOLIO CAPITAL PROGRAMME 2022/23 TO 2026/27							All amounts are in £	
1 of 2	Project	Original Estimate	Revised Estimate	Anticipated Payments				
Project Number				2022/23	2022/23	Estimate 2023/24	E stimate 2024/25	E stimate 2025/26
6507	CCTV Camera and Network	400,000	400,000	400,000				
	CREMATORIUM Design and Construction		50,000	750,000	2,500,000	274,000		
	DEPOTS							
Notes:	(bc) denotes projects which are subject to further business case and presentation to Cabinet							
	(s) denotes projects which include slippage from 2021/22 into 2022/23							

OPERATIONAL SERVICES PORTFOLIO CAPITAL PROGRAMME 2022/23 TO 2026/27				All amounts are in £			
2 of 2				Anticipated Payments			
Project Number	Project	Original Estimate 2022/23	Revised Estimate 2022/23	Estimate 2023/24	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27
	<b>MANOR PARK</b>						
	<b>PARKS &amp; OPEN SPACES</b>						
6612	Southwood Play Area (s106)		210,000				
	<b>PLAYGROUND WORKS</b>						
6610	Recreation Ground Playground Renewal (bc) (s)						
	<b>REFUSE/RECYCLING</b>						
6517	Domestic Refuse - Wheeled Bins	100,000	100,000	120,000	120,000	120,000	120,000
6620	Domestic Refuse - Food Waste Containers and Liners	5,000	5,000	7,000	7,000	7,000	7,000
	Food Waste Vehicles (s)		235,000				
	<b>SOUTHWOOD SANG VISITOR CENTRE</b>						
tba	Southwood SANG (S106)						
tba	Southwood SANG Visitor Centre and Café	685,000	853,597		450,000		
	<b>IMPROVEMENT GRANTS</b>						
640050013	Disabled Facilities Grants	1,080,510	1,914,648	1,111,000	1,111,000	1,111,000	1,111,000
640050022	Home Improvement Grants	50,000	50,000	50,000	50,000	50,000	50,000
	<b>TOTAL</b>	<b>2,300,510</b>	<b>3,818,245</b>	<b>2,438,000</b>	<b>4,238,000</b>	<b>1,562,000</b>	<b>1,288,000</b>
Notes:	(bc) denotes projects which are subject to further business case and presentation to Cabinet						
	(s) denotes projects which include slippage from 2020/21 into 2021/22						



**PLANNING & ECONOMY PORTFOLIO SUMMARY 2022/23 TO 2026/27**

No Capital Schemes

## APPENDIX 3

### STRATEGY FOR THE FLEXIBLE USE OF CAPITAL RECEIPTS 2023/24

The strategy has regard to the Guidance on the Flexible Use of Capital Receipts issued by the Secretary of State under section 15 (1)(a) of the Local Government Act 2003 during March 2016, including only those projects which are designed to generate ongoing revenue savings in the delivery of services and/or transform service delivery in a way that reduces costs or demand for services.

Projects included in the strategy support the Council's ICE Modernisation Programme and progress will be monitored regularly as part of the Council's review of performance against top line priorities and budget monitoring.

The Guidance on the Flexible Use of Capital Receipts allows set-up and implementation costs to be counted as qualifying costs, however the on-going revenue costs of new processes or arrangements cannot.

As part of the Local Government Settlement, the Communities Secretary for Ministry of Housing, Communities and Local Government announced on 13 December 2018 that there would be a continuation of the capital receipts flexibility programme. Should future projects be identified alongside suitable asset sales, this will be presented in a revised strategy.

Service reform projects can still be financed in whole or in part from other sources e.g., the Service Improvement Fund. The Council is not obliged to fund these projects from capital receipts, however, on the adoption of this strategy, will have the option to do so.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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