

Democratic Services

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Date: 5th November 2013
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To: All Members of the Cabinet

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Katie Hall	Cabinet Member for Community Integration
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

Chief Executive and other appropriate officers
Press and Public

Dear Member

Cabinet: Wednesday, 13th November, 2013

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 13th November, 2013 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely

Col Spring
for Chief Executive

The decisions taken at this meeting of the Cabinet are subject to the Council's call-in procedures. Within 5 clear working days of publication of decisions, at least 10 Councillors may signify in writing to the Chief Executive their wish for a decision to be called-in for review. If a decision is not called-in, it will be implemented after the expiry of the 5 clear working day period.

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Col Spring who is available by telephoning Bath 01225 394942 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward).

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Col Spring as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Col Spring as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

- 7. Officer Support to the Cabinet**
Cabinet meetings will be supported by the Senior Management Team.
- 8. Recorded votes**
A recorded vote will be taken only when requested by a member of Cabinet.

Cabinet - Wednesday, 13th November, 2013

in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

*(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)*

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

Questions submitted before the deadline will receive a reply from an appropriate Cabinet member or a promise to respond within 5 days of the meeting. Councillors may ask one supplementary question for each question they submitted, up to a maximum of two per Councillor.

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Councillors and members of the public may register their intention to make a statement if they notify the subject matter of their statement before the deadline. Statements are limited to 3 minutes each. The speaker may then be asked by Cabinet members to answer factual questions arising out of their statement.

8. MINUTES OF PREVIOUS CABINET MEETING (Pages 7 - 14)

To be confirmed as a correct record and signed by the Chair

9. CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

This is a standard agenda item, to cover any reports originally placed on the Weekly list for single Member decision making, which have subsequently been the subject of a Cabinet Member requisition to the full Cabinet, under the Council's procedural rules

10. MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

This is a standing agenda item (Constitution rule 14, part 4D – Executive Procedure Rules) for matters referred by Policy Development and Scrutiny bodies. Councillor Sally Davis, Chair of the Early Years, Children and Youth PDS Panel, will be asked to introduce to Cabinet the Panel's recommendations relating to the Restructuring of Early Years, Children's Centres and Early Help Service (Item 13 on the agenda).

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 15 - 16)

This report lists the Cabinet Single Member decisions taken and published since the last Cabinet meeting.

12. CAPITAL ALLOCATION OF THE DEPARTMENT FOR EDUCATION GRANT PROVIDED FOR EARLY LEARNING FOR TWO YEAR OLDS (Pages 17 - 24)

From September 2014 up to 40% of 2 year old children will access a free early learning place. The DfE provide a revenue grant within the Dedicated Schools Grant (DSG) to pay for places. A small capital grant has been provided to expand provision where additional provision is required. Cabinet will be asked to approve the expenditure.

13. RE-STRUCTURING OF THE EARLY YEARS, CHILDREN'S CENTRE AND EARLY HELP (0 - 11 YEARS) SERVICES 2014 - 2016 (Pages 25 - 62)

Cabinet will consider the recommendations of the EYCY Task & Finish Group following their review of Early Years, Children's Centre and Early Help Services.

14. STANDARDS AND GENERAL CONDITIONS TO BE ATTACHED TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 63 - 146)

This report seeks to provide a policy on hackney carriages and private hire licensing standards and amends the general conditions for drivers, vehicles and private hire operators

15. REVIEW OF B&NES LOCAL DEVELOPMENT SCHEME (Pages 147 - 188)

Cabinet will be asked to agree updates to the Council's programme for the preparation of planning policy documents (the Local Development Scheme).

16. REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2013 TO SEPTEMBER 2013 (Pages 189 - 214)

This report presents the second monitoring information for the Authority as a whole for the financial year 2013/14 to the end of September 2013. The report also includes a number of budget transfer requests for both revenue and capital

17. TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2013
(Pages 215 - 226)

This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2013/14 for the first 6 months of 2013/14

18. LEARNING PARTNERSHIP WEST (Pages 227 - 234)

The four West of England Local Authorities currently control the Learning Partnership West Company which has provided Information, Advice and Guidance services for young people. All four authorities have already or have plans to withdraw funding for this activity and therefore it is proposed to remove the local authorities from the Board of LPW and allow the company to become a Staff Mutual Community Interest Company.

This report outlines the steps necessary to secure the interests of the local authorities and enable Learning Partnership West to continue to flourish as a company separate from the four local authorities.

Note: Cabinet will be asked to agree that the report is exempt from publication because it contains material relating the financial or business affairs of an individual.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

BATH AND NORTH EAST SOMERSET

CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Wednesday, 11th September, 2013

Present:

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Katie Hall	Cabinet Member for Community Integration
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

49 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting, particularly Councillor Katie Hall who was attending as a Cabinet member for the first time. He congratulated Councillor Hall on her election to the LGA as Chair of the Health and Wellbeing Board. He also expressed his congratulations to Councillor Vic Pritchard, who had been elected to the same Board.

The Chair welcomed the visiting film crew from YTN, South Korea, who were filming a programme about democracy in the UK. He felt it was a privilege that the film crew had chosen to film in Bath.

50 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

51 APOLOGIES FOR ABSENCE

There were no apologies for absence.

52 DECLARATIONS OF INTEREST

There were none.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

54 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 31 questions from the following Councillors: Anthony Clarke (7), Brian Simmons, Brian Webber (5), Charles Gerrish (3), Colin Barrett (2), David Laming, David Martin, Geoff Ward (4), Marie Longstaff, Martin Veal, Patrick Anketell-Jones (3), Vic Pritchard (2).

There were 2 questions from the following members of the public: Duncan Hounsell, Andy Wait.

[Copies of the questions and response, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]

55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

David Metcalfe (Co-Chairman, Cultural Forum) in a statement *[a copy of which is attached to these Minutes as Appendix 3 and on the Council's website]* applauded the fact that Cabinet had decided to take longer to consider arts development before bringing proposals forward. He made a number of points which he hoped would be adopted to ensure a visionary and vibrant arts policy.

The Chair referred David Metcalfe's statement to Councillor Ben Stevens for consideration and for a response in due course.

56 MINUTES OF PREVIOUS CABINET MEETING

On a motion from Councillor Paul Crossley, seconded by Councillor David Dixon, it was

RESOLVED that the minutes of the meeting held on Wednesday 10th July 2013 be confirmed as a correct record and signed by the Chair.

57 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

58 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

The Planning, Transport and Environment Policy Development and Scrutiny Panel at its meeting on 10th September had considered the Energy Efficiency and Renewable Energy Guidance. The Chair drew attention to the Notes of that meeting, copies of which had been placed in the Public Gallery before the meeting *[and a copy of which is attached to these Minutes as Appendix 2 and on the Council's website]*. The Chair asked the Cabinet to take the Panel's remarks into consideration when discussing this item later.

59 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

60 ENERGY EFFICIENCY & RENEWABLE ENERGY GUIDANCE FOR LISTED BUILDINGS AND UNDESIGNATED HISTORIC BUILDINGS

Councillor Charles Gerrish in an *ad hoc* statement asked, in the light of comments made by the PDS Panel, whether lessons should be learned from other places (eg Dublin, Edinburgh).

Councillor Sarah Bevan in an *ad hoc* statement asked for a further report to be considered by Cabinet on the subject of wind turbines and solar panels.

Caroline Kay (Chief Executive, Bath Preservation Trust) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 4 and on the Council's website*] welcomed the report. She asked for pilot projects to be undertaken in some of its own listed properties, which would demonstrate that the Council was leading the way.

Peter Andrews (Trustee and Energy Group Convenor, Transition Bath) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 5 and on the Council's website*] regretted that the report had been removed from the February 2012 agenda but was pleased that it was now being addressed. He emphasised that listed buildings should be seen as places to live and work; not as museum pieces. He urged the Cabinet to adopt the recommendations.

Richard James (Head of Asset Management, Curo) in an *ad hoc* statement read for him by Councillor David Martin [*a copy of which is attached to these Minutes as Appendix 6 and on the Council's website*] supported the recommendations in the report and committed Curo to engage with the Council to find solutions for maintenance and refurbishment works to benefit residents and the environment.

Councillor David Martin in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 7 and on the Council's website*] acknowledged the fact that the Council's ability to be permissive was constrained by national legislation. He therefore welcomed the intention to work with other local authorities and stakeholders such as Curo and the National Trust. He felt that the report was practical and constructive.

Councillor Tim Ball thanked those who had contributed to the preparation of the report and to the debate. He agreed with Councillor Charles Gerrish that much could be learned from other cities.

In response to the proposal put by Councillor Sarah Bevan, he said that there were no plans to introduce a renewable energy report because of the lack of officer resources. He thanked Caroline Kay for her comments and explained to Peter Andrews that the original report had been pulled in 2012 because the proposals did not go far enough at the time; this had now been put right in the current report. He recognised the need to bear in mind the legal constraints.

Councillor Ball explained that he would be moving a proposal which was different from the officer recommendations in the report. He explained the reasons for this. He moved the amended proposals.

Councillor David Dixon seconded the proposal. He reported a recent experience in a business in Bath which was too hot in the summer and too cold in the winter. He was concerned to discover that the building was owned by the Council. He therefore agreed with Caroline Kay that the Council should undertake some pilot projects of its own. The report was very clear in its aims; the Council now needed to set an example by taking the lead.

Councillor Paul Crossley endorsed the comments made by Peter Andrews. He observed that the legislative backdrop in Edinburgh was different from that in Bath. He nevertheless felt that the proposals would start a process of working closely with landlords, residents and businesses to improve the listed and historic stock in the area.

On a motion from Councillor Tim Ball, seconded by Councillor David Dixon, it was

RESOLVED (unanimously)

(1) To ADOPT the Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings as an appendix to the Sustainable Construction and Retrofitting SPD;

(2) To TEST the balance between sustainability and conservation agenda by looking at pilot projects in the Council's property portfolio and in association with Curo and other partnerships to prove the capacity of Bath & North East Somerset to demonstrate exemplar projects in a World Heritage site;

(3) To:

- Continue to progress the work through the Sustainability Team and engagement with the key stakeholders and other authorities;
- Continue to liaise with Central Government on legislative requirements;
- Constantly review the guidance to ensure that it does reflect existing legislation at any given time; and

(4) To ASK for a further report to come to Cabinet in one years time to report on progress.

61 **CHILDCARE SUFFICIENCY ASSESSMENT 2013**

Councillor Sarah Bevan in an *ad hoc* statement said that as the Council's Human Rights Champion, and as Vice-Chair of the Early Years, Children and Youth PDS Panel, she needed to ask the Cabinet to take note of the differences in composition of the minority communities in the area.

Councillor Michael Evans in an *ad hoc* statement felt that the report was thorough and informative. He expressed concern however at the cuts in Children's Centres and emphasised the importance of early years experience for children's development. He asked for an explanation of the meaning of the phrase "common assessment" the table on page 84 of the agenda pack. He also asked for an explanation of the context of the phrase "under supply" in paragraph 6.3 on page 92 of the agenda pack.

Councillor Dine Romero introduced the item by assuring Councillor Bevan that the equality issues would be fully considered. She responded to Councillor Evans that the report showed that there were in fact sufficient child care services and that children's centres were not necessary for the delivery of child care. She promised to arrange for an officer to provide an explanation of the context of the two phrases he had mentioned. She explained that the report was no longer required, but the Council had continued to produce it and that the areas of concern identified in the report had been addressed in the action plan.

She moved the proposals.

Councillor Simon Allen seconded the proposal and said that the level of detail in the report was impressive. This would enable Cabinet to make the right decisions. He agreed with Councillor Evans that the early years experience was critical for children's development and reminded Cabinet that there were now sufficient places in the area to meet the need of 2-year-olds. He welcomed the report.

Councillor David Bellotti welcomed the fantastic news which he believed all parents would welcome too. The report showed that there was sufficient provision in the area and how it could be funded. He reminded Cabinet that the government was now targeting its funding towards those who needed support. There had been no cuts in that provision and no cuts in the Designated Schools Grant in the last 3 years. Ofsted was finding much outstanding provision across the authority.

Councillor Paul Crossley thanked the Strategic Director (Place) and his team for the excellent paper. He was confident that the authority was planning for the future, particularly in the matter of increasing demand.

On a motion from Councillor Dine Romero, seconded by Councillor Simon Allen, it was

RESOLVED (unanimously)

(1) To NOTE the report; and

(2) To AGREE the recommendations and action plan set out in the report, within the resources available following publication of the 2013 assessment.

62 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2013 TO JULY 2013

Councillor David Bellotti introduced the item by observing that the income in the first 4 months of this year had been almost identical to that in the previous year. He reminded the Cabinet of a number of capital projects being undertaken, all of which were being welcomed by the local community.

He referred to the revenue budget, which was on target. The reduction in staff had been difficult but had been delivered sympathetically because of the emphasis on vacancy management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He referred to the overspend in his own portfolio which had occurred because the Council was consulting with staff over the proposals to introduce the green travel plan. He was delighted that the Council had responded so well to the challenges from government to save over £11.5M in this year alone. The Council had been able to cut its budget while maintaining essential services.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To ASK Strategic Directors to continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;

(2) To NOTE this year's revenue budget position;

- (3) To NOTE the capital expenditure position for the Council in the financial year to the end of July and the year-end projections;
- (4) To AGREE the revenue virements listed for approval; and
- (5) To NOTE the changes in the capital programme.

63 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2013

Councillor David Bellotti introduced the item. He referred to paragraph 5.1 of the report which showed that the Council had performed better than the investment return benchmark. The Cabinet had operated a policy of paying down debt as soon as possible, so as to minimise interest payments which in turn had fed back £0.5M into the revenue budget. Cabinet had been able in this way to avoid any new debt since it took office. This had been achieved by wise, active cash flow management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal and congratulated finance officers for managing the cash flow so effectively.

Councillor David Dixon agreed. He was impressed that the debt rescheduling approach had been so successful and that it so clearly worked. He referred to paragraph 5.7 which showed that the authority was still obliged to make annual interest and capital repayments for the debt inherited from Avon County Council.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

- (1) To NOTE the Treasury Management Report to 30th June 2013, prepared in accordance with the CIPFA Treasury Code of Practice; and
- (2) To NOTE the Treasury Management Indicators to 30th June 2013.

64 EMPTY PROPERTY POLICY: ENFORCEMENT ACTION

Councillor Dave Laming in an *ad hoc* statement welcomed the report. He asked for priority to be given to two specific but unnamed properties which he had made Cabinet members aware of privately. He asked whether enforcement action might also be taken for some properties along the waterfront.

The Chair asked all Cabinet members to confirm that they had read and considered the public interest test. All agreed.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Ball, it was

RESOLVED (unanimously)

- (1) To AGREE that Appendices 1 and 2 constitute exempt information according to the categories set out in the Local government Act 1972 (amended Schedule 12A) because it contains information which relates to an individual or which is likely to reveal the identity of an individual, and therefore that the public interest is best served by exemption of the information;

Councillor Tim Ball introduced the item. He explained that it was necessary to update the Empty Property Policy which was attached to the report as appendix 3. The opportunity was also being taken to ask Cabinet to agree to take enforcement action over the properties named in the exempt appendices. He was delighted that

the list would have contained an additional property but the threat of enforcement had been sufficient to persuade the owner to comply. The cost of enforcing against the 2 properties would be £240K.

He moved the proposals.

Councillor Caroline Roberts seconded the proposal. She referred to paragraph 8.1 of the report which showed that one of the results of bringing empty properties back into use would be a reduction in crime and vandalism.

Councillor David Dixon said the report would be a start in improving the property stock in the area. He reminded Cabinet that a home was not a home until someone was living in it.

Councillor Katie Hall was delighted to see the report. She observed that enforcement action would send a very clear message to other property owners which would lead to more homes being made available without the need for action by the Council.

Councillor Paul Crossley was pleased that the Council had moved towards charging the maximum allowed Council Tax charges on empty properties. In other cities this had galvanised owners to get properties into use earlier.

On a motion from Councillor Tim Ball, seconded by Councillor Caroline Roberts, it was

RESOLVED (unanimously)

(2) To INSTRUCT the Head of Housing to undertake the appropriate and statutory steps to obtain Compulsory Purchase Orders on the two properties detailed in Appendix 1 and then to dispose of the properties on the open market with a contractual requirement that they shall be brought back into residential use within 18 months; and

(3) To ADOPT the updated Empty Property Policy.

The meeting ended at 8.00 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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Cabinet Single-Member Decisions and Responses to Recommendations from PDS Panels

published 6-Sep-13 to 1-Nov-13

Further details of each decision can be seen on the Council's Single-member Decision Register at <http://democracy.bathnes.gov.uk/mgDelegatedDecisions.aspx?&dm=3>

Date	Decision Maker
Reference	Title

13-Oct-13 Cllr Caroline Roberts

E2577 Outer Area TRO 2013

The Cabinet Member agreed the proposals with a number of amendments

15-Oct-13 Cllr Dine Romero

E2587 School Funding Formula Changes

The Cabinet Member agreed to change the funding formula for schools following guidance from the DFE, Following consultation and discussion through working groups of Head Teachers and School Business Managers, a proposal to amend the funding formula was established.

01-Nov-13 Cllr Caroline Roberts

E2580 Parking restrictions - North Road, Combe Down TRO

The Cabinet Member agreed that the proposals should not proceed

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13th November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2596
TITLE:	Capital Allocation of the Department for Education (DfE) Grant provided for Early Learning for Two Year Olds	
WARD:	Twerton, Radstock, Keynsham South	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Section 6 Childcare Sufficient Assessment 2013 (see background papers for link to the full report)		

1 THE ISSUE

- 1.1 From September 2014 up to 40% of 2 year old children will access a free early learning place. The DfE provide a revenue grant within the Dedicated Schools Grant (DSG) to pay for places. A small capital grant has been provided to expand provision where additional provision is required. Cabinet are required to approve the expenditure.

2 RECOMMENDATION

- 2.1 To action recommendation 6.3 of the 2013 Childcare Sufficiency Assessment by using available capital to increase the supply of 2 year old places in the areas identified as follows:

Twerton, Bath
Keynsham
Writhlington, Radstock

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The capital allocation from the DfE totals £201,874
- 3.2 Bath and North East Somerset Council has also secured Section 106 capital in two of the proposed locations for the increase and/or improvement of Early Years Childcare provision as follows, £25,934 in Keynsham and £9,445 in Radstock.
- 3.3 It is expected that the Council follows the requirements of the Childcare Act (2006) in enabling projects across the Early Years Childcare sector which is Private, Voluntary, Independent (PVI), School and Local Authority provision.
- 3.4 Due to the limited size of the budget; the need to expand provision in the areas where take up will be greatest and supply of available places is lowest; as the offer is targeted rather than universal, combined with the requirement that the 2 year old entitlement should only be offered in Ofsted Good or Outstanding provision; there will be a very limited or no choice option in locations where these projects can happen, subject to both the childcare provider's agreement and Council planning regulations.
- 3.5 Revenue funding for places is provided through the DSG (rather than Council funding) which is assessed through the Early Years Census so that every additional place funded is remunerated through the DSG. This enhances the resources available for support functions, for example providing support to providers to attend case conferences regarding the needs of individual children as part of the funding formula applied. The planning, development and administration ensuring both sufficiency places and allocating the funding are carried out in accordance with the schools funding regulations provided by the DfE.
- 3.6 There is no additional cost of meeting both the delivery and administration of the scheme as it has been absorbed within an existing staffing structure and administration processes for delivering Childcare Sufficiency and the 3 and 4 year old entitlement.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 From September 2013 all eligible 2 year old children and their families meeting the DfE published criteria have been statutorily entitled to up to 570 hours of early learning a year subject to a maximum of 15 hours per week over a minimum of 38 weeks a year. This offer will be increased to a further group of eligible children from September 2014. This proposal is therefore considered in line with relevant consideration of equalities, children, public health and inequalities legislation relevant to this offer.

5 THE REPORT

- 5.1 In September 2009 all Councils in England began piloting an offer of a 2 year old early learning targeted at the most economically disadvantage families in order to narrow the attainment gap as measured during key assessment stages as a child goes through their education. In Bath and North East Somerset Council our initial objective was to reach 50 children for 10 hours a week for at least 38 weeks a year. In 2011 it was announced that from September 2013 the two year

old offer would become a statutory entitlement for 20% of children in England and in the Autumn Statement later that year it was announced that the entitlement would be increased further to 40% of 2 year old children from September 2014.

5.2 Bath and North East Somerset Council was set an indicative target of 248 children to fund from September 2013. To date we have now reached 263 children with the additional places being funded by the “trajectory funding.” This is also included within the DSG to help Councils work towards their 2014 objective. Rather than try and make a single jump from one September’s objective to the next when the indicative target doubles, the “trajectory funding” enables some linear growth to occur. The DfE are anticipating confirming the 2014 objective for all Councils in November 2013.

5.3 The current eligibility criteria for accessing a 2 year old place are as follows:

All two year olds who are looked after by their local authority are eligible.

Two year olds whose family receives one of the following are also eligible:

- income support
- income-based Jobseeker’s Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- support through part 6 of the Immigration and Asylum Act
- the guaranteed element of State Pension Credit
- Child Tax Credit (but not Working Tax Credit) and have an annual income not over £16,190
- the Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

From September 2014 the follow additional eligibility criteria will apply:

- if their families receive Working Tax credits and have annual gross earnings of no more than £16,190 per year
- if they have a current statement of special educational needs (SEN) or an education, health and care plan
- if they attract Disability Living Allowance
- if they are looked after by their local authority
- if they have left care through special guardianship or through an adoption or residence order

The benefits and earnings criteria for families on Universal Credit will be confirmed at a later date.

5.4 In order to help identify families the Council has been provided with information about eligible families by the Department of Work and Pensions (DWP) which has been mapped alongside existing Council data and reports, including the Childcare Sufficiency Assessment 2013, in order to identify where there may be a shortfall in provision. The results were included as recommendation 6.3 of the Childcare Sufficiency Assessment 2013 and these capital funding sources can be used to address this recommendation.

6 RATIONALE

6.1 Due to the limited amount of capital and targeted nature of the 2 year old entitlement the funding has to be allocated where the demand for places will be and where places need to be created in order to meet that demand.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 Two year old entitlement steering group, project initiation and capital strategy groups.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Philip Frankland 01225 394330
Background papers	<p>DfE Early learning for 2-year-olds: Information for LAs: LA funding allocations http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/free%20entitlement%20to%20early%20education/b0070114/eefortwoyearolds/la-funding-allocations Letter to Local Authorities from Parliamentary Under Secretary of State for Education and Childcare regarding Early Learning for Two Year Olds https://www.gov.uk/government/publications/letter-from-elizabeth-truss-to-local-authorities-about-early-learning-for-2-year-olds Early Education and childcare: statutory guidance for local authorities http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/Free%20Entitlement%20to%20Early%20Education/g00209650/code-of-practice-for-las Childcare Sufficiency Assessment 2013 http://www.bathnes.gov.uk/services/children-young-people-and-families/childcare-early-years-play/childcare-sufficiency-assessm</p>
Please contact the report author if you need to access this report in an alternative format	

1. Recommendations and action plan

6.1 Ensuring sufficient two year old entitlement places

Prepare implementation plan to increase number of placements available in Bath and North East Somerset to approximately 500 from September 2014. Increase the number of eligible providers able to offer funded placements.

6.2 Ensuring sufficient three and four year old entitlement places

This is an ongoing requirement since 2004.

6.3 Increase provision in areas of under supply

Writhlington, Radstock

Keynsham

Twerton, Bath

6.4 Management of the childcare market, and provision of business advice and support to providers

Continue to manage the childcare market in line with the demand for high quality childcare across Bath and North East Somerset. Continuation of annual health checks for providers in the private and voluntary sector of the childcare market.

6.5 Continue to offer support to families, including take up of benefits

Family Information Service to continue to offer services to families.

6.6 Continue to support new provision and existing provision

6.7 Expansion of places following housing development from capital receipts from Planning Obligations (Section 106) developer contributions.

6.8 Produce twice yearly updates of sufficiency data by children's centre areas.

Action Plan from the 2013 Childcare Sufficiency Report

Task	Timescale	Resources available	Team or officer responsible	Outcome
Ensuring sufficient two year old places	40% of two year old children (Nationally) by 2014		Planning and Performance Team Early Years Foundation Stage Team	100% take up of funded places by eligible two year old children
Ensuring sufficient three and four year old entitlement places	Ongoing requirement since 2004	Dedicated Schools Grant People and Communities funding	Planning and Performance Team	100% take up of early years entitlement places by three and four year old children
Increase provision in areas of under supply: <ul style="list-style-type: none"> ○ Twerton ○ Keynsham ○ Writhlington, Radstock 	2011 to 2014 as required and monitored through the CSA	People and Communities funding Planning Obligations Supplementary Planning Document (SPD)	Planning and Performance Team	Opening of Children's Centres with childcare provision in Paulton and Radstock Increase in provision for two year olds and three and four year old children in Twerton.

Task	Timescale	Resources available	Team or officer responsible	Outcome
Continuation of market management and business support provision	2011 to 2014 as required and monitored through the CSA	People and Communities funding Planning Obligations Supplementary Planning Document (SPD)	Planning and Performance Team	Greater sustainability of provision across Bath and North East Somerset. Timely identification of areas of undersupply.
Continue to offer support to families, including take up of benefits	2011 to 2014	People and Communities funding	Family Information Service Children's Centres	Monthly monitoring of outcomes see FIS Business Plan
Continue to support new provision and existing provision	2011 to 2014	People and Communities funding	Planning and Performance Team Early Years Foundation Stage Team Family Information Service	Sustainable and developing provision across Bath and North East Somerset
Expansion of places following housing development from capital receipts from Planning Obligations (Section 106) developer contributions.	2011 to 2014	Planning Obligations (SPD)	Planning and Performance Team	

Task	Timescale	Resources available	Team or officer responsible	Outcome
Produce twice yearly updates of sufficiency data by children's centre areas.	2011 to 2014	People and Communities funding	Planning and Performance Team	

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13 November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2593
TITLE:	Re-structuring of the Early Years, Children's Centre and Early Help (0 - 11 years) Services 2014 - 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Report to Early Years, Children & Youth Policy Development & Scrutiny Panel 14th October</p> <p>Appendix 2 – Final Recommendations from EYC&Y PDSP Panel 14th October 2013</p> <p>Appendix 3 – List of Services and Budget summary</p> <p>Appendix 4 – Statutory Duties for Early Years & Childcare</p> <p>Appendix 5 – Design Principles</p> <p>Appendix 6 – Terms of Reference for Policy Development & Scrutiny Panel Review</p> <p>Appendix 7 - Minority Report from a Member of the Task & Finish Group of the PDSP</p>		

1 THE ISSUE

- 1.1 The Council agreed a budget and Medium Term Service and Resource Plan (MTRSP 2013-16) in February 2013 for implementation from 1st April 2013. This included a reduction of £2.335 million in Early Years, Children's Centre and Play Service areas, over the period of the MTRSP.
- 1.2 In March 2013 a request was made for the Early Years, Children and Youth Policy Development and Scrutiny Panel (EYCY PDSP) to consider proposals to restructure Early Years Services (0-11 years) in order to achieve a saving of £2.335m as part of the Medium Term Service Resource Plan, and consider the implications of this. The services affected include: Children's Centres; Early Years Foundation support to settings; Play provision and Specialist Support for families.
- 1.3 A Task and Finish group of the Early Years, Children and Youth Policy Development and Scrutiny Panel was established and supported by officers to consider the options for restructuring the service. This included the carrying out of informal consultation with users and staff during August and September 2013 and a report back to the Policy Development and Scrutiny Panel on 14th October 2013 which resulted in recommendations to Cabinet concerning possible models

of operation and requesting re-consideration of the current proposed level of reduction (see Appendix 2).

- 1.4 This report outlines the process of scrutiny, highlights the issues and sets out in Appendix 2, the recommendations made by the Early Years, Children and Youth Policy Development and Scrutiny Panel to Cabinet.

2 RECOMMENDATIONS

2.1 Cabinet is asked to:

- 2.1.1 Note that the Early Years, Children & Youth Policy Development and Scrutiny Panel had a number of questions, in particular which services will be provided at the Children's Centres under the proposed new model, who will run the various Children's Centres, and to whom these services will be available.
- 2.1.2 Consider the recommendations as proposed by the EYC&Y Policy Development & Scrutiny Panel made at their meeting on 14th October 2013 and formulate their views from their recommendations which are laid out in Appendix 2; as well as considering the recommendations laid out in the Minority Report in Appendix 7.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 In March 2013 a request was made for the EYCY PDSP to review proposals to restructure the Early Years, Children's Centre Services and Play in order to deliver the overall saving of £2.335m as part of the Medium Term Service Resource Plan 2013 – 2016 for the Children's Service. Each Department had been tasked with identifying areas of activity where either efficiencies or service reductions could be made. Within the Children's Service, the Early Years, Children's Centre Services and Play services were identified as an area for significant savings. This recommendation followed service deliberation and consideration of minimum statutory responsibilities across all of Children's Services. It reflected the fact that other service areas had been subject to substantial levels of savings in previous years. The proposed reductions were as profiled below:

2013 – 14 £ 273,000
2014 – 15 £ 228,000
2015 – 16 £1,834,000

- 3.2 At Council on 19th February 2013, which agreed the MTSRPs and budget for 2013–16, an amendment was agreed deferring the implementation of this budget reduction until 2014 – 15. The revised savings profile is set out below:

2013 – 14 £ 0
2014 – 15 £ 501,000
2015 – 16 £1,834,000

- 3.3 The proposed savings are: £501,000 for 2014-15 and £1,834,000 for 2015-16. This budget currently resources:

- Children's Centres in the voluntary and statutory sectors

- Support to early years and childcare settings from the Early Years Foundation Stage Team
- Voluntary sector services for Play and Specialist Family Support
- Parent Support Advisers for targeted primary schools
- Some commissioned health services

3.4 The EYC&Y Panel proposed that the Cabinet reconsider the overall Council budget to determine if some alternative areas of saving can be identified, because information gained by the Task & Finish Group shows that early support to vulnerable people can lead to savings overall through avoiding more costly interventions by statutory services of the council at a later stage. However officers have worked on developing a model of Service that can be delivered within the planned reduced level of resource from April 2015 as required in the agreed MTSRP.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Consideration has been given through all the preparatory work of the Task & Finish Group to issues relating to need, poverty, disability and disadvantage of children and families. Service reductions have been designed to ensure those children and families most in need of help continue to receive “early help” services.

4.2 When the final model of delivery is agreed, a full Equalities Impact Assessment will be developed to ensure groups affected by the proposed changes are taken into consideration and the impacts minimised.

5 THE REPORT

5.1 In February 2013 the Council passed a budget and MTSRP for 2013-16 which included a reduction in Early Years, Children’s Centre and Play budgets amounting to £2.335 million over the life of the Medium Term Plan. The Council resolved that a further piece of scrutiny work be undertaken to consider this part of the budget.

5.2 The Early Years Children and Youth Policy Development and Scrutiny Panel was requested to consider proposals, as set out in the Medium Term Service and Resources Plan, to reduce expenditure on Early Years Services 0-11 years from £5.279 million to £2.592 million (Appendix 3).

5.3 Terms of reference were agreed by the Early Years Children and Youth Policy Development and Scrutiny Panel, which set out the work to be undertaken (Appendix 6). The outcomes of this work are covered in the Early Years Children and Youth Policy Development and Scrutiny Panel report of 14th October (Appendix 1). This included:

- (1) Two briefings to the Early Years Children and Youth Policy Development and Scrutiny Panel on the Early Years Services on May 22nd and 10th June. These covered the current picture of services; needs analysis; budgets; evidenced based research nationally and locally as well as impact. (see

Appendix 3 for summary of services considered and potential budget reductions).

- (2) The establishment of a Task and Finish group comprising five Councillors from the Early Years Children and Youth Policy Development and Scrutiny Panel. The Task and Finish group met from July to October 2013. During this period over 80 parents were consulted on questions about how they accessed services; whether they were happy with the services they received and what impact services had had on their lives. Responses were largely very positive and services were valued, regardless of whether they were run by the voluntary sector or the Council.
 - (3) A series of meetings were held with the 5 Children's Centre Boards; the voluntary Play and Specialist Family Support Services and the 0-11 Multi-Agency Group that reports to the Children's Trust Board.
- 5.4 The Task and Finish group and the Early Years Children and Youth Policy Development and Scrutiny Panel recognised the huge value of the services currently provided for families. In particular the importance of Early Help in order to avoid problems escalating and greater expenditure being incurred in the future if support is not provided at an early enough stage. For example it costs £43,000 per annum to accommodate a child in care and £10,000 to support a child on a Child Protection Plan. This compares to an average cost of just over £2,000 per annum for a package of support to a vulnerable parent and child with home learning and access to their nursery entitlement (Flying Start); access to a parenting programme and outreach family support.
- 5.5 The statutory nature of the majority of services was recognised by the panel with the need to ensure that resources are targeted to these areas in order to ensure the Council is able to meet its statutory obligations (Appendix 4). This recognition by the Panel led to the recommendation that these distinct areas of work be considered separately when it comes to the budget reductions as these will need to be differentiated across functions (Appendix 5).
- 5.6 In considering the very difficult challenge of identifying the services where reductions in expenditure should be made, the panel identified a number of key principles to be applied. These included the need to:
- (1) Respond early to the needs of individual children, families and communities in order to keep them safe and help them thrive and avoid their needs escalating to specialist (costly) services
 - (2) Listen to the voice of the child
 - (3) Focus resources on reducing inequalities and narrowing the gap for those most in need
 - (4) Ensure value for money and ensure the effective and efficient delivery of services by targeting 75% of the spend on front facing service delivery and less than 25% on overheads.

See Appendix 5 for a full list of the principles adopted by the panel.

- 5.7 It was recognised that there are a number of crucial advantages in retaining the buildings currently operated as Children's Centres.

These include:

- (1) The geographical coverage that these buildings provide and the ease of access that is crucial to families, particularly those who are more vulnerable, on the lowest incomes and living in remote rural areas.
- (2) The use that is already made of the buildings by partners (particularly by nurseries; Health Visitors and Social Workers) and the potential undermining to the relatively fragile nursery sector.
- (3) The value of co-locating services in centres and the further opportunities for the Council to work with a range of partners.
- (4) The central government presumption is against the closure of existing Children's Centres. Alongside this there is a risk that where centres are closed, that the capital investment made by central government would have to be repaid on a tapering basis over time. The total capital grants that were made available to the Council were £4,759,158.
- (5) The potential to develop stronger links with local communities through a wider range of partners using the buildings.

5.8 Therefore it is proposed that officers undertake a full analysis of each of the 11 Children's Centres to develop a model that maximises the use of community buildings; allows access to some Children's Centre Services, particularly targeted services and ensures the Council can meet its statutory duty to provide sufficient 2, 3 and 4 year old nursery provision. In proposing this model there is the potential to deliver continued outreach to all areas. Partners such as schools, nurseries, voluntary and faith organisations may be asked to run buildings on behalf of Children's Services, whilst enabling a wider group of organisations/communities to make use of these assets. The model would require the sub-letting back to the service for part-time Children's Centre delivery: thus ensuring that services could still run in local communities. This model would require some buildings to be offered out to the nursery sector (at no cost to the Council) to deliver new quality 2 year old provision which is in demand in some parts of the authority. It is recognised that with budget reductions service delivery would be reduced by Children's Centres and would not include a permanent presence of Children's Centres staff at every centre, hence the need to work with partners to maximise access to both buildings and services as part of a new model. Where existing building partners have been initially consulted on this proposed model of operation, the response has been positive. In addition, through this model it is still possible to further explore the potential of commissioning a more integrated model with health services (see recommendation 6 of the EYC&Y PDSP Appendix 2).

5.9 Retaining all Children's Centres buildings and developing some Children's Centres to be core staff bases enables a model based on the principles set out in section 5.7 to be delivered. It is a model that can be adapted to respond to further changes over time. The Task and Finish Group looked at whether other partners in the wider market (national and local providers) would consider tendering for 0-11 Preventative Services. The initial testing of the market resulted in twelve organisations expressing an interest. Obviously this initial testing was at an "in principle level" and there would be a need for much more detailed work, should such an option be agreed for further consideration.

- 5.10 The Early Years Children and Youth Policy Development and Scrutiny Panel recognised that in making the recommendations in Appendix 2, there are significant impacts and risks associated with these reductions. Therefore it is proposed that a cost benefit analysis of the proposed reductions is undertaken (see recommendation 7, Appendix 2).
- 5.11 In addition the Panel proposed that the Cabinet reconsider the overall Council budget to determine if some alternative areas of saving can be identified, because information gained by the Task & Finish Group shows that early support to vulnerable people can lead to savings overall through avoiding more costly interventions by statutory services of the council at a later stage. However officers have worked on developing a model of Service that can be delivered within the planned reduced level of resource from April 2015 as required in the agreed MTSRP.

6 RATIONALE

- 6.1 Recommendations contained in this report take into account local data; statutory requirements under the Childcare Act 2006 (sufficient Children's Centres; sufficient quality places for 2, 3 and 4 year olds), the public sector Equalities Duty and the local authority's duty to moderate the Foundation Stage Profile at the end of Reception Year in school. The outcome of any change will be to secure statutory duties and target resources upon those children and families in greatest need.

7 OTHER OPTIONS CONSIDERED

- 7.1 The models considered by the Early Years Children and Youth Policy Development and Scrutiny Panel were: to reduce all budgets as proposed with existing services scaled back accordingly, offering targeted services only: Option 1 would be delivered within the existing structures of a mixed Council and voluntary sector model; Option 2 was a model that reduced budgets and considered a health provider to run an even more integrated model of delivery of all services; Option 3 was a model to reduce budgets and outsource all services to the third sector. All models considered a small commissioning team remaining in the Council.
- 7.2 Officers and the Task & Finish Group considered closing some centres and keeping a smaller number open. This was rejected because of the presumption by central government not to close Children's Centres and the need to continue to provide some targeted services, and the cost of repaying the capital grant.
- 7.3 Outsource all provision was considered. This was rejected because of the length of time to prepare a new service specification which would not achieve savings in timeframe required i.e. TUPE implications. Initial review suggests the services required can most effectively be provided by a model of keeping all buildings but restricting their use for Children's Centres, whilst maximising community access to these assets. Following this restructure, outsourcing is not precluded as a future delivery option.
- 7.4 Reduce all direct non statutory functions i.e. Play and Specialist Family Support functions. Rejected because the voluntary sector have and do bring in considerable leverage from other charitable groups, increasing the total funds

available to children and families in the area, as well as bringing community capacity to the authority.

8 CONSULTATION

- 8.1 Informal consultation took place during September. The Task & Finish Group visited the Children’s Centre Boards and consulted with 2 voluntary sector Play providers; 1 voluntary sector Family Support service and 1 strategic multi-agency group representing services 0-11 years. Parents/users were present in most of these meetings. 80 parents were consulted individually over August and September for their views, including the benefits of the services.
- 8.2 The statutory guidance for Children’s Centres states that before making a significant change to services, the Council must formally consult everyone who could be affected by the proposed changes, for example, local families, those who use the centres, children’s centres staff, advisory board members and service providers. Particular attention should be given to ensuring disadvantaged families and minority groups participate in the consultation.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Sara Willis, Service Manager 0-11 Outcomes X 5023</i>
Background papers	<p><i>Ofsted Inspections of nurseries, including those run by Children’s Centres</i></p> <p><i>Ofsted Inspections of First Steps Children’s Centre & St Martin’s Garden Children Centre</i></p> <p><i>Ofsted Inspection of Children’s Services – March 2013</i></p>
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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Early Years, Children & Youth Policy Development & Scrutiny Panel Committee	
MEETING/ DECISION DATE:	14th October 2013	
		E 9999
TITLE:	Re-structuring of the Early Years, Children's Centre and Early Help (0 - 11 years) Services 2014 - 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ol style="list-style-type: none"> 1. Appendix 1 - Terms of Reference for the Task & Finish Group 2. Appendix 2 – Design and Commissioning Principles 3. Appendix 3 - Proposed Children’s Centre Hub model 4. Appendix 4 – Proposed staffing structure for the Children’s Centre Hub model 		

1 THE ISSUE

In March 2013 a request was made for the EYCY PDSP to review proposals to re-structure the Early Years and Children’s Centre Services in order to deliver the overall saving of £2.335m as part of the Medium Term Service Resource Plan 2013 – 2016 for the Children’s Service. Each Department had been tasked with identifying areas of activity where either efficiencies or service reductions could be made. Within the Children’s Service the Early Years and Children’s Centre Services area was identified as an area for significant savings. This recommendation followed considerable service deliberation and reflected the fact that other service areas had been subject to substantial levels of savings in previous years. The proposed reductions were as profiled below:

2013 – 14	£ 273,000
2014 – 15	£ 228,000
2015 – 16	£1,834,000

At Council on 19th February 2013, which agreed the MTSRPs and budget for 2013 – 16, an amendment was agreed deferring the implementation of this budget reduction until 2014 – 15. The revised savings profile is set out below:

2013 – 14	£	0
2014 – 15	£	501,000
2015 – 16	£	1,834,000

The amendment included an instruction to ‘provide a report to the Early Years, Children and Youth Policy Development and Scrutiny Panel to allow further consideration of the implications of these savings and for potential alternative options to be reviewed.’ This was agreed at the Early Years, Children and Youth Policy Development and Scrutiny Panel at its meeting on 25th March 2013.

Subsequently Terms of Reference were developed for a Task & Finish Group to consider the proposed reductions in budget and services (Appendix 1)

2 RECOMMENDATIONS

The Task and Finish Group make the following recommendations to the Panel for discussion, amendment and agreement and onward transmission to the Cabinet on 13 November 2013: The EYC&Y Panel agrees;

- (1) That the design and commissioning principles set out in Appendix 2 are adopted and applied to any future model of service delivery.
- (2) That the approach to Play; Specialist Family Support and the Early Years Foundations Stage are dealt with separately from Children’s Centres
- (3) That funding reductions for these services are considered separately in line with service models
- (4) To recommend the emerging hub model as the basis for delivery of Children’s Centre Services recognising the reduced budgets (*see Appendix 3 & 4*)
- (5) To retain all existing Children’s Centre buildings.
- (6) To further explore the potential of commissioning an integrated model with health services
- (7) To acknowledge the impacts and risks associated with these reductions.
- (8) To propose that Cabinet reconsiders the overall Council budget to determine if alternative areas of saving can be identified. The reasons being:
 - a) Information gained by the Task & Finish Group shows that early support to vulnerable people can lead to savings overall, There is concern that such significant cuts could lead to more costly interventions by statutory services of the council at a later stage.
 - b) A commitment by the Panel to recommend some changes to services to meet part of the potential savings if the Cabinet are prepared to do likewise.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

The proposed savings are: £501,000 for 2014-15 and £1,834,000 for 2015-16. This budget resources:

- Children's Centres in the voluntary and statutory sectors
- support to early years and childcare settings from the Early Years Foundation Stage Team;
- voluntary sector services for Play and specialist Family Support.
- Parent Support Advisers for targeted primary schools
- Some commissioned health services

The proposals will result in significant staffing reductions via redundancy, the number of posts to be deleted is yet to be fully determined. With regard to property, the 9 Council run Children's Centres were built with Sure Start Capital Grant from the DfE, conditions of this grant require the LA to continue to utilise the building for the purpose for which the capital grant was allocated otherwise a grant "Claw back" can be instigated by the DfE. This means that the Council has to seek to retain all of the buildings with a "core" Children's Centre service offer. This does not preclude the option of seeking alternative agencies to run the Centres and /or deliver the core service.

The reductions are significant and form a major part of the MTSRP for the Children's Service, there are no alternative options available to the service.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

Consideration has been given through all the preparatory and on-going work of the Task & Finish Group, of issues relating to need, poverty, disability and disadvantage of children and families. Service reductions have been designed to ensure those children most in need of help continue to receive "early help" services.

5 THE REPORT

After the March 2013 panel decision to request further consideration of the implications of these savings, and for potential alternative options to be reviewed, two presentations were provided by Officers:

- (1) In May, the presentation outlined the current scale of need across Bath & North East Somerset 0-11 years using both national and local data sets; the national and local drivers (including statutory duties for the local authority); data illustrating who is currently reached through services; current staffing levels and the buildings used to provide services and finally the proposed budget reductions.
- (2) In June, the presentation outlined the evidence base used to deliver all early years services, including those delivered in or through Children's Centres and by the Early Years Foundation Stage Team. This included evidence from families of the outcomes achieved; national evidence of need including increases in poor communication skills in very young children, increases in numbers of children with complex special needs, emergent neurological research into the brain development in babies and evidence of impact through the home learning programme. The service also provided evidence of reach and impact from all Children's Centres, Parent Support Advisers, Southside Family Project and Family Play Inclusion work.
- (3) Following these meetings a Task & Finish Group was set up from 5 of the Councillors represented on the Panel, and supported by Officers. This report provides the recommendation and conclusions of this Task & Finish Group.

- (4) Over the course of the Task & Finish Group meetings were held to consider three options of delivering services. These options were: (i) to reduce all budgets as proposed with existing services scaled back accordingly, offering targeted services only; (ii) option 2 was a model that reduced budgets and considered a health provider to run an even more integrated model of delivery of all services; (iii) option 3 was a model to reduce budgets and outsource all services to the third sector. All models considered a small commissioning team remaining in the Council. Models were tested throughout the process and led to some of the proposed recommendations above.
- (5) Information was provided on what a more targeted and reduced “Hub and Community Children’s Centres” model (*see Appendix 3*) would provide. In investigating this model it was proposed that partners such as relevant schools would be asked to consider running buildings on behalf of Children’s Services, so that they could be sub-let back to Children’s Centres for part-time delivery: thus ensuring that services could still run in local communities, albeit at a reduced timetable and no permanent presence of Children’s Centres staff. Where building partners have been consulted on this proposal the response has been positive.
- (6) Information was sought and provided about whether other partners in the wider market, consisting of both national and local providers, would consider tendering for 0-11 Preventative Services, as an initial testing of the market. 12 organisations expressed an interest.
- (7) A set of design principles were considered, alongside the “hub” model proposed for Children’s Centres, for any future commissioning of these services.
- (8) Over August and September over 80 parents were consulted on questions about how they accessed services; whether they were happy with the services they received and what impact they had had on their lives. Responses were largely very positive and services were valued, whether they were run by the voluntary sector or the Council.
- (9) A series of meetings were held with the 5 Children’s Centre Boards; the voluntary Play and Specialist Family Support Services and the 0-11 Multi-Agency Group that reports to the Children’s Trust Board. These meetings were attended by members from the Task & Finish Group who asked questions relating to the impact of reduced budgets; how this could be delivered better or differently and whether income could be sought from elsewhere to support delivery.
- (10) The Task & Finish Group are indebted to all those who took part in the research, they have appreciated everyone’s input & honesty whether it be the effort that went into preparing the background information or being prepared to share the personal stories with the Task & Finish Group on the reason for using the services. All of this gave the Group a clear understanding of the role these services play in children & families lives.
- (11) A final meeting of the Task & Finish Group was held in early October and reviewed all the information and views provided over the last 5 months. The meeting considered the recommendations contained in this report (see section 2 above).

6 RATIONALE

Recommendations contained in this report take into account local data; statutory requirements under the Childcare Act 2006 (sufficient Children's Centres; sufficient quality places for 2, 3 and 4 year olds) the public sector Equalities Duty and the local authority's duty to moderate the Foundation Stage Profile at the end of Reception Year in school. The outcome of any change will be to secure statutory duties and target resources upon those children and families in greatest need.

7 OTHER OPTIONS CONSIDERED

None

8 CONSULTATION

Consultation took place during September. The Task & Finish Group visited the Children's Centre Boards and consulted with 2 voluntary sector Play providers; 1 voluntary sector Family Support service and 1 strategic multi-agency group representing services 0-11 years. Parents/users were present in most of these meetings.

9 RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Sara Willis, Service Manager 0-11 Outcomes x5023</i>
Background papers	<i>Ofsted Inspections of nurseries, including those run by Children's Centres</i> <i>Ofsted Inspections of First Steps Children's Centre & St Martin's Garden Children Centre</i> <i>Ofsted Inspection of Children's Services – March 2013</i>

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Recommendations agreed and minuted at the Early Years, Children & Youth Policy, Development & Scrutiny Panel meeting on 14th October 2013

The following recommendations were made:

1. The design and commissioning principles set out in Appendix 4 are adopted and applied to any future model of service delivery
2. That the approach to Play; Specialist Family Support and the Early Years Foundations Stage services are dealt with separately from Children's Centres
3. That any funding reductions for these services are considered separately in line with service models
4. To recommend a hub and spoke model as the basis for delivery of Children's Centre Services, whilst recognising that the number of hubs, and the level of service at the non-hub Children's Centres, will be dependent upon the scale of budget reductions, ultimately agreed by Council in February 2014
5. To retain all existing Children's Centre buildings
6. To further explore the potential of a commissioned model and / or integrated model with health services, acknowledging the need for further market testing of potential providers
7. To undertake a full cost/benefit analysis of any service changes
8. To propose that Cabinet reconsiders the overall Council budget to determine if alternative areas of saving can be identified. The reasons being:
 - a) Information gained by the Task & Finish Group shows that early support to vulnerable people can lead to savings overall. There is concern that such significant cuts could lead to more costly interventions by statutory services of the council at a later stage
 - b) A commitment by the Panel to recommend some changes to services to meet part of the potential savings if the Cabinet are prepared to do likewise

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Appendix 3

Budget 2013-2015*

*as at May 2013 – since this time budgets have been adjusted for IT centralisation & figures included originally that were not part of the B&NES baseline budget have been removed leaving a budget after proposed cuts of £2.592

Budget Area	Council income inc DSG 2012/13	Cuts 2014-15	Cuts 2015-16	Other cuts	Overall % cuts on budget
Early Childhood Commissioning	859,050	180,550	252,000	34,510	54.37%
0-11 Outcomes Central Team	214,367	19,667	12,000	0	14.77%
Play team & Commissioning	478,954	150,000	67,000	99,000	65.98%
Integrated Working inc. Parent Support Advisers 5-11 yrs.	158,371	5,000	79,464	0	53.33%
Early Years Foundation Stage	842,219	20,000	454,498	3,400	56.74%
EYFS Training	213,961	30,000	160,000	0	88.80%
Vulnerable under 2's inclusion funding	308,712	0	50,000	33,000	26.89%
Bath West Children's Centres	502,402	20,092	173,329	0	38.50%
Bath East Children's Centres	721,955	28,878	249,074	0	38.50%
Keynsham & C.Valley C.Centres	370,691	14,827	127,888	0	38.50%
Somer Valley C.Centres	593,287	23,731	204,684	0	38.50%
Parenting Programmes/creche	15,000	8,500	6,500	0	100.00%
Total budget	5,278,969	501,245	1,836,438	169,910	47.50%

Children's Centre Staff and Buildings

Keynsham & Chew Valley

- 2 Children's Centres + 1 linked site



- Base for 8 Health Visitors



- 9.1 FTE Council CC Staff
- **£254,983**



- One private nursery provider on Chew Valley site

Somer Valley

- 4 Children's Centres + 1 linked site



- Base for 6 Health Visitors



- 14.4 FTE Council CC Staff
- **£434.723**



- One private nursery provide on Paulton site

Children's Centre Staff and Buildings

Bath East

- 3 Children's Centres + 1 linked site



- Base for 8 Health Visitors



- 19 FTE Council CC Staff
- **£582,284**



First Steps (Bath)

- 2 Children's Centres + 1 linked site







- Base for 0 Health Visitors


- 11.6 FTE First Steps staff
- **£247,546**



Staffing @ the Children's Centre Nurseries

- **St Martins Children's Centre Nursery – 12.98 FTE**
 - » **£286,679** (includes nursery income) Council Staff

- **Radstock Children's Centre Nursery – 15.71 FTE**
 - » **£263,983** (includes nursery income) Council Staff

- **Keynsham Childrens's Centre Nursery – 1.35 FTE**
 - » **£35,314** Council Staff

- **First Steps Twerton and Moorlands Nurseries (Bath) – 35.2 FTE**
 - » **£614,772**


EYFS team – Advisory Support to Private, voluntary & maintained early years settings – birth to 5 years

Post description		FTE	TOTAL
Early Years Advisory Teacher and Area SENCos, including management 3 FTE		8.53	356,763

Bath East:

- 23 Pre-Schools / Nurseries & Independent School Nurseries

Bath West

- 20 Pre-Schools / Nurseries & Independent School Nurseries

Keynsham & Chew Valley

- 29 Pre-Schools / Nurseries & Independent School Nurseries



Somer Valley

- 18 Pre-Schools / Nurseries & Independent School Nurseries

Reception Classes in School 58

Total 148 settings

EYFS team - by Settings Childminders

Post description		FTE	TOTAL
Childminding Coordinator		2.27	67,326
Lead Childminding Officer		0.68	23,319

Bath East:

- 35 Childminders

Bath West

- 40 Childminders

Keynsham & Chew Valley

- 41 Childminders


Somer Valley

- 61 Childminders

Parent Support Advisors by School

Somer Valley Cluster  PSA supporting  Schools costing £22,565
(St Nicholas, Westfield, Longvernal)

Bath Valley Cluster  PSA supporting  Schools costing £13,343
(St Saviours Infants, St Saviour's Junior, St Stephen's Primary, Swainswick Primary)

Bath Cluster 1  PSA supporting  Schools costing £9,610
(St Andrews, Twerton Infants, St Michaels)

Bath Cluster 2  PSA supporting  Schools costing £20,719
(Combe Down, St Philips, Southdown Junior & Infants, St Michael's, Oldfield Junior & Infants)

Bath Cluster 3  PSA supporting  Schools costing £23,783
(St Martin's Garden Primary, Moorlands Junior & Infants)

Overview of Services Provided by these budgets for 2013-14

- Commissioning of services such as Breastfeeding support; Southside Specialist Family Support (£300k reaching over 350 families); infant mental health; post natal depression support groups; speech and language.
- Play Team and contracts to support better outcomes and targeted play opportunities through the voluntary sector (non statutory) but complementing early help for the 5-13 age group. Included in this is work with disabled children to ensure access to open air play opportunities. (£478,954 – 2,000 children reached in 2012-13)



The Legislation

Legislation about children's centres and the Early Years Foundation Stage is contained in the Childcare Act 2006 (**referred to in this guidance as "the Act"**)¹. This guidance refers to the following sections of the Act:

- **Section 1:** Duty on local authorities to improve the well-being of young children² in their Area and reduce inequalities between them.
- **Section 2:** Explanation of the meaning of early childhood services.
- **Section 3:** Duty on local authorities to make arrangements to secure that early childhood services in their area are provided in an integrated manner in order to facilitate access and maximise the benefits of those services to young children and their parents.
- **Section 4:** Duty on commissioners of local health services and Jobcentre Plus (as partners') to work together with local authorities in their arrangements for improving the well-being of young children and securing integrated early childhood services (see Chapter 3).
- **Section 5A:** Arrangements to be made by local authorities so that there are sufficient children's centres, so far as reasonably practicable, to meet local need. This section defines what a Sure Start children's centre is and what arrangements and services constitute a children's centre (see chapters 1 and 2).
- **Section 5C:** Duty on local authorities to ensure each children's centre is within the remit of an advisory board, its make-up and purpose (see Chapter 4).
- **Section 5D:** Duty on local authorities to ensure there is consultation before any significant changes are made to children's centre provision in their area (see Chapter 2).
- **Section 5E:** Duty on local authorities, local commissioners of health services and Jobcentre Plus to consider whether the early childhood services they provide should be provided through children's centres in the area (see Chapter 3).
- **Section 98C (Part 3A of the Act):** Duties on local authorities after receiving a report from Ofsted following the inspection of a children's centre. This includes preparing and publishing a written statement (an Action Plan) setting out the action to be taken in response to the report.

Other Related Sections of the Statutory Duties Contained within The Childcare Act 2006 (revised) include:

The act also lays out registration and inspection arrangements, providing for an integrated education and care framework for the Early Years and general childcare registers. The sufficiency, information and outcomes duties came into effect on 1 April 2008 and the remaining provisions came into effect from September 2008.

Sections 6, 8-11 & 13 require local authorities to assess the local childcare market and to secure sufficient childcare for working parents. Childcare will only be deemed sufficient if it meets the needs of the community in general and in particular those families on lower incomes and those with disabled children. Local authorities take the strategic lead in their local childcare market, planning, supporting and commissioning childcare. Local authorities will not be expected to provide childcare direct but will be expected to work with local private, voluntary and independent sector providers to meet local need. Section 7 re-enacts the duty for local authorities to secure a free minimum amount of early learning and care for all 3 and 4 year olds whose parents want it.

Section 12 extends the existing duty to provide information to parents, to ensure parents and prospective parents can access the full range of information they may need for their children right through to their 20th birthday. Local authorities will be required to ensure that this service is available to all parents and that it is pro-active in reaching those parents who might otherwise have difficulty accessing the information service.

Sections 39-48 introduce the Early Years Foundation Stage which will build on and bring together the existing Birth to Three Matters, Foundation Stage and national standards for day care and childminding. This new framework will support providers in delivering quality integrated early education and care for children from birth to age 5.

Sections 31-38 & 49-98 reform and simplify the framework for the regulation of childcare and early education to reduce bureaucracy and focus on raising quality and standards. All providers caring for children up to age 5 will be required to register on the Early Years register and deliver the Early Years Foundation Stage (unless exceptionally exempted). Childcare settings providing for school age children will be judged against a streamlined set of Ofsted Childcare Register standards. These criteria will be compulsory for all settings caring for children under 8. Other providers may join the register on a voluntary basis.

Sections 99-101 allow for the collection of information about young children to inform funding and support the local authority duties under the act.

Service Design & Commissioning Principles for:

1. Together with our partners, to assess and respond early to the needs of individual children, families and communities in order to keep them safe and help them thrive and avoid their needs escalating to specialist (costly) services
2. Using evidence based approaches to reduce inequalities for targeted groups, through tracking individual children's progress
3. Providing a mixed economy of provision that ensures strong integrated working across agencies and settings
4. The voice of the child is heard and listened to
5. Support children to develop secure attachments and emotional resilience
6. Supports children and families to have healthy lifestyles
7. Supports parents to have positive parenting aspirations and parenting skills
8. Supports children across all early years settings to develop well and be ready for school

Model Ensures

9. We meet Statutory Guidance to reach a "Good" Ofsted judgement at Children's Centre Inspections and ensure children develop well and are ready for school
10. Families and communities are enabled to participate fully in their community
11. We focus resources on reducing inequalities and narrowing the gap for those most in need

12. We are able to respond to the emerging “Local Offer” as part of the SEND Reforms for children with additional needs
13. We strengthen the integration and information sharing with health partners
14. There is a linked Social Worker in each Children’s Centre Hub to ensure robust arrangement for the safeguarding and protection of children
15. There is a linked Health Visitor in each Children’s Centre Hub, and where possible, premises remained shared with Health Visitors
16. Value for money by ensuring the effective and efficient delivery of services by targeting 75% of the spend on front facing service delivery and less than 15% on overheads. The model should ensure back office functions are delivered as efficiently as possible

Early Years, Children and Youth Policy Development and Scrutiny Panel

Proposal and Terms of Reference

Re-structuring of the Early Years, Children's Centre and Early Help (0 – 11 years) Services 2014 – 2016

1. Background and Introduction

- i. This review flows from the development of the Medium Term Service Resource Plan 2013 – 2016 for the Children's Service. Each Department was tasked with identifying a range of areas of activity where either efficiencies or service reductions could be made. Within Children's Services the Early Years and Children's Centre Services area was identified for savings as profiled below:

2013 – 14	£ 273,000
2014 – 15	£ 228,000
2015 – 16	£1,834,000

- ii. At the meeting of Council on 19th February 2013 which agreed the budget 2013 – 2016 an amendment was agreed which deferred the implementation of budget reductions in Early Years and Children's Centre Services until 2014 – 15. The revised savings profile is set out below:

2013 – 14	£ 0
2014 – 15	£ 501,000
2015 – 16	£1,834,000

- iii. The amendment is shown as Appendix A and included an instruction to 'provide a report to the Early Years, Children and Youth Policy Development and Scrutiny Panel to allow further consideration of implications of these savings and for potential alternative options to be reviewed.' This paper is the start of that process as agreed at the Early Years, Children and Youth Policy Development and Scrutiny Panel at its meeting on 25th March 2013 (Item covered in Strategic Directors' Briefing).

2. The issue

- i. During the MTSRP process the service was clear that no definitive proposals had been developed to deliver the total saving of £2,335k. It was stated that detailed proposals would have to be brought forward to fully re-structure the Early Years and Children's

Centre Service area with that work beginning in 2013 ready for complete implementation by April 2015.

- ii. This timescale was identified because of the scale of the reduction to be made; the need to ensure a continuing focus on the most vulnerable young children and their families; the critical interface between Early Years and Children's Centre Services and the statutory social care services and the range of community, voluntary and private sector partners, along with statutory partners with which the Council works to deliver its Early Years, Children's Centre and Early Help Services/offer.
- iii. Given the above, the issue is: How to develop a range of service delivery models for Early Years and Children's Centre Services which recognise and accommodate
 - The reduced financial envelope available over 2014 – 2016.
 - A focus of council resources on those young children and their families in need of effective early help and support
 - The role and 'value added' of community, voluntary and private providers in the wider Early Years and Children's Centre landscape.
 - A clarified role for statutory partners particularly Health Services around early identification, help and support.
 - The 'threshold' for referral/access to statutory social care services for children deemed 'in need'.
 - A clear policy/strategy for 'Early Help' as defined in the Munro Review and the role of Early Years and Children's Centre Services in that policy.

3. Outcomes

- i. 3 possible models of operation based upon an evaluation of each against Section 2 and taking into account any relevant statutory guidance from the DfE for Early Years Services and Children's Centres.
- ii. Recommended option for re-structure of service to Cabinet for consideration and future implementation.
- iii. Children's Service in a position to make initial changes from April 2014 in order to make savings of £501k in 2014 – 15 in alignment with final service model which will be consulted upon and implemented from 1st April 2015.

Ashley Ayre
Strategic Director: People and Communities

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**Re-structuring of the Early Years, Children's
Centre and Early Help (0-11 Years) Services
2014-2016**

**Minority Report of the Early Years, Children
and Youth Policy Development and Scrutiny
Panel**

Cllr Liz Hardman

November, 2013

1 Introduction

At the Council budget meeting on 19 February, 2013 Council was asked to agree an overall saving of £2.3m from 2013-2016 to the Early Years and Children's Centre Service.

The profile of the proposed savings was as follows:

2013-14	£273,000
2014-15	£228,000
2015-16	£1,834,000

An amendment was agreed deferring the implementation of the budget reductions until 2014-15, leaving the revised savings profile as follows:

2013-14	£0
2014-15	£501,000
2015-16	£1,834,000

It was further agreed that:

the Early Years and Children's Centre savings in Years 2 and 3 are still subject to a detailed plan and would require a Budget vote in future years and that officers be instructed to provide a report to the Early Years, Children and Youth (EYCY) PDS Panel to allow further consideration of the implications of these savings and for potential alternative options to be reviewed.

As a result of the Council decision, the EYCY PDS Panel considered the matter and subsequently established a Task and Finish Group which produced recommendations for consideration by the full Panel.

Throughout the period of the review, I have expressed concern about both the process adopted by the Task and Finish Group and the recommendations produced as a result of that process and subsequently agreed by the EYCY PDS Panel. It is my contention that a flawed process resulted in a flawed model and that the EYCY PDS Panel missed an opportunity to develop a model for Children's Centres for B&NES in a principled way.

As will be made clear, the EYCY Panel manifestly failed to implement the resolution as agreed by Council. It is as a result of this failure that this Minority Report has been produced. It is hoped that this Report will serve as a vehicle for ensuring that both the Cabinet and, ultimately, the Council at its February, 2014 budget-setting meeting, have the opportunity to consider both the implications of the savings and review potential alternative options.

2 Recommendations

That Cabinet:

- a) Asks the EYCY PDS Panel to consider the implications of the proposed Early Years and Children's Centre savings and review potential alternative options with a report back to the December meeting of Cabinet identifying the following:
 - (i) The detailed implications of the proposed savings for frontline services under the proposed 38% cut to the budget of Children's Centres;

- (ii) The potential for management and efficiency savings that would have no effect on frontline services;
- (iii) A recommended model for the future of Children's Centre services based on management and efficiency savings; and
- (iv) In light of (iii), a request to Cabinet that, should the recommended model be undeliverable within the proposed budget for Early Years and Children's Centres, resources are identified from elsewhere in order to offset the proposed savings target.

3 A Flawed Process

The recommendations (above) arise from the need for the EYCY Panel to look again at the work it was asked to do by Council at the February 2013 budget-setting meeting. Despite the acknowledgement by Council that the savings for Years 2 and 3 would require a budget vote it is regrettable that both the full EYCY Panel and the Task and Finish Group set up by it, took it for granted that the savings target had been agreed. They assumed that Early Years and Children's Centres would have to carry the full burden of the cuts, and that any recommendations had to be deliverable within the proposed resources.

It was in that context that the Task and Finish Group undertook its work: instead of doing as Council had asked and considering the implications of savings of this scale, the meetings of the Task and Finish Group were focused on producing a model (The Children's Centre Hub Model) which would allow delivery of these savings.

The final meeting of the Task and Finish Group on 2 October, 2013, made recommendations to be considered by the full EYCY Panel at its meeting on 14 October, 2013 for agreement and onward transmission to the Cabinet. The Task and Finish Group agreed, amongst other things, to recommend the Hub model. I was unable to accept the recommendations and made my position clear at the meeting. Regrettably, I was the only member of the Task and Finish Group to do this.

The Liberal Democrat Group has three places on the EYCY PDS Panel. One of these places is vacant and was filled on a temporary basis at the meeting on 14 October, 2013 which considered the recommendations of the Task and Finish Group. Both of the two permanent members were absent with their places filled by substitutes. Whilst it was disappointing that these two substitutes had been poorly briefed in advance of the meeting, both also made the entirely reasonable point that the papers available to the meeting were inadequate and provided insufficient information, particularly financial information, upon which to make a decision. It is regrettable that despite making this point, the two substitutes proceeded to participate in both the discussions and the voting as if they were in full command of the facts.

Such was the inadequacy of the information available to the meeting on 14 October, 2013 that before considering in detail the recommendations of the Task and Finish Group, the Panel resolved the following:

“that there remain a number of questions over what services will be provided at the Children's Centres under the proposed new model, who will run the various Children's Centres, and to whom these services will be available. Noting these continued uncertainties...”

In view of the fact that the EYCY had been tasked with considering the implications of the savings, it is beyond belief that the Panel felt able to make any

recommendations at all when questions about the implications (i.e. what services would be provided, by whom, and to whom the services would be available) remained unanswered at the Panel meeting.

4 The Recommendations: The Emerging Hub Model

In spite of the request by Council to consider the implications of the savings, from the outset the Task and Finish Group was focused on how to deliver the savings.

This initially involved three options for delivering the service as follows:

Option 1: to reduce all budgets as proposed with existing services scaled back accordingly, offering targeted services only;

Option 2: to reduce budgets and identify a health provider to run an integrated model of delivery of all services;

Option 3: to reduce budgets and outsource all services to the third sector.

Questions were raised about all of these options, but the debate moved on without ever fully identifying the implications for the service of any one of these options. By this stage, the Hub model (with four hubs, although this was subsequently reduced to three) had emerged and was being promoted as the model for the future commissioning of Children's Centre services, delivered either by the Council, or by a Health-led provider, or by the voluntary sector. This model was not developed in a principled way as the best means of delivering Children's Centre services. Instead its main advantage was that it delivered the proposed cuts. I couldn't possibly support it.

At the eleventh hour, a further advantage of this model – that it can be scaled up or down according to the funds available – was identified. Again, this supposed advantage had nothing to do with the best means of providing Children's Centre services. Instead, it was an advantage entirely related to financial considerations.

Whether members of the Panel understood what the Hub model would look like in practice is unclear. The papers themselves gave no indication of which Children's Centres would remain open as Hubs (expected to be Keynsham, Parkside or possibly Weston and Radstock) and which would be subject to a reduced service. The Panel did, in its agreed recommendation (4) give a nod to the effect of budget reductions on non-Hub Children's Centres *“recognising that the number of hubs, and the level of service at the non-hub Children's Centres, will be dependent upon the scale of budget reductions...”* and speakers from Chew Valley Children's Centre expressed their concern about the implications of the Hub model for services in their area and the lack of connection between the Chew Valley and Keynsham – which would become the Hub for the Chew Valley. However, this was never fully explored by the Panel.

There was also no acknowledgement in the emerging Hub model of the B&NES Children's Centres located in Twerton and Moorlands, which are delivered by First Steps, Bath and are run as a local charity but are also funded by B&NES.

In respect of those Children's Centres which would not be identified as Hubs, it was suggested that other partners, such as schools could be asked to consider running the Children's Centre buildings on behalf of Children's Services, sub-letting back to the Children's Centres for delivery of services on a part-time basis. To date, it remains unclear whether schools or other organisations have expressed a

willingness either to take on the buildings themselves or to take on responsibility for sub-letting.

Despite this degree of uncertainty, the EYCY PDS Panel recommended the Hub model as the basis for the future delivery of Children's Centre services.

5 The implications of the savings

At various points during the meeting of the EYCY PDS Panel on 14 October, 2013 the impression was given that cuts of nearly 40% of the budget for Children's Centres could be delivered through management changes and service efficiencies. As a result, and for the avoidance of any doubt, the Director of People reminded those at the meeting that the proposals are not about efficiencies: they would lead to service reductions.

Whilst it is clear that the Hub model would lead, at best, to a skeleton service in eight of the eleven Children's Centres, to date, the implications of the service reductions have not been subject to proper public scrutiny. They include:

An expectation that, in running universal services, centre staff would be replaced with volunteers with the risk that the identification of children and families needing help from a universal base would be lost;

Stopping funding to support breastfeeding with the risk that breastfeeding may decline further thereby impacting on obesity rates;

Stopping a contribution to the Child and Adolescent Mental Health Services with the risk that that children arrive at school with increased social, emotional and behavioural difficulties;

Stopping subsidies for the five nurseries that are attached to Children's Centres. Subsidies enable additional staff to be employed, offering a high quality setting to these nurseries which all take a high number of children with child protection plans, children in need and vulnerable children. These nurseries may restrict what they can offer and families will not access the support that is currently available, with the risk that some children will fall through the net and children at risk of poor outcomes will increase;

Stopping speech and language support to all early childhood settings, including Children's Centres, leading to a reduction in professional support for children with speech and language delay and the risk that children will arrive at school with poor communication skills;

Stopping all Children's Centres having a Children's Centre Co-ordinator thereby reducing the ability to plan services in a specific area, reducing the cover of buildings, and reducing the management to plan for Ofsted inspections;

Stopping automatic referrals from health visitors being picked up by Children's Centres leading to the potential loss of early intervention for children with emerging needs with the risk that children will slip through the net and not be picked up until nursery/school;

Restricting access to Children's Centres on a daily basis with the services less readily accessible for families leading to fewer families reached; and

Apart from at Hub buildings, stopping free access to Children's Centre buildings for integrated work by partner agencies and social care for contact with children and families. Appointments will be harder to arrange near where children live with the risk that families do not attend key appointments.

The EYCY PDS Panel should have had the opportunity to consider these implications. If it had done so, it is questionable whether the members would have supported the emerging Hub model as the means for delivering Children's Centre services.

6 An Alternative Approach

It is clear that there are insufficient resources available from within the proposed budget for Children's Services to offset the cuts to Early Years and Children's Centres.

However, an opportunity was lost. Had the EYCY PDS Panel spent its time working on the kind of Children's Centre service it would like to see delivered in B&NES, the case could have been made by the Panel for asking the Cabinet to identify resources from elsewhere within this Council to deliver this service.

Instead, the focus was on delivering the cuts.

There is still, however a chance to retrieve the situation: by asking the EYCY PDS Panel to implement the resolution agreed by Council at its budget-setting meeting. Until such time that the implications of the proposed savings are considered and potential alternative options reviewed based on management and efficiency savings there can be no confidence that the Hub model is anything other than a means of delivering huge cuts to this most vital of services.

7 Evidence

In producing this report, a wide range of evidence has been considered including:

- Visits to ten Children's Centres in B&NES;
- Further visits to those Children's Centres proposed to be Hubs;
- Discussions with parents and children;
- Discussions with staff;
- Discussions with health visitors;
- Discussions with members of the Children's Centre Advisory Boards;
- Consideration of documentation available to members of the Task and Finish Group;
- Presentations delivered by officers to members of the EYCY Panel in May and June;
- July 2013 Report from the All Party Parliamentary Sure Start Group; and
- October 2013 Children's Centre Census published by National Charity 4Children.

There are many people who feel passionately about the services we offer to the youngest and most vulnerable members of our community and I am grateful to those who have taken the time and trouble to discuss the future of Children's Centre services with me.

Liz Hardman
November, 2013

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13th November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2575
TITLE:	Policy and general conditions to be attached to hackney carriage and private hire licences.	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix A – Policy for hackney carriage and private hire licensing standards.</p> <p>Appendix B – Conditions and byelaws applicable to licensed drivers.</p> <p>Appendix C – Conditions applicable to hackney carriage vehicles.</p> <p>Appendix D – Conditions applicable to private hire vehicles</p> <p>Appendix E – Conditions applicable to private hire operators</p> <p>Appendix F – Consultation replies and Officer responses.</p>		

1 THE ISSUE

- 1.1 This report seeks to update the current policy on hackney carriage and private hire licensing standards and amends the general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences.

2 RECOMMENDATION

- 2.1 That the policy for hackney carriage and private hire licensing standards, specified in Appendix A, be adopted.
- 2.2 That the Cabinet provide comment to the Licensing Committee on the general conditions relating to hackney carriage and private hire drivers, specified in Appendices B, C, D, E and F.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Financial: None arising directly from this report.
- 3.2 Staffing: None arising directly from this report.
- 3.3 Equalities: None arising directly from this report.
- 3.4 Economic: None arising directly from this report.
- 3.5 Environment: None arising directly from this report.
- 3.6 Council Wide Impacts: Comments where applicable, have been included in the body of the report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, give local authorities powers in relation to placing conditions on licences. Both Acts also, provide provision for any person aggrieved by any conditions attached to a licence the right of appeal to the courts.
- 4.2 In July 2000 the Housing and Public Protection Committee adopted a policy relating to hackney carriage and private hire licensing standards.
- 4.3 At the same meeting the Committee also considered and adopted conditions of licence to be attached to the standard grant of private hire/hackney carriage drivers, proprietors and operators licenses.

5 THE REPORT

- 5.1 Appendix A shows the updated recommended policy for hackney carriage and private hire licensing standards. (Amendments and additions are shown in bold). The key changes are:-

- (1) A commitment to carry out an unmet demand survey every three years and the findings of the survey will be taking into account for any application for a hackney carriage in Zone 1 (Bath).
- (2) Any new Hackney Carriage licence in Zone 1 will require a fully accessible vehicle.
- (3) All vehicles will be required to undergo an annual mechanical test at an approved garage.
- (4) All vehicles will normally be less than 5 years old when first licensed.
- (5) Additional requirements from non UK applicants regarding translated copies of relevant documents.
- (6) The requirement to provide an appropriate driving licence issued by the DVLA.
- (7) All new drivers to have completed a B&NES assessment course.
- (8) Changes to the DBS (CRB) procedures following changes by the Disclosure and Baring Service.

- 5.2 Appendices B, C, D and E show the updated conditions to be attached to the standard grant of licenses of private hire/hackney carriage drivers, proprietors and operators' licenses. (Amendments and additions are shown in bold). The key changes are:-

- (1) Additional requirements over the conduct of the driver to ensure the safety of the passengers and that they do not discriminate against any person.
- (2) Additional requirements over the driver regarding smoking, noise, standards of dress, and notification of criminal convictions.
- (3) Changes to the vehicle requirements to allow for 1400cc engines, that vehicles should be less than five years old when first licensed and vehicles over ten years old are subject to a review of its suitability to continue in service.
- (4) All vehicles should be European Community M1 type approved and should not have been modified or converted.
- (5) Additional requirements over the certification of use for alternative fuels.
- (6) The use of satellite or GPS navigation systems to be prohibited in Hackney Carriages for hire within the boundaries of B&NES.
- (7) Additional requirements over the capability of accessible vehicles.
- (8) Clarification over the use of permitted CCTV systems.
- (9) Additional requirements over the use of stretch limousines.
- (10) Exemptions from the requirement to display licence plates by certain executive hire/chauffeur hire.

5.3 The aim of the policy and conditions is to ensure, as far as reasonably practicable, the safety and comfort of members of the public travelling in licensed private hire and hackney carriages in the area of Bath & North East Somerset Council.

5.4 The policy and conditions aim to further enhance the reliability of the existing service provided and the overall standards of vehicles and drivers licensed by the Council whilst not being prohibitive to any person seeking to obtain a private hire/hackney carriage driver, proprietor or operator licence.

5.5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the functions of imposing any condition, limitation or other restriction on hackney carriage and private hire licences and determining the terms under which any such licence is subject are not Cabinet functions. They are therefore Council functions and the Council has delegated its authority in relation to licensing to the Licensing Committee.

5.6 The Cabinet are therefore being asked to adopt the policy in Appendix A and then provide comment to the Licensing Committee on the proposed conditions in Appendices B, C, D, E and F.

6 RATIONALE

6.1 The previous conditions adopted by the Council have been updated and amended to take into account changes in technology, procedures and legislation that have come into force since they were originally adopted by the Housing and Public Protection Committee in 2000.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

- 8.1 This report has not been sent to the Trades Unions because there are no staffing issues.
- 8.2 In the process of compiling this report the following have been consulted:- All currently licensed members of the Hackney Carriage and Private Hire trade including drivers, vehicle owners and operators.

Council Officers:- Transportation Planning Manager, Group Manager, Planning Policy & Transport, Public Transport Team Leader, Service Manager Transport and Performance Improvement, Senior Legal Advisor, Principal Solicitor, Equalities Team and all the Members of the Council's Licensing Committee.

Comments were received from:- *Transportation Policy Manager (B&NES), John Law (taxi driver), Mark Charlesworth (Managing Director Chauffeur Link), Rod Finlay (Managing Director Bath Chauffeur Services), Leslie Banks (Managing Director Leslie Banks Executive Hire), Nick Kingwell (Managing Director A-Class Travel), Martin Smith (Managing Director Executive Hire, Former Director/Operations Manager Abbey Taxis Bath), Harald Demski (taxi driver)*

Consultation replies and Officer responses can be found at Appendix C.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>John Dowding 01225 477689</i>
Background papers	<i>Previous Policy and Licence Conditions available on request.</i>
Please contact the report author if you need to access this report in an alternative format	

APPENDIX A

Policy on Hackney Carriage and Private Hire Licensing Standards Driver's, Vehicles and Operators.

The Council's vision is to provide a comprehensive, high-quality, integrated public transport system that is accessible, affordable, clean, comfortable, inclusive, reliable, safe and sustainable.

The Council recognises that the taxi and private hire trade are an integral part of the transport network across the whole of the district and recognises the important part that they play especially with regard to the night time economy and providing accessible transport.

The Council will work with the taxi and private hire trade, the general public, local businesses and other interested parties to seek to maintain the existing excellent level of service. The Council will continually review the level of service provided and how this can be developed in the future to meet changing needs.

The following policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, driver and operators: -

1. Each application for a licence will be treated on its own merits. Where however, applications fall outside this Policy they will be referred to the relevant Licensing Sub-Committee for consideration.
2. The district of Bath and North East Somerset is zoned, for the purpose of Hackney Carriage licensing, into the two areas: - Bath (zone 1) and North East Somerset (zone 2).
3. **Bath & North East Somerset Council regulate the number of Hackney Carriage Proprietors Licenses it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.**
4. **An Unmet Demand Survey (for zone 1) will be carried out at regular intervals and no more than three years will elapse between each survey.**
5. **That any new Hackney Carriage Proprietors licenses issued in zone 1 in light of the results of a survey will be issued on condition that the vehicle is fully accessible and has side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification.**
6. **That all vehicles, including new ones, shall be visually and mechanically inspected prior to being licensed and thereafter mechanically inspected on an annual basis at garages approved by the Licensing Officer.**
7. That all vehicles will normally be less than **five years old** when first licensed.
8. That the engine size of vehicles to be licensed shall be at least **1400cc**

APPENDIX A

9. That only roof signs approved by the Licensing Officer are permitted on the vehicle. Hackney Carriage signs shall be fitted across the width of the vehicle and Private Hire signs shall be fitted along the length of the vehicle.
10. That the vehicle licence plates are issued annually and display the registration number of the vehicle, licence number, number of seats, colour of vehicle, date of expiry of licence and make of vehicle.
11. That the vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
12. That Hackney Carriage vehicle licenses are renewed annually and expire on the 31st May.
13. That Private Hire vehicle licenses are renewed annually and expire on the 31st October.
14. That Hackney Carriage and Private Hire Driver's licenses are renewed annually and expire on the 28th February.
15. That an Operator's licence is issued for a maximum five year period, **and shall expire on the 30th September.**
16. The Council reserves the right to issue licenses for a lesser period should it see fit.
17. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
18. That the following checks are carried out on all new applications and that a licence will not be issued until all the relevant documents are presented and are correct: -

Operators Licences; receipt of a satisfactory application form, 3 references, **Disclosure & Barring Services check** and the appropriate fee.

Vehicle Licences; receipt of satisfactory application form, vehicle registration document, insurance for hire and reward (public for hackney carriages and private for private hire), MOT certificate **for all vehicles over 1 year old, Inspection Certificate**, Meter Test Certificate, (where applicable) and the appropriate fee.

Driver's Licences; receipt of a satisfactory application form, birth certificate, **Group 2 Vocational Driver** Medical Certificate, check with the DVLA as to motoring offences, check with the **Disclosure & Barring Services**, 3 references, and the appropriate fee.

All non UK applicants will be required to produce original and certified translations of birth certificate, driving history, and certificate of good conduct or similar check of criminal convictions. All documents must have been obtained in the month prior to the application being submitted. Photocopies or scans of documents will not be accepted.

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In order to be licensed as a Hackney Carriage or Private Hire driver, an applicant must hold a full driving licence issued in the United Kingdom,(UK) the European Community (EC), one of the other countries listed in the European Economic Area (EEA) or an exchangeable licence as defined in s108 of the Road Traffic Act 1988 and provide a certified and translated driving history from the country of issue.

From 1st January 2014 the Council will require all current Hackney Carriage and Private Hire drivers who currently hold an EC/EEA or exchangeable driving licence to have a UK DVLA issued Driving Licence.

An individual with an EC/EEA or exchangeable driving licence making an application for a Hackney Carriage or Private Hire drivers licence on or after the 1st January 2014 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

If a licensed driver cannot obtain a UK Driving Licence before their existing Hackney Carriage or Private Hire drivers licence expires the new licence will be issued on the condition that a UK Driving Licence is obtained and produced to the Council within three months.

All non UK, EC/EEA, exchangeable licence holders will be required to submit their original EC/EEA driving licence on application for a Hackney Carriage/Private Hire driver's licence.

19. That all applicants for combined Hackney Carriage/Private Hire driver's licence have held a **UK full driving licence (or an EU equivalent or exchangeable driver's licence)** for a minimum of three years, and must normally have attained the age of 21.
20. **All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council Drivers Assessment Course training prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.**
21. That all driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and on the first application after the 45th birthday and every 5 years thereafter until the age of 65 and every year thereafter. **If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.**
22. That all new applicants for a combined Hackney Carriage/Private Hire drivers licence produce to the Council the original Enhanced Disclosure & Barring Services Certificate obtained as part of the application process. This Certificate must be produced to the Council no later than 30 days from the date of the certificate. Applicants who are unable or unwilling to produce the certificate within 30 day of issue will have their applications referred to the relevant Council Sub-Committee for determination.

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23. That all holders of a combined Hackney Carriage/Private Hire drivers licenses will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued. It shall be the responsibility of the Licensee to ensure that they are registered with the Disclosure & Barring Service's online checking service and to keep the registration current as long as they continue to hold a combined Hackney Carriage/Private Hire drivers licence issued by the Council.
24. Renewal applications will be delayed for existing Licensees if at the time of a renewal application for a combined Hackney Carriage/Private Hire drivers licence the Council is unable to check the status of the last Disclosure & Barring Service Certificate issued in respect of the applicant using the online checking facility, due to the applicant not being registered with the Disclosure and Barring Service. If an online check is not available due to the applicant not being registered a new Enhanced Disclosure & Barring Service Certificate will need to be obtained by the applicant prior to a licence being issued. No licence will be issued until the applicant produces the valid Enhanced Certificate to the Licensing Office.
25. That all new applicants for combined Hackney Carriage/Private Hire driver's licences undergo a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions and the highway code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part of the knowledge test may retake the knowledge test, however, should the applicant fail a second test a minimum period of three months shall elapse before a third test can be taken. Applicants who fail the knowledge test three times will have their application terminated and any refundable portion of the fee refunded. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed whereupon they may submit a new application.
26. That all Operators, Private Hire Driver and Vehicle licenses issued by Council are subject to a penalty point scheme as detailed in the section below.
27. That all Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.

That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions, formal cautions or fixed penalty notices are disclosed, or have been "objected to," is referred to the relevant Licensing Sub Committee for determination.

The Council recognises that the taxi and private hire trade are an integral part of the night time economy across the whole of the district and the Council will look at various ways to maintain the existing good level of service and will work with the trade and other interested parties to see how this service can be developed further.

October 2013

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Penalty Point Scheme

Introduction

1. Licensed Vehicles, Driver's and Operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions attached to a licence by the Council.
2. The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan designed to record incidences of bad behaviour so as to ascertain whether the licensee continues to be a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other actions.
4. Penalty points remain on a licence for a period of twelve months from date of imposition. As older points become spent by passage of time they are excluded from the running total recorded on a licence.

Issue of Penalty Points

1. Where concerns about a licensee's conduct or the condition of the vehicle are brought to the Council's attention or the Council becomes aware that a Licensee has committed an offence, been given a formal caution, received a Fixed Penalty Notice, breached the conditions of the licence or is the subject of a complaint the Licensee will be asked to attend the Council offices for an interview, with the vehicle if appropriate. Once investigations are completed, letters will be sent out detailing the outcome of the investigation and a permanent record kept on the licensing file. The outcome of the investigation may result in one or more of the following:- the Officer may take no further action, issue a formal warning, attach penalty points, issue a s68 Local Government (Miscellaneous Provisions) Act 1976 stop notice, issue prosecution proceedings and or refer the matter to the relevant Licensing Committee for the consideration of a warning as to future conduct, suspension, revocation or refusal to renew a licence.
2. Where a licensee accumulates more than 12 penalty points in any twelve month period, the matter will be referred to the relevant Licensing Committee for determination as to a licensee's fitness to continue to be licensed. The Committee may issue a warning, suspend, revoke or refuse to renew a licence in accordance with this Policy depending on the individual circumstances. The determination will take into account all the circumstance including previous conduct of the licensee.
3. Penalty points issued to a licensee will be confirmed in writing within 14 days of the decision to issue points.

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4. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws or regulations.

Any disputes regarding the issuing of penalty points will be referred to the Service Manager who will have the discretion to award a greater or lesser number of points than is displayed on the tariff, if the complaint or breach is upheld. Licensees' shall have twenty one days from the date of issue of penalty points to appeal against the decision. An appeal must be made in writing.

POLICY RELATING TO PREVIOUS CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES IN RELATION TO FITNESS TO HOLD LICENCES

INTRODUCTION

Each application will be determined on its own merits bearing in mind all the circumstances of the application.

Hackney Carriage and Private Hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that a conviction is never spent and can therefore be taken into consideration in the determination of an application.

In terms of this policy any reference to conviction includes formal police cautions and fixed penalty notices issued by a police constable, whether for driving or any other offence.

This policy shall apply to all new applicants and any application by a current holder for a renewal of a licence. Any reference to an applicant shall also mean any person currently holding a combined Hackney Carriage/ Private Hire driver's licence, or Private Hire Operator's licence.

The Council must be satisfied that all those it licenses are fit and proper persons. A criminal record check is an important tool in the fit and proper person assessment process. This policy gives guidance on the extent to which an applicant's criminal and driving records can be used when assessing an applicant's/licensee's fitness to hold a licence issued by the Council. The policy also sets out the minimum period of time the Council expects an applicant to remain free from conviction, caution or fixed penalty notice before he/she may be considered fit and proper.

The policy will apply in the following situations:- when a criminal record check discloses an applicant has received any conviction or caution. When the Council is informed that a licensee has received any conviction, caution or fixed penalty notice and when a subsequent criminal record check discloses a conviction or caution has been obtained during the period of an existing licence.

Applications from applicants disclosing an history of offending showing convictions and or formal police cautions falling within or outside of this policy will be referred to the relevant Licensing Sub-Committee for determination.

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GENERAL POLICY

1. Each case will be decided on its own merits. Although an applicant may have convictions falling within the guidance set out in this policy, the Council may depart from this policy having had regard to the full facts of the case and having taken account of any mitigating or other circumstances put forward by the applicant. Should the Council depart from this policy it will give reasons for so doing.
2. An applicant with convictions is not permanently barred from obtaining a licence but would be expected to have remained free of conviction for the period of time set out in this policy. However, the overriding consideration in determining whether or not to grant a licence will be the protection of the public.
3. Where any conviction has resulted in a term of imprisonment, the time periods set out in this policy run from the date of conviction.
4. Notwithstanding the periods set out below, during which an applicant is expected to remain free from conviction, the nature, seriousness, frequency of offending and any mitigating circumstances put forward will always be taken into consideration when determining whether an applicant is a fit and proper person to hold a licence.
5. Bath & North East Somerset Council will expect that an applicant will not -
 - (a) have been convicted of three or more minor motoring offences during the previous three years;
 - (b) have been convicted of a serious motoring offence during the previous five years;
 - (c) have been refused or had revoked by the Traffic Commissioners an HGV or PSV Licence within the previous three years.
 - (d) have been cautioned by the police for an offence during the previous two years;
 - (e) have been convicted of an offence during the previous three years;
 - (f) have been convicted of a serious offence for five years
 - (g) have been convicted of a sexual offence within the previous five years;
6. A serious view will be taken of any conviction occurring whilst the person holds a current licence.

A serious view will be taken of any conviction obtained by a licensee whilst he or she is acting in the course of their employment as a licensed Driver or Operator.

APPENDIX A

7. Where there is evidence suggesting that the safety of the travelling public is at risk and it is in the interests of public safety a driver's licence may be suspended immediately by an authorised officer. The matter will then be referred to the appropriate Committee for consideration. Immediate suspension should be expected in any case involving assault or involving indecency of any description.
8. The above examples are not exhaustive and the Council may depart from this policy in exceptional circumstances if it is just and reasonable to do so. Should the Council depart from this policy it will give reasons for so doing.
9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:–

SEXUAL OFFENCES

Drivers of licensed vehicles frequently carry lone children, women and vulnerable persons. Applicants with convictions for sexual offences or convictions of a sexual nature must show a period of at least 5 years free of conviction before their application can be considered.

A conviction for a sexual offence or of a sexual nature will be viewed seriously. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from an applicant who is the subject of a notification requirement or notification order under the Sexual Offences Act 2003 shall be referred to the relevant Licensing Sub-Committee for determination.

Where there is more than one conviction for this type of offence a period of 10 years should elapse before an application is considered. Any such application shall be referred to the relevant Licensing Sub-Committee.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the relevant Licensing Sub-Committee for determination.

DRUG OFFENCES

Any conviction involving the misuse of drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least 3 years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken an applicant will be expected to show a period of at least 5 years free of conviction before being considered for the grant of a licence.

Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

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An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the relevant Licensing Sub-Committee for determination.

VIOLENCE AGAINST THE PERSON

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for an offence of violence against the person such as wounding with intent, grievous bodily harm or assault occasioning actual bodily harm they should have remained free from conviction for a period of 5 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where an applicant has a conviction for an offence such as assault or common assault they should have remained free from conviction for a period of 3 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the relevant Licensing Sub-Committee for determination.

DISHONESTY

Licensed drivers are in a position of trust. They often carry unaccompanied goods and are aware of empty properties, for example after taking its occupant to the airport or railway station. Moreover, it is comparatively easy for an unscrupulous driver to exaggerate a fare by taking an unusual route or demand more than the legal fare as overseas/out of town visitors are often unfamiliar with a city's layout and or confused by the change in currency becoming "fair game." For these reasons the honesty of an individual is of paramount importance when determining the grant of a licence.

Where an applicant has a conviction for offences involving an element of dishonesty they should have remained free from conviction for a period of 3 -5 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the relevant Licensing Sub-Committee for determination.

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INTOXICATION THROUGH DRINK OR DRUGS

An isolated conviction for an offence aggravated by drink or drugs should not necessarily preclude the grant of a licence although the Council must be satisfied that it was an isolated occurrence.

Should, however, an applicant have more than one conviction for an offence aggravated by drink or drugs, particularly if close together and within the preceding three years, the Council will take a more serious view of the matter.

If there is any history of alcoholism or drug addiction, or a suggestion that the applicant has been or is in recovery from such an addiction, then a period of 5 years should have elapsed since the last conviction for an offence aggravated by drink or drugs.

An application from a current licensee with such convictions, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the relevant Licensing Sub-Committee for determination.

If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.

TRAFFIC OFFENCES

A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink or drugs

Where an applicant has been convicted of a serious motoring offence, for example driving or being in charge of a motor vehicle while under the influence of drink or drugs, dangerous driving, failing to stop or report an accident then a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where an applicant has been convicted of more than one serious motoring offence in the preceding 5 years grave concerns will arise about the applicant's fitness to be licensed and the Council would expect a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where the applicant was ordered to re-sit a driving test or an extended driving test after disqualification, the period of 5 years should have elapsed since the last conviction and any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one serious motoring conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the relevant Licensing Sub-Committee for determination.

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Applications will not normally be entertained from applicants who have more than one previous conviction for driving with excess alcohol, especially where they have been ordered by the court to undertake any form of rehabilitation. Any application in these circumstances will be referred to the relevant Licensing Sub-Committee for determination.

Where an applicant has been convicted of minor traffic offences, for example obstruction, parking or speeding offences, which are dealt with by way of driver awareness courses, fixed penalty notices, fine and or endorsement this will not normally be a bar to the grant of a licence provided there have not been more than 3 offences within the three years immediately preceding the application. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where sufficient penalty points have been endorsed on an applicant's driving licence requiring a period of disqualification from holding or obtaining a driving licence the Council would expect a period of at least six months should have elapsed since the restoration of the combined Hackney Carriage/Private Hire driving licence.

APPENDIX B

PRIVATE HIRE DRIVER'S GENERAL CONDITIONS & HACKNEY CARRIAGE DRIVER BYELAWS

EXPLANATORY NOTES.

Bath & North East Somerset Council issues a combined Hackney Carriage/Private Hire driver's licence and badge. This means that once the licence is issued you are legally entitled to drive both a Hackney Carriage and a Private Hire vehicle.

Both categories of licence are subject to regulatory schemes that provide a framework of rules and regulations which you must comply with at all times whilst acting as a licensed driver.

The Council issues a combined Hackney Carriage/Private Hire driver's licence. Licensees must comply with the Local Government (Miscellaneous Provisions) Act 1976 and Conditions attached to the license. These conditions are found in Section 1 of this document.

Hackney Carriage licensees must comply with the Town Police Clauses Act 1847 and byelaws. The byelaws can be found in Section 2 of this document.

The Council does not attach Conditions to a Hackney Carriage driver's licence. Hackney Carriage drivers are, however, required to familiarise themselves with the Private Hire drivers' Conditions set out in Section 1 of this document as they form part of the combined licence they hold. In the interests of public safety and security the Council will expect Hackney Carriage drivers to advise the Council of any conviction or caution they may obtain, any change of address or application details and any matter affecting their medical fitness to drive. Guidance for such disclosure can be found in Section 1 of this document headed as follows: - Criminal Charges, Convictions, Cautions and Fixed Penalty Notices, Medical Fitness, Changes in Application Details.

Any failure to comply with a requirement may result in enforcement action being taken under the byelaws, conditions and or the appropriate statutory regime.

If you are unsure how this affects you and would like further clarification of any of the conditions and byelaws please contact the Licensing Office at Locksbrook Road, Bath, BA1 3EL or telephone 01225 477689.

APPENDIX B

PRIVATE HIRE DRIVER'S GENERAL CONDITIONS & HACKNEY CARRIAGE DRIVER BYELAWS

A combined Private Hire/Hackney Carriage Drivers Licence is issued on condition that the driver fully accepts and understands the byelaws, conditions and penalty point scheme set out below.

INTERPRETATION

In these conditions and byelaws:-

- (a) "the Council" means Bath & North East Somerset Council.
- (b) "Authorised Officer" means any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) "Driver's Licence" means in relation to the driver of a Hackney Carriage, a licence issued under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a Private Hire vehicle, a licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 .
- (d) "Vehicle Licence" means in relation to a Hackney Carriage a licence under sections 37 to 45 or the Town Police Clauses Act 1847 and in relation to a Private Hire vehicle means a licence issued under section 48 of this Act.

SECTION 1 - PRIVATE HIRE DRIVER'S CONDITIONS

The following conditions are applicable to all holders of a combined Hackney Carriage/Private Hire driver's licence Issued by Bath & North East Somerset Council.

BADGES

On being granted a Private Hire driver's Licence the driver will be issued with two identification badges. The driver shall wear one badge on his/her upper body in such position and manner as to be plainly visible at all times whilst hired or available for hire **unless specifically exempted in writing by the Council**. The driver shall display the other badge in the vehicle in such a position as to be plainly visible to any passenger. The driver shall not permit the use of the badges by any other person.

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RETURN OF BADGES

The holder of a Private Hire driver's Licences must return the badges issued by the Council to an Authorised Officer immediately upon suspension, revocation or ceasing to be so licensed.

NUMBER OF PERSONS CONVEYED

The driver shall not convey in any vehicle licensed for Private Hire a greater number of persons than that specified in the Licence for that vehicle.

TAXIMETERS

- (a) The driver of a vehicle fitted with a taximeter shall bring the meter into operation as soon as the vehicle is hired until termination of the hiring. The vehicle shall be deemed to be hired when the passenger is seated safely inside the vehicle. Where the vehicle is in attendance and is requested to wait, or proceed to another destination, the vehicle shall be deemed to be hired from that point.
- (b) The driver of a Private Hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- (c) The driver of a Private Hire vehicle shall not tamper with or permit any person, other than an authorised Officer of the Council or an authorised taximeter dealer to make any alterations to the taximeter or tamper with the taximeter seal.

AGREED FARES FOR VEHICLES

The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and the Operator, and shall adhere to the Operators tariff at all times unless specifically instructed by the Operator to the contrary.

If the vehicle is a Private Hire vehicle fitted with a taximeter and there has been no previous agreement as to the fare, the driver shall not demand from the hirer a fare in excess of the fare shown on the face of the taximeter.

RECEIPT FOR FARE

If requested by the hirer of the Private Hire vehicle the driver shall provide a written receipt for the fare paid. The receipt shall include the first name, the surname and badge number of the driver and the name of the Operator (if any).

APPENDIX B

If a company receipt is given, the driver must be working for the company named on the receipt.

ACCIDENTS

The driver of a Private Hire vehicle involved in any accident shall report to the Proprietor of the Private Hire vehicle the details of the accident within 24 hours of its occurrence.

CONDUCT

The Licensee driver shall:

- (a) ensure that any Private Hire vehicle driven by him/her is in a roadworthy and clean condition.
- (b) at all times whilst hired or available for hire behave in a civil and orderly manner to members of the public, passengers **and other road users.**
- (c) **take all reasonable precautions to ensure the safety of persons conveyed including when such person are entering and or alighting from the vehicle;**
- (d) **not discriminate against any person on the basis of race, colour, creed, gender or disability.**

DRESS

The driver shall at all times when acting as a Private Hire driver be respectably dressed and be clean and tidy in his/her appearance.

EXAMPLES OF NON ACCEPTABLE STANDARDS OF DRESS

Clothing that is ripped, torn or holed.

Words or graphics on any clothing that is suggestive or offensive.

Sports shirts such as football, rugby or cricket shirts.

Track Suits.

APPENDIX B

PUNCTUAL ATTENDANCE

The driver of a Private Hire vehicle who has agreed or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such a vehicle at the appointed time and place.

EATING and DRINKING

The driver shall not at any time whilst hired, eat or drink.

SMOKING

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in licensed Private Hire vehicles.

Smoking in the vehicle is prohibited at all times including when the vehicle is not being used for hire and reward and when the driver is off duty.

RADIOS

No radio or musical apparatus shall be used other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of any passenger.

NOISE POLLUTION

The driver of a Private Hire vehicle shall not sound the vehicle's horn to alert passengers of his arrival at a pre arranged pick up point.

The driver shall not cause or permit noise to be emitted from the vehicle at any time so as to cause a nuisance or annoyance to any person, whether inside or outside the vehicle.

ASSISTANCE TO PASSENGERS

The driver shall, when requested by any person hiring or seeking to hire his/her Private Hire vehicle:

- (a) convey a reasonable quantity of luggage,
- (b) afford reasonable assistance in loading and unloading,

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- (c) afford reasonable assistance in carrying the luggage to or from the entrance of any building, station or other place at which he/she may take up or set down such a person,
- (d) afford all reasonable assistance to wheelchair bound, disabled and elderly persons,

The driver shall not be obliged to convey any noxious, odorous, foul, offensive or dangerous substance.

CONVEYANCE OF LUGGAGE

No luggage shall be conveyed on the exterior of the vehicle.

SHORTEST ROUTE

The driver, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

SEAT BELTS

The driver shall point out to passengers that seat belts shall be worn in accordance the legislation regarding the use of seatbelts.

It is the driver's responsibility to ensure that **children over 3 but under 14 years of age are suitably secured.**

PETS

The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.

Persons with pets may be refused if the driver is allergic to such animals. A certificate to that effect, signed by the driver's General Practitioner must be produced to an Authorised Officer of the Council on request.

A driver shall not carry in the vehicle any animal that belongs to the driver or is being looked after by the driver which belongs to the Proprietor, Operator of the vehicle or any other person.

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GUIDE DOGS AND OTHER ASSISTANCE ANIMALS

Persons with guide dogs or other assistance animals, may only be refused if the driver of a Private Hire vehicle is allergic to such animals. A certificate to that effect, signed by the driver's General Practitioner must be produced to an Authorised Officer of the Council on request.

LOST PROPERTY

The driver shall immediately after termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein and if any such property is found the driver shall take it as soon as possible and in any event within 24 hours to a Police station and then leave it in the charge of a Police Officer on his/her giving the driver a receipt for it.

CONDITION OF VEHICLE

The driver shall at all times ensure that the vehicle's lights are fully operative, its tyres are within legal limits and that the vehicle is clean and tidy.

The driver shall ensure that there is available and ready for use, in the vehicle a torch, a jack, a tool kit, a full set of spare light bulbs and a fire extinguisher.

RECORDS

The driver of a Private Hire vehicle shall keep an up to date record containing the following information: -

- (a) name of hirer
- (b) time of pick-up
- (c) pick-up point
- (d) destination
- (e) fare charged

The record shall be available for inspection by an Authorised Officer of the Council at all reasonable times on request without notice. Records must be kept for a period of three months.

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PLYING FOR HIRE

The driver shall not, at any time whilst driving or in charge of a vehicle licensed for Private Hire: -

- (a) station his/her vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place readily accessible and visible from a road;
- (b) the driver shall not call out or otherwise importune any person to hire the vehicle or use anyone else to do so;
- (c) the driver shall not accept a booking from the roadside or contact the Operator on behalf of a potential hirer.
- (d) all hiring's must be communicated to the driver by or on behalf of the licensed Private Hire Operator for that vehicle by use of telephone or by a two way radio system fitted to that vehicle. At no time can a hiring be accepted other than a prearranged booking.
- (e) the driver shall not illuminate the roof sign.**
- (f) the driver shall at no time station his/her vehicle on or near a Hackney Carriage rank.

CRIMINAL CHARGES, CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

Should the Licence holder be charged with any offence which has not yet been concluded he/she shall notify the Council of the charge in writing within 7 days.

Should the Licence holder receive any conviction, caution or Fixed Penalty Notice during the period of the Licence he/she shall within 7 days give the Council written notice of the conviction, formal caution or Fixed Penalty Notice together with providing the details.

Any charge, conviction, caution and fixed penalty notice also includes motoring offences

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MEDICAL FITNESS

Any change in a Licensee's medical condition that may affect his/her ability to drive shall be notified to the Authorised Officer of the Council within 48 hours or as soon as practicable.

The Licensee shall if required produce to the Council a certificate signed by his/her registered medical practitioner certifying that the Licensee meets the standards of a Group 2 (Vocational) driver as set by the Driver and Vehicle Licensing Agency (DVLA).

If so required the Licensee shall, whether or not such certificate has been produced, submit to an examination by a Council appointed Occupational Health Advisor to assess the Licensee's fitness to drive a licensed vehicle.

Should a change in medical fitness render the Licensee unfit to meet the Group 2 Vocational Driver standards set by the DVLA and the criteria recommends that driving should cease then the license shall be revoked immediately on the grounds of public safety.

CHANGE OF ADDRESS

Should the Licensee change address during the period of the license written notice shall be given to the Council of that change within seven days.

CHANGES IN APPLICATION DETAILS

If during the currency of the Licence any of the particulars supplied in the driver's application changes, details of those changes shall be notified in writing to an Authorised Officer of the Council within 7 days of the change.

SERVICE OF NOTICES

Any notice required to be served by the Council relating to this Licence under any of the provisions of, Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any other enactment shall be deemed properly served if it is served personally on the Licensee, left at his/her last known address or sent by way of pre paid post.

PENALTY POINT SCHEME

Breach of any of the conditions may be enforced by the Penalty Point system as shown on the attached table.

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SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

The Licence may be suspended revoked or not renewed by the Council: -

- (a) if the driver is convicted of an offence under or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
- (c) if the driver becomes disqualified from driving the Licence shall be automatically revoked; or
- (d) any other reasonable cause.

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

LICENSEE'S DUTY TOWARDS AUTHORISED OFFICERS

Any person who:-

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by an Authorised Officer or constable, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) without reasonable cause fails to give an Authorised Officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Shall be guilty of an offence.

These conditions shall apply to Private Hire driver's licensed by the Bath & North East Somerset District Council.

The Council reserves the right to waive any requirements of these conditions.

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The Council reserves the right to amend or add to any of these conditions on notice to the licensees.

OCTOBER 2013

Penalty Points System Relating to Private Hire Driver's Licence Conditions

Cause	Points
Demanding more than displayed on taximeter	6
Failing to wear ID badge	4
Failing to display ID badge in interior of vehicle	4
Refusing to carry guide dogs, hearing dogs or service dogs for the disabled	4
Failing to notify conviction/formal cautions/fixed penalty notices within 7 days	4
Failing to notify change of details e.g. address within 7 days	3
Failing to afford all reasonable assistance with luggage when requested	3
Failing to convey a reasonable quantity of luggage in the vehicle when requested	3
Failing to meet required standards of conduct/dress	4
Failing to provide written receipt when requested	4
Failing to notify accident to Proprietor within 24 hours	4

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Carrying excess passengers	6
Failing to keep records	3
Failing to produce records	3
Parking on or near a Hackney Carriage rank	6
Travelling with roof sign illuminated	6
Demanding more than agreed fare	6
Failing to attend at time and place without sufficient cause	3
Breach of any other condition not specified above	1 - 6

Where 12 or more points are issued to a Driver within any period of 1 year, a report will be submitted to the relevant Licensing Committee who may following a hearing suspend, revoke or refusal to renew such a Licence.

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SECTION 2 HACKNEY CARRIAGE BYELAWS

The following byelaws are applicable to all holders of a combined Hackney Carriage/Private Hire driver's licence when acting as the driver of a licensed Bath & North East Somerset Hackney Carriage.

Model Byelaws for Hackney Carriages

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of Bath & North East Somerset with respect to Hackney Carriages in the District of Bath & North East Somerset.

Interpretation

1. Throughout these byelaws "the Council" means Bath & North East Somerset Council and "the district" means the District of Bath & North East Somerset.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed

2. (a) The Proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A Proprietor or driver of a Hackney Carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The Proprietor of a Hackney Carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;

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- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The Proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the Proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and

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figures shall be capable of being suitably illuminated during any period of hiring; and

- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the Proprietors and driver's of Hackney Carriages plying within the district in their several employments, and determining whether such driver's shall wear any and what badges

- 5. The driver of a Hackney Carriage provided with a taximeter shall:-
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A Proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

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- (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A Proprietor or driver of a Hackney Carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
 9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. The Proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 11. A Proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates and fares to be paid for Hackney Carriages within the district and securing the due publication of such fares

14. The Proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

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Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance and time the Proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. The Proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures
 - (b) The Proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
 - (f) Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof
16. The Proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The Proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
 - (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of a Police Station in the District and leave it in the custody of the Officer in charge of the office on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

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Repeal of Byelaws

19. The byelaws relating to Hackney Carriages which were made by Bath City Council on the 15th day of May 1975. and which were confirmed by .The Secretary of State on the 1st day of November 1975 are hereby repealed.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

Without prejudice to the Model Byelaws the Licence may be suspended revoked or not renewed by the Council: -

- (a) if the driver is convicted of an offence under or otherwise fails to comply with any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;**
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;**
- (c) if the driver becomes disqualified from driving the Licence shall be automatically revoked; or**
- (d) any other reasonable cause.**

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

I, the undersigned certify that the byelaws, conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the byelaws, conditions and penalty point scheme.

Signed

Full Name

Date

Witness signed

Full Name.....

Date

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HACKNEY CARRIAGE VEHICLE (PROPRIETORS) LICENCE GENERAL CONDITIONS

These conditions are based on the legislation, regulations and byelaws currently in force.

Hackney Carriages are subject to byelaws made by the Council

Copies of the byelaws are available from the B&NES Taxi Licensing Office, Locksbrook Road, Bath BA1 3EL

INTERPRETATION

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Hackney Carriage" has the same meaning as in section 38 of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Hackney Carriage vehicle in respect of which this licence is issued.

VEHICLE SPECIFICATIONS

The engine size of the vehicle shall be at least 1400cc.

The vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing, which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Hackney Carriage.

A licensed vehicle which becomes 10 years old may be subject to a review of its suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the relevant Council Licensing Sub Committee for a final decision as to suitability to continue to be licenced as a Hackney Carriage. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The

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Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current MOT certificate is required on all vehicles over 1 year old at the time of application for a Hackney Carriage vehicle licence. This is in addition to the Council Vehicle Inspection Test carried out as part of the application process. The proprietor shall produce to the Licensing Section a new M.O.T certificate within seven working days of the expiry of the current certificate.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate (or equivalent) issued by the VOSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Hackney Carriage vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

ALTERNATIVE FUELS

Any conversion of a Hackney Carriage to run on Liquid Petroleum Gas, any alternative fuel or combination of fuels must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

SATELITE GPS NAVIGATION SYSTEMS

Satellite or GPS Navigation systems are prohibited from use in a Hackney Carriage vehicle whilst on hire or available for hire within the boundaries of Bath & North East Somerset Council.

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ACCESSIBLE VEHICLES

Accessible vehicles will be classed as those vehicles capable of allowing a passenger seated in a wheelchair to enter and exit the vehicle from the pavement through a side entry door. The vehicle must allow the hirer to remain seated in the wheelchair during the journey.

Accessible vehicles should cater for a range of disabilities including visual, audible and ambulant.

TINTED GLASS WINDOWS

DIY window tint film kits are not permissible

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS

Hackney carriage vehicle licences must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test.

Where the licence cannot be renewed before the expiry of the current licence due to mechanical failure of the vehicle, the proprietor shall notify the Licensing Section in writing that the renewal application will be delayed and may with the consent of an Authorised Officer submit an application for renewal of the licence after the expiry date, and the renewal fee in force at that time will be payable.

WORK ASSURANCE

The Hackney Carriage licence must be used on a full-time basis for a reasonable working week, at least 25 hours of which shall be during the period Monday to Thursday inclusive.

THIRD PARTY ADVERTISING

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

Where the vehicle is constructed or adapted for use by wheelchair users, applications for full livery third party advertising will be considered. Such applications to be made in writing to the Environmental Monitoring and Licensing Manager or such successor post. Approval for advertising may be given by the Environmental Monitoring and Licensing Manager or such successor post. Where such approval is withheld, the applicant may appeal to the relevant Council Licensing Sub Committee.

Where the vehicle is constructed or adapted for use by wheelchair users, discreet third party advertising will be permitted in the interior passenger compartment of the vehicle subject to the written consent of the Licensing Manager.

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COMPANY LIVERIES

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Hackney Carriage or Private Hire Company. No other wording is permitted.

Applications for company liveries must be submitted in writing to the Licensing Section and the design must be authorised by the Licensing Section before the livery is used. Any liveries which are considered unacceptable by the Licensing Section will be referred to the relevant Council Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number may be displayed on the windscreen of the vehicle. Such a sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in) in size.

HACKNEY CARRIAGE PLATES

When a Hackney Carriage Licence is issued and on payment of a 'plate deposit,' the Council will issue a Hackney Carriage plate. There shall be marked on that Hackney Carriage plate the number of the licence for the hackney carriage, the registration number of the vehicle, manufacturer and model of vehicle, date of expiry of licence and the number of persons that may be carried. The number of passengers that may be carried by a Hackney Carriage vehicle is determined by the type of vehicle and is stated on the licence plates. In any event the maximum number of passengers allowed is eight.

At all times when plying for hire, or hired, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Hackney Carriage plates provided by the Council,

An interior plate provided by the Council shall be fixed inside the hackney carriage so as to be plainly visible to any passenger.

In the case of a 'London' style Hackney Carriage the exterior rear Hackney Carriage plate shall be mounted upon the rear luggage compartment door and the front exterior plate shall be mounted on the front grill of the vehicle. The interior plate shall be mounted on the interior glass compartment partition in such a position as to be plainly visible to any passenger.

The Hackney Carriage licence plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. **It is not permissible to alter the size of the issued licence plate by trimming or cutting.**

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of the Council or unless required by these conditions.

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The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of a notice of suspension, revocation or refusal to renew the licence having been served on the vehicle proprietor. **The plate deposit shall be refunded upon the plate being returned to the Council.**

SELLING OR SUBSTITUTING A VEHICLE

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. A vehicle substitution fee will be payable.

Any vehicle proprietor who sells a licensed Hackney Carriage must notify the Council in writing within fourteen days of the sale specifying the name and address of the new owner and the date of sale.

ROOF SIGNS

At all times when a saloon or estate type vehicle is in use as a Hackney Carriage vehicle there shall be affixed to the roof of the vehicle a magnetic roof sign which is capable of being illuminated and is of a type **supplied by** the Council. There shall be marked on the roof sign the logo of the Council. The roof sign should be capable of indicating whether or not the vehicle is for hire **and shall be fitted across the width of the vehicle's roof.**

The roof sign must be kept illuminated at all times when the Hackney Carriage is available for hire. The sign should be connected to the taximeter and the illumination should automatically extinguish when the Hackney Carriage vehicle is hired and the taximeter is set to hired.

TAXIMETERS

At all times when the vehicle is in use as a Hackney Carriage vehicle it shall be fitted with a clock calendar controlled taximeter approved by the Council.

All taximeters must be programmed with the current authorised tariff. Taximeters must be re-programmed with the current tariff within one month of the proprietor being notified of the new tariff.

Only one tariff shall be allowed at any one time and once set the taximeter shall be sealed by the Authorised Officer of the Council. The vehicle shall not be used for hire and reward unless the taximeter is sealed.

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and **the date the seal was broken.** In any event the taximeter is to be re-sealed within three working days of the date of the notice.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not

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capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

FARECARD

At all times when the vehicle is in use as a Hackney Carriage a current statement of fares which may be lawfully charged shall be carried in the interior of the vehicle, **and shall be made available to any person being conveyed in the Hackney Carriage on request.**

CCTV

CCTV will only be permitted for use within the vehicle subject to the written consent of the Council's Licensing Section.

If an approved CCTV system is fitted a sign must be displayed in the interior of the vehicle, plainly visible to passengers stating "CCTV in Operation". Similar signs shall be displayed to the exterior of the vehicle to warn prospective customers of the use of CCTV.

Dummy CCTV equipment is permissible subject to the written consent of the Council.

Any signs indicating that CCTV is in operation must be approved by the Council's Licensing Section.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988 and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

SMOKING

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed Hackney Carriage. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietors' responsibility to ensure that the legislation is complied with at all times and any licensed drivers permitted to drive the vehicle are fully aware of the law.

PROPRIETOR'S RESPONSIBILITIES

Every proprietor of a Hackney Carriage vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly
- (b) keep the seats properly cushioned and covered, the seats should be kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle

APPENDIX C

- (e) carry a spare wheel, tyre, and suitable tools for the replacement of damaged or punctured tyres. **If the vehicle is fitted with an LPG conversion and there is no room for a spare wheel then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard manufacturers' equipment and is provided with a suitable means of emergency puncture repair).**
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type.
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved.
- (i) **carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)**

The vehicle shall display discreet signs advising passengers that seatbelts should be worn.

The vehicle shall display a "No Smoking" sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car, a rack must be fitted to prevent luggage entering the passenger compartment in an emergency stop.

INSURANCE

The vehicle proprietor shall ensure that a valid certificate of insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the Hackney Carriage and in relation to its use as a Hackney Carriage. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

Named drivers included on the insurance certificate must hold a Hackney Carriage drivers licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Hackney Carriage drivers licence issued by the Council.

The proprietor shall produce to the Licensing Section a new insurance certificate or cover note within seven working days of the expiry of the current certificate or cover note.

APPENDIX C

VEHICLE INSPECTIONS

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Hackney Carriage the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the conditions set out above the proprietor of a Hackney Carriage vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as specified in written notice served on the proprietor by the Council.

ACCIDENTS & ALTERATIONS

The Hackney Carriage proprietor shall report to the Licensing Section as soon as reasonably practicable, and in any case within 72 hours of the accident's occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Hackney Carriage vehicle must be repaired as soon as is practicable. An Authorised Officer of the Council may require the Hackney Carriage vehicle to be presented for a formal mechanical inspection **(at the licensees expense)** after completion of the repairs.

The proprietor of a vehicle shall report to the Licensing Section of the Council, any material alteration in the design of the vehicle (either to the machinery or construction of the body) as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

CHANGE OF ADDRESS

The proprietor or part proprietor of the vehicle shall:

within seven days of any change of address during the period of the licence disclose to the Council the details of the change in writing.

PENALTY POINT SCHEME

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

The Hackney Carriage licence may be suspended, revoked or not renewed by the Council on any of the following grounds:

- a) **that the hackney carriage vehicle is unfit for use as a hackney carriage vehicle**
- b) **any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver**
- c) **any other reasonable cause.**

APPENDIX C

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS

The vehicle proprietor is required to be familiar with the Council's requirements for Hackney Carriage vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities thereunder.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Hackney Carriage drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

GENERAL

A person who,

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

shall be guilty of an offence.

These conditions shall apply to Hackney Carriages licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

OCTOBER 2013.

APPENDIX C

Penalty Points System Relating to Hackney Carriage Vehicles

Offence	Points	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Proprietor
Failing to have current MOT certificate	6/Stop Notice	Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	6 Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor
Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor
Any breach of condition not specified above	4	Driver/Proprietor
<u>METERS</u>	Points	Person Responsible
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
<u>Taximeter not displaying current tariff</u>	4/Stop Notice	Proprietor
<u>Taximeter obscured or not visible to passengers</u>	4 Stop Notice	Driver/Proprietor

Where 12 or more points are issued to a Driver/Proprietor/Operator within any twelve month period, a report will be submitted to the relevant Council Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

APPENDIX C

I, the undersigned certify that the preceding conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.

Signed

Full Name.....

Date

Witness signed

Full Name.....

Date

APPENDIX D

PRIVATE HIRE VEHICLE LICENCE GENERAL CONDITIONS

These conditions are based on the legislation currently in force.

INTERPRETATION

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Private Hire Vehicle" has the same meaning as defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Private Hire vehicle licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Private Hire vehicle in respect of which this licence is issued.

VEHICLE SPECIFICATIONS.

The vehicle may not be of a design or appearance so as to lead any person to believe that the vehicle is a Hackney Carriage and therefore available for immediate hire.

The engine size of the vehicle shall be at least **1400cc**.

The vehicle shall normally be less than **5** years old when first licensed by the Council. **Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.**

Vehicles that have dented or damaged bodywork are unsuitable for licensing.

A licensed vehicle which becomes 10 years old may be subject to a review of suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the relevant Council Licensing Sub Committee for a final decision as to suitability to continue to be licensed as a Private Hire vehicle. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

APPENDIX D

A current M.O.T. certificate is required on all vehicles over 1 year old at the time of application for a Private Hire vehicle licence. This is in addition to the Council's vehicle inspection test carried out as part of the application process. The proprietor shall produce to the Licensing Section a new M.O.T certificate within seven working days of the expiry of the current certificate.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. **At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.**

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate issued by the VOSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Private Hire vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

STRETCH LIMOUSINES

Stretch limousines may be licensed as a Private Hire vehicle provided that the vehicle is either a standard production model, or alternatively the vehicle has been stretched as part of a recognised programme approved by the original vehicle manufacturer. American limousines must have been approved under the Qualified Vehicle Modifier (QVM) programme for Ford/Lincoln or the Cadillac Master Coachbuilder (CMC) program for Cadillac vehicles. Limousines will only be licensed if the vehicle seating capacity does not exceed eight passengers in total.

A current IVA certificate issued by the VOSA in respect of the prospective stretched limousine must be submitted on application for a Private Hire vehicle licence. Imported Stretch Limousines may be left hand drive.

APPENDIX D

Any supply of alcohol intended in the course of a limousine hiring is only permissible if the relevant premises licenses have been obtained, under the Licensing Act 2003, where applicable.

ALTERNATIVE FUELS

Any conversion of a Private Hire vehicle to run on Liquid Petroleum Gas, any alternative fuel or combination of fuels must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

SATELITE GPS NAVIGATION SYSTEMS

Satellite or GPS Navigation systems are prohibited from use in a Private Hire vehicle for the purposes of hire and reward whilst on hire or available for hire within the boundaries of Bath & North East Somerset Council.

TINTED GLASS WINDOWS

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS

A Private Hire vehicle licence must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test if applicable.

Where the licence cannot be renewed due to mechanical failure of the vehicle the proprietor shall notify the Licensing Section in writing that the renewal application will be delayed and he may, with the consent of an Authorised Officer submit an application for renewal of the licence after the expiry date, and the renewal fee in force at that time will be payable.

THIRD PARTY ADVERTISING

Discreet **third party** advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

COMPANY LIVERIES

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Private Hire Company. No other wording is permitted. The words "TAXI" and "CABS" are prohibited from use as part of a livery on a Private Hire vehicle.

APPENDIX D

Applications for company liveries must be submitted in writing to the Licensing Section and the design must be authorised by the Licensing Section before the livery is used. Any liveries which are considered unacceptable by the Licensing Section will be referred to the relevant Council Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side, front or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number is permitted to be displayed on the windscreen of the vehicle. Such a sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in).

ROOF SIGNS

A Roof sign as prescribed by the Council shall be fitted to the vehicle at all times whilst hired or available for hire. **The roof sign shall be fitted along the length of the vehicle's roof, illumination of the roof sign is not permitted.**

Roof signs may be removed for vehicles travelling on long journeys involving motorways but should be replaced on exiting the motorway.

PRIVATE HIRE PLATES

When a Private Hire Licence is issued and on payment of a 'plate deposit' the Council will issue a Private Hire plate. There shall be marked on the Private Hire plates the number of the licence for the Private Hire vehicle, the registration number of the vehicle, manufacturer and model of the vehicle, date of expiry of the licence and the number of persons that may be carried. The number of passengers that may be carried by a Private Hire vehicle is determined by the type of vehicle and is stated on the licence plates In any event the maximum number is eight.

At all times, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Private Hire plates provided by the Council.

An interior plate provided by the Council shall be fixed to the inside of the Private Hire vehicle so as to be plainly visible to any passenger.

The plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. **It is not permissible to alter the size of the issued licence plate by trimming or cutting.**

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of an Authorised Officer of the Council or unless required by these conditions. At no time shall the word "TAXI" or "CAB" be used or any other wording leading any person to believe that the vehicle is a Hackney Carriage.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of the notice of suspension, revocation or refusal to renew the vehicle licence having been served on the proprietor. **The plate deposit shall be refunded upon the plates being returned to the Council.**

APPENDIX D

EXECUTIVE HIRE/CHAUFFEUR HIRE

Exemptions from the requirement to display standard identification plates and roof signs will only be granted to vehicles that are exclusively supplied by an Operator for Executive Chauffeur hire on a full time basis and are not fitted with a taximeter. Executive Chauffeur vehicles will be required to display a discreet licence disc above the road fund licence (tax disc) on the left hand interior of the windscreen and a "letterbox" style identification plate on the rear exterior of the vehicle. This plate shall be 24.5cm x 9cm in size. There shall be marked on the Private Hire plates the number of the licence for the Private Hire vehicle, the registration number of the vehicle, date of expiry of the licence and the number of persons that may be carried.

Executive Chauffeur vehicles will be required to display an Interior identification plate issued by the Council and such plate shall be mounted so as to be plainly visible to any passenger travelling in the vehicle.

SELLING OR SUBSTITUTING A VEHICLE

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. A vehicle substitution fee will be payable.

Any vehicle proprietor who sells a licensed Private Hire vehicle must notify the Council in writing within fourteen days of the sale specifying the name and address of the new owner and the date of sale.

TAXIMETERS

If the Private Hire vehicle is fitted with a taximeter:

The taximeter will be programmed with the authorised tariff as set by the licensed Private Hire operator. No other tariff shall be permitted.

All tariffs shall be clock calendar controlled.

The word "FARE" shall be printed on the face of the taximeter in plain letters.

The taximeter shall be positioned so as to be clearly and easily visible at all times to any person conveyed in the Private Hire vehicle.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

The taximeter must be sealed by an Authorised Officer of the Council.

The vehicle shall not be used for hire or reward unless the taximeter is properly sealed.

APPENDIX D

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

All taximeters must be clock calendar controlled. Existing taximeters that are not capable of being clock calendar controlled should be replaced no later than twelve months from the date these conditions come into force.

FARECARD

If the vehicle is fitted with a taximeter a current table of fares as set by the Private Hire Operator shall be carried the interior of the vehicle at all times and shall be made available to any person being conveyed in the Private Hire vehicle on request.

CLOSE CIRCUIT TELEVISION (CCTV)

CCTV will only be permitted for use within the vehicle subject to the written consent of the Council's Licensing Section.

If an approved CCTV system is fitted, a sign must be displayed in the interior of the vehicle, plainly visible to passengers stating "CCTV in Operation". Similar signs shall be displayed on the exterior of the vehicle to warn prospective customers of the use of CCTV in the vehicle.

The use of dummy CCTV equipment is permissible subject to the written consent of the Council.

Any signs indicating that CCTV is in operation must be approved by the Councils Licensing Section.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988, and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

SMOKING

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed private hire vehicle. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietor's responsibility to ensure that the legislation is complied with at all times and to ensure that any licensed drivers permitted to drive the vehicle are fully aware of the law.

APPENDIX D

PROPRIETORS RESPONSIBILITIES

Every proprietor of a Private Hire vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly.
- (b) keep the seats properly cushioned and covered, and ensure that they are kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres. **If the vehicle is fitted with an LPG conversion and there is no room for a spare wheel, then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard manufacturers' equipment and is provided with a suitable means of emergency puncture repair).**
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved
- (i) **Carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)**

The vehicle shall display in both rear passenger door windows a discreet sticker advising passengers that seatbelts should be worn.

The vehicle shall display a "No Smoking" sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

APPENDIX D

Where the vehicle is an estate car a rack must be fitted to prevent luggage entering the passenger compartment during an emergency stop.

INSURANCE

The vehicle proprietor shall ensure that a valid certificate of insurance, which complies with the requirements of the road traffic legislation currently in force, is kept in respect of each driver of the Private Hire vehicle and in relation to its use as a Private Hire vehicle. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

The proprietor shall produce a new insurance certificate or cover note within seven days of the expiry of the current certificate, or cover note.

Named drivers included on the insurance certificate must hold a Private Hire driver's licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Private Hire driver's licence issued by the Council.

VEHICLE INSPECTIONS

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Private Hire vehicle the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the provisions of the conditions set out above, the proprietor of a Private Hire vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as is specified in written notice in writing served upon the proprietor by the Council.

ACCIDENTS & ALTERATIONS

The proprietor of a Private Hire vehicle shall report to the Licensing Section of the Council any accident to any such vehicle within 72 hours of the occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Private Hire vehicle must be repaired as soon as is practicable. The Authorised Officer of the Council may require the Private Hire vehicle to be presented for a formal mechanical inspection at the licensee's expense after completion of the repairs.

The proprietor of a Private Hire vehicle shall report to the Licensing Section of the Council, any material alteration in the design of the vehicle (either to the machinery or construction of the body) as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

APPENDIX D

CHANGE OF ADDRESS

The proprietor or part proprietor of the vehicle shall;

- within seven days of any change of address during the period of the licence disclose to the Council the details of the change in writing.

PENALTY POINT SCHEME

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

The Private Hire vehicle licence may be suspended, revoked or not renewed by the Council on any of the following grounds:-

- a) that the vehicle is unfit for use as a Private Hire vehicle**
- b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver**
- c) any other reasonable cause.**

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where fitted, the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS

The vehicle proprietor is required to be familiar with the Council's requirements for Private Hire vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Private Hire vehicle drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

APPENDIX D

GENERAL

Any person who:

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976

shall be guilty of an offence.

These conditions shall apply to Private Hire vehicles licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

OCTOBER 2013

Penalty Points Scheme Relating to Private Hire Vehicles

Offence	<u>Points</u>	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Driver/Proprietor
Failing to have current MOT certificate	6/Stop Notice	Driver/Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	4 6 points each defect or Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor

APPENDIX D

Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Vehicle failing to display compulsory roof sign	4/Stop Notice	Driver/Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance certificate or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	3	Driver/Proprietor
Any breach of condition not specified above	1 – 4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor
<u>METERS (IF FITTED)</u>	Points	Person Responsible
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
Taximeter not displaying current operators tariff	4/Stop Notice	Driver/Proprietor
Taximeter obscured visible to passengers	4 Stop Notice	Driver/Proprietor

Where 12 or more points are issued to a Driver/Proprietor/Operator within any period of 1 year, a report will be submitted to the relevant Council Licensing Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

I, the undersigned certify that the preceding conditions and penalty point scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.

Signed

Full Name.....

Date

Witness signed

Full Name.....

Date

APPENDIX E

PRIVATE HIRE OPERATOR'S GENERAL CONDITIONS

A Private Hire Operator's Licence is issued on condition that the Operator fully understands and accepts the conditions and penalty point scheme as set out below.

INTERPRETATION

In these conditions:-

- (a) "the Council" means Bath & North East Somerset Council.
- (b) "Authorised Officer" means any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) "Operate" means in the course of business to make provision for the invitation and or acceptance of bookings for a Private Hire vehicle.

THE LICENCE

The Private Hire Operator's Licence is granted to the person named on the application form, and allows the Licensee to make provision for the invitation and acceptance of bookings for Private Hire vehicles at the premise's address specified on the Licence application form.

Operator's Licences shall not be transferable between premises. Any change of premises will require a new Licence which must be applied for prior to the change of premises.

It is an offence to operate from any premises other than that specified on the Operator's Licence.

FIT AND PROPER PERSON

Before the Council will grant a Private Hire Operator's Licence, they must be satisfied that the applicant is fit and proper. All applicants will be required to submit to the Council such information as is considered necessary to enable them to determine whether or not a Licence should be granted.

CRIMINAL RECORDS DISCLOSURE

A Standard Disclosure & Barring Services Check will be required on first application for an Operator's licence and subsequently on all future application to renew the licence.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 10 years. The applicant should obtain this from the appropriate Embassy or Legation, and a certified translation will be required if it is not provided in English.

APPENDIX E

CONDITIONS OF LICENCE

INSURANCE

The Licensed Operator shall at all times have in force a current public and employees' liability insurance policy. The current certificate of insurance shall be displayed on the premises at all times and a copy of the certificate of insurance shall also be sent to the Licensing Authority annually on renewal.

RECORDS

Under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, Private Hire Operator's are required to keep a record giving particulars of every booking of any Private Hire vehicle invited or accepted by the Operator before the commencement of each journey.

Such record shall be kept either in a ledger with consecutively numbered pages, or on a computer database/spreadsheet in an identifiable format. All such records shall be produced on request at all reasonable times for inspection by an Authorised Officer of the Council or a Police Officer.

Where records of bookings are stored electronically, the Operator shall ensure that such data is collected, stored and disposed of in accordance with the Data Protection Act 1998.

BOOKINGS

The booking record shall contain the following details:-

- (a) the name of the driver
- (b) the date and time of the booking
- (c) the name of the hirer
- (d) the method of booking (eg by telephone, in person etc)
- (e) time of pick up
- (f) point of pick up
- (g) destination
- (h) details of vehicle allocated for booking
- (i) remarks (including details of any sub-contract).

SUB-CONTRACTING

An Operator accepting a booking remains liable for that booking, even if they sub-contract to another Operator.

Bookings can only be sub-contracted to an Operator licensed by the Council. At no time can a booking be sub-contracted to an Operator who is not licensed by the Council.

It is an offence for an Operator licensed by the Council to sub-contract a booking to an Operator from a different Licensing Authority.

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VEHICLE RECORD

The Operator shall maintain a record of all vehicles used in connection with the Operator's business.

The vehicle record shall contain the following details:-

- (a) name of proprietor
- (b) registration number
- (c) plate number
- (d) any radio call sign used
- (e) date of expiry of Private Hire vehicle Licence

DRIVER'S RECORD

The Operator shall maintain a record of all driver's undertaking Private Hire bookings.

The driver's record shall contain the following details:-

- (a) driver's full name
- (b) driver's current full address
- (c) driver's badge number
- (d) expiry date of Private Hire driver's Licence

RECORDS TO BE KEPT FOR 12 MONTHS

All records shall be kept for a period of not less than 12 months following the date of the last entry.

INSPECTION OF RECORDS

Records shall be available for inspection by an Authorised Officer of the Council or any Police Officer at the licensed premises at all reasonable times on request without notice.

SERVICE STANDARD

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times in particular the Operator shall ensure that: -

- (a) each vehicle shall attend punctually at the appointed time and place unless delayed or prevented by sufficient cause;
- (b) any premises to which the public has access are kept clean, adequately heated, ventilated and lit;
- (c) any waiting area provided by the Operator has adequate seating facilities
- (d) any telephone facilities and radio equipment are maintained in a sound condition and any defects repaired promptly;
- (e) any radio equipment provided by the Operator is licensed by the Home Office. The Operator shall produce this Licence to the Council on request.

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- (f) **The Operator shall be responsible for the conduct, appearance and actions of controllers operating under the Operator's Licence.**

TABLE OF FARES

The Operator shall be responsible for informing the Council of the Operator's current table of fares.

COMPLAINTS

The Operator shall keep a record of complaints received. The record shall contain:

- (a) Date of complaint.
- (b) Name of complainant
- (c) Form of complaint (letter, telephone)
- (d) Nature of complaint (summary of complaint)
- (e) Vehicle and driver Licence numbers
- (f) Action taken by Operator

CONVICTIONS, FORMAL CAUTIONS AND FIXED PENALTY NOTICES

Should the Operator receive any conviction, caution **or Fixed Penalty Notice** during the period of the Licence the Licensee shall within 7 days give the Council written notice of the conviction, formal caution **or Fixed Penalty Notice**. This includes any motoring offences.

If the Operator is a limited company, the Operator shall in writing, within seven days, give to the Council the details on any conviction, formal caution **or Fixed Penalty Notice** imposed on the company or any director thereof during the period of the Licence.

If the Operator is a partnership, the Operator shall in writing, within seven days, give to the Council the details on any conviction, formal caution **or Fixed Penalty Notice** imposed on the partnership or any partner thereof during the period of the Licence.

PLANNING PERMISSION/LANDLORDS CONSENT

The grant of an Operator's Licence does not permit the use of premises as a Private Hire Operator's base in the absence of planning permission or any other necessary consent. Operators shall ensure that all necessary permissions and consents have been obtained for the premises from which they operate.

NUISANCE

The Operator shall not cause or allow to be caused any nuisance or annoyance to the owners or occupiers of nearby premises, by the conduct of the business to which this Licence relates.

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PENALTY POINT SCHEME

Breach of any of these conditions may be enforced by the Penalty Point system as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds: -

- (a) if the Operator is convicted of an offence under or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) if the Operator has been convicted of an offence involving dishonesty, indecency or violence;
- (c) any other reasonable cause.

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

LICENSEE'S DUTY TOWARDS AUTHORISED OFFICERS

Any person who:-

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976,
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by an Authorised Officer or constable under Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (c) without reasonable cause fails to give an Authorised Officer or constable any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act 1976

shall be guilty of an offence.

The Council reserves the right to waive any requirements of these conditions.

The Council reserves the right to amend or add to any of these conditions on notice to the licensees.

OCTOBER 2013

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Penalty Points System Relating to Private Hire Operator's Conditions

Cause	Points
Failing to produce or allow inspection of any records register	6
Failing to keep records of bookings in the prescribed form	4
Failing to keep vehicle records	4
Failing to keep driver records	4
Vehicle failing to attend or not attending on time	3
Failing to notify any conviction/formal caution/fixed penalty	3
Failing to keep public part of premises clean, tidy and comfortable	3
Breach of any condition not specified above	1 - 4

Where 12 or more points are issued to an Operator within any period of 1 year, a report will be submitted to the relevant Licensing Sub- Committee who may following a hearing suspend, revoke or refusal to renew such a Licence.

I, the undersigned certify that the conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme set out above.

Signed

Full Name.....

Date

Witness signed

Full Name.....

Date

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No	Respondent	Comments	Officer Comment	Recommendation
1.	<p>Adrian Clarke Transportation Policy Manager (B&NES)</p>	<p>Thanks for forwarding the council's policy on taxis. As we move towards a low emission zone in the city centre we should consider the following:</p> <ul style="list-style-type: none"> • All newly licensed private hire vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 5 years and all newly licensed taxis must, as a minimum, meet Euro 5 standards for emissions • B&NES will work with both the taxi and private hire industry to introduce ecodriving training from 2014 and to promote efficient driving techniques to reduce emissions with Eco driving elements being required for all new taxi drivers before becoming licensed • By April 2014 changing the taxi licensing regime from one combined mechanical and licensing inspection to two MOTs per annum with a basic annual taxi-related inspection undertaken by 	<p>As it is stipulated within the vehicle conditions that all vehicles must be less than five years old then Euro 4 is the type approved standard (since 2005) all new vehicles will therefore comply with this, and as Euro 5 was introduced in 2009 then from 2014 all new vehicles on will be Euro 5 compliant.</p> <p>As B&NES does not have a mandatory "Black Cab" Hackney requirement it would be inequitable to insist on Euro 5 for one category of vehicle and not another.</p> <p>By stating an age policy rather than specific Euro standards the conditions remain relevant as new emissions standards are introduced.</p> <p>Eco driver training will be a stipulation for all new drivers from 2014 and the training will also be made available to existing drivers.</p> <p>There is no evidence to support that this action will improve the emissions from vehicles which are below 5 years old. This will also place a further financial</p>	<p>No change to Conditions.</p>

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		<p>B&NES</p> <p><i>The above is taken from TfL's air quality strategy.</i></p> <p><i>Why can we not have different badges for hackney and private hire drivers and why do private hire need roof signs they only confuse the public?</i></p>	<p>burden on the licensee and an administrative resource burden on the Licensing Team.</p> <p>The dual badge system allows for drivers to easily change from driving a Hackney Carriage to a Private Hire vehicle without the need to apply for a further licence, incur an extra cost and be delayed in being able to work. There is no evidence that the dual badge system does anything other than to provide value for money and flexibility for the vast majority of the licensed drivers.</p> <p>There is no clear evidence that roof signs confuse the public, it is up to the individual driver and his actions to ensure that any approach made is refused. The roof signs are an excellent visual display of legitimacy and ensure that any potential hirer is reassured that the vehicle is a genuine licensed vehicle and is safe and comfortable. This is a particularly important aspect for visitors to the City and residents and students who may be worse for wear after enjoying our night time economy. The</p>	<p>No change to Conditions</p>
<p>2.</p>	<p>John Law (taxi driver)</p>			

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<p>Page 126</p>		<p>roof signs perform an important job in providing an important visual reassurance that the vehicle is a genuine licensed vehicle.</p> <p>It is also worth noting that from an enforcement angle the signs give a clear indication of the licence number of the vehicle which can easily be noted by hirers in the event of a complaint.</p> <p>The roof signs make it extremely difficult for any rogue unlicensed vehicles to operate in the City and surrounding areas as the lack of appropriate signage ensures that any rogue vehicle stands out and is recognisable due to the absence of expected signage.</p> <p>As stated there is no evidence that the roof signs “confuse the public” the Roof Signs have been established in Bath for over 20 years and there is not a large scale problem with plying for hire in the City and an almost non-existent record of rogue unlicensed vehicles. This can be contrasted with other Authorities that do not allow roof signs on Private</p>	
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<p>3.</p>	<p>Mark Charlesworth, Managing Director, Chauffeurlink Ltd</p>	<p><i>Thank you for your letter dated 17th July, I have read the proposed policy and conditions and am responding on behalf of Chauffeurlink Ltd (PH 12/1536/PHOP)</i></p> <p><i>Chauffeurlink Ltd operates exclusively as a chauffeur service using LWB Audi A8 saloons. Our client base is made up primarily of corporate clients, we do also have a number of private clients and we are often asked to provide our vehicles for weddings. Our clients use us because we provide a high quality and discreet service.</i></p> <p><i>I would like to register my concern about the proposal to introduce the requirement for clear signage in the vehicle and on the rear of the vehicle for vehicles used exclusively for chauffeur hire. I believe that being required to carry such visible signage would significantly degrade the up market impression we are currently able to present, I fear that we</i></p>	<p>Hire vehicles that have huge problems with unlicensed vehicles and large scale plying for hire.</p> <p>See comments below applicable to Mr Charlesworth and Mr Finlays representations.</p> <p>An alternative method of identification to the one originally suggested will be produced at the meeting for Cllrs to examine.</p>	<p>Following change to Conditions proposed:-</p> <p>Executive Chauffeur hire vehicles will be required to display an identification disk on the interior of both the front windscreen and rear window so as to be plainly visible to any passenger travelling in the vehicle.</p>
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<p>4.</p>	<p>Rod Finlay Proprietor and MD Bath Chauffeur Services</p>	<p>would be viewed as an up market taxi. I am sure that in the wedding car market we would be disadvantaged against vehicles that are not currently licensed for PH and would lose business. I am also concerned about potential damage to inside of the vehicle where the sign needs to be attached, any damage would reduce the resale value of these expensive vehicles.</p> <p>Dear Sirs</p> <p>I would like to make my observations on the proposed changes to the Private Hire Vehicles Conditions in relation to identification plate to the rear and an interior identification plate.</p> <p>Whilst I feel that it is important for the Authorities and our clients to be able to recognize our vehicles as being licensed as PHV, our clients expect us to provide a discreet service and at the top level of Chauffeur Hire.</p> <p>I also think that it is important to be able to compete on a level platform with other companies in adjoining authorities, as they are able to source work within our</p>	<p>There is no differentiation in law between an "Executive Chauffeur Hire" vehicle and any other vehicle licensed as a private hire vehicle under s48 of the Local Government (Miscellaneous Provisions) Act 1976. Essentially there is no difference between the business that is carried out by normal private hire vehicle costing £5000 and a private hire vehicle costing £50,000. Both vehicles are licensed by the Council under the same legal framework, both vehicles are supplied to a member of the public by a licensed Private Hire Operator and both vehicles are driven by the holder of a private hire drivers licence. However the Council accepts that the "Executive Chauffeur Hire" market exists and has</p>	<p>Following change to Conditions proposed:-</p> <p>Executive Chauffeur hire vehicles will be required to display an identification disk on the interior of both the front windscreen and rear window so as to be plainly visible to any passenger travelling in the vehicle.</p>
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	<p>area.</p> <p><i>My initial thoughts on reading the proposed changes was that I was not happy with the thought of having a letter box size plate attached to the rear of my cars, with a similar plate inside the vehicle. Most of my work takes me outside of the Council area and I see all sorts of plates and discs and felt that there must be a better way of showing that we are licensed. I have always thought that the printed disc that we display was insufficient to prove to other authorities that we were licensed if stopped and would be easy to re-produce.</i></p> <p><i>I have emailed and spoken personally with John Dowding and he has showed me an alternative double sided disc to go in the front windscreen which looks professional and give all the details to the authorities and my clients inside the car. A similar single sided disc for the rear screen would also make us identifiable to all other road users and cameras and is the type that is used by a lot of authorities including the City of London.</i></p>	<p>different working practises that require a certain amount of discretion and accordingly provides exemptions from the requirement to display the same amount of identification signage and an exemption from the requirement to display a roof sign.</p> <p>Under the existing regime the identification that clearly marks an "Executive Chauffeur Hire" vehicle as being licensed is practically unidentifiable to any member of the public, Police Officer or indeed Licensing Officer. The current private hire vehicle conditions do not specify the identification requirements for "Executive Chauffeur Hire " and the current crude windscreen disc is not only unrecognisable it is not tamper proof and could effectively be reproduced by any one with basic software.</p> <p>It is essential that any signage displayed on any licensed vehicle is easily recognisable and tamper proof and clearly marks the vehicle as a legitimate licensed vehicle. This is clearly essential not only for the purposes of enforcement</p>	
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I would like to ask the BANES Executive committee to look at this alternative means of identification and I would give full support to them and John Dowding if these discs were to be implemented.

I would be happy to appear before the Executive Committee if they wanted to question me further about the type of work we do and the importance of this decision to our sector of this business.

but also so that a member of the public travelling in a vehicle they have hired can be reassured that the vehicle supplied is part of a legitimate licensing regime.

The current windscreen disc is clearly unfit for purpose as it is not easily recognisable, is not visible from the inside of the vehicle and therefore visible to a passenger, and is easily tampered with or reproduced using basic software. The fact that there is no signage visible inside the vehicle means that any person who is not happy with the service they receive has no means of making a legitimate complaint to the licensing authority and this is clearly undesirable. The lack of recognisable signage also means that "Executive Chauffeur Hire" vehicles fly under the radar of licensing authority road safety checks as they cannot be clearly identified as a licensed vehicle.

The aim of the proposed conditions is to ensure that "Executive Chauffeur Hire" vehicles can be clearly recognised as licensed vehicles to both the Police,

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<p>Page 131</p>			<p>Licensing Officers and the members of public who hire them, and importantly provide a mechanism for a member of the public who has a problem with a journey a clear avenue of complaint to the licensing authority. The Council recognises the requirement for a certain amount of discretion; however this does not override the primary role of the licensing regime which is public protection.</p> <p>As such the Council is seeking to impose a minimum amount of recognisable signage which maintains a certain amount of discretion whilst allowing a vehicle to be easily identified in the case of a problem. comments regarding screwing plates and damaging vehicles are rather alarmist as there are many methods of fixing licence plates to vehicles that do not require screws to be used or require any permanent marks or damage to a vehicle.</p> <p>However I have also sourced a more effective and visible form of windscreen disc which is visible to both the exterior of the vehicle and the</p>	
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<p>5.</p>	<p>Leslie Banks PH Operator (Executive Hire)</p>	<p><i>Dear Sirs</i> <i>I feel the current system of displaying a discreet disc is appropriate. However, the introduction of a plate displayed on the rear is against the wishes of companies and high profile individuals who want this type of service. The customers want a quality car and chauffer service otherwise they would just order a taxi. Moreover, the introduction of such plates would not affect those that are not correctly licensed or those whose plates are on/off because they would simply carry on as before. Those that obey the rules would display the plates thus putting themselves at a disadvantage particularly when doing weddings which can be done by cars that are not licensed at all. If identification of a licensed vehicle is the worry then I venture to suggest that we have 2 discs, 1 displayed in the front nearside windscreen and 1 in the rear offside. It would also be less confusing if operators were in one camp</i></p>	<p>interior of the vehicle which I shall present to the Councillors as part of my report.</p> <p>Comments as above.</p>	<p>Following change to Conditions proposed:- Executive Chauffeur hire vehicles will be required to display an identification disk on the interior of both the front windscreen and rear window so as to be plainly visible to any passenger travelling in the vehicle.</p>
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6.	<p>Nick Kingwell Private Hire Operator (Executive Hire)</p>	<p>or the other i.e. they are either operating with a radio and meter for general work or they are not and do executive/chauffeur work with that vehicle.</p> <p>Yours sincerely</p> <p><i>Leslie Banks</i></p> <p>To Whom it may concern</p> <p><u>Executive Hire/ Chauffeur Hire</u></p> <p><i>I have always thought that it would be a good idea to have another disc in the back window to identify the vehicle as Private Hire. However, I would very unhappy if we have to fix on external plates as this in my opinion takes away part of the prestige of being collected in an executive vehicle. I have invested heavily in prestige cars and people carriers to provide the highest levels of comfort, service and (perhaps perceived) prestige. I am very positive towards identification of some sort though, as it would be of benefit to myself, my drivers and the public to know that</i></p>	<p>Comments as above.</p>	<p>Following change to Conditions proposed:-</p> <p>Executive Chauffeur hire vehicles will be required to display an identification disk on the interior of both the front windscreen and rear window so as to be plainly visible to any passenger travelling in the vehicle.</p>
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7	<p>Martin Smith Executive Hire PH Operator Former Director/Operations Manager of Abbey Taxis Bath</p>	<p>they are in a licensed vehicle.</p> <p>London PCO vehicles have a disc in the back window, would it be possible to have something similar?</p> <p>Many thanks</p> <p>Nick</p> <p><i>I write with reference to your letter of July 17th regarding the above mentioned subject. Thank you for your letter detailing the location of the proposed policy and inviting comments by August 31st.</i></p> <p><i>I have been around the Taxi and Private Hire trade in Bath since 2004 when I first acquired a combined Hackney and Private Hire License, since which time I have been constantly involved in various guises. As I have not had any previous dealings with you it feels appropriate to give a brief history of my experience: from 2004 I was an owner driver of a PH vehicle, in 2005 I became a Director Shareholder, and the Company Secretary of Abbey</i></p>	<p>Comments as above with regard to executive vehicles displaying identification.</p>	<p>Following change to Conditions proposed:-</p> <p>Executive Chauffeur hire vehicles will be required to display an identification disk on the interior of both the front windscreen and rear window so as to be plainly visible to any passenger travelling in the vehicle.</p>
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Taxis, from 2006 to 2012 I also held the position of Operations Manager (break in service of nine months during 2008. Currently I operate a private hire vehicle with exemption to display plates and also regularly drive a Hackney in Zone 1

I have read through the proposed documents with interest and would like to exercise your invitation to comment; my comments are based on copies of these documents downloaded on August 18th that I note are slightly different to those I initially viewed during a brief look soon after receipt of your letter.

In my opinion some positive updates are being proposed that accommodate changes in vehicles, technology and generally changing times with all that this entails; whilst also maintaining many of the standards and conditions familiar to us. Below I have commented on some items that from experience 'jumped out'.

The reduction in required engine capacity must be a positive 'green' move as well

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opening up a better range of vehicles to licence holders. The increased attention to bodywork damage should help to lift the standard of vehicles we see on the road.

Maintaining the annual expirations dates for vehicle and driver licences is good news, having worked with a system of 'rolling years' under other councils I know that the B&NES approach throws up less surprises and oversights.

The introduction of tighter rules with regards to the issuing of driver licences can only help to improve the standard of drivers and therefore provide a better service to the public.

I personally found (while employed at Abbey Taxis) that one of the great technologies helping the general motorists these days was a constant issue - the 'Sat Nav', absolute agreement a local driver should not be using one to get around the immediate area.

I am not personally a smoker and welcomed the rules regards no smoking in

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business premises. Again referring to my time at Abbey Taxis I had to deal with reports of drivers smoking in cars on occasions. The stock response from a driver would be that it was a 'fake cigarette' if reported as having been seen smoking in his vehicle - I only mention this as with the increased availability of these products it is worth being aware of the 'stock excuse'.

The final general observation I would like to mention is regards Taxi Meters and the need for them to be clock calendar controlled; a condition I agree with fully. At Abbey Taxis we always required this both for ease of use and the correct charging of customers, however where this fell down was with multi-seat vehicles. While only appropriate to PH licensed vehicles, generally a multi-seat uses a different tariff once they have a fifth passenger, this is achieved by being able to change the tariff manually; consequently this meant the meters in these vehicles were not clock calendar controlled. I am not aware of a meter that provides a 'halfway house'. I

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do not personally operate a multi-seat vehicle but knowing taxi drivers can foresee potential for a dispute.

My personal interest is currently more centred around Executive Hire/ Chauffeur Hire; I currently operate a car with exemption to display plates. I feel the 'difficulties' generally arise as we are providing what we (and our clients) view as a different service to that provided by some operators, for example the Abbey Taxis although under the same general license requirements.

I think that I speak for various of my associates when I say that the current discretionary exemption to display plates is much appreciated and I for one know that this is a privilege not to be abused.

Probably needless to say I do have some concerns regards the display of a 'letterbox plate' on the rear of my vehicle and the internal plate inside, not from the point of view of attaching these (there are many good solutions on the market) more from the perception by clients who

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want to book an executive style car.

I am hoping there may be a compromise that can be found here, I can see the council need to identify the vehicles and it is fair to say the current paper disc could do with an upgrade; these were historically better when Mr Dowding had access to a colour printer. Also that some details are visible inside the vehicle.

I have enclosed on a separate sheet a photograph of a disc used in the London area that is more detailed than our current ones, I believe it has details on the reverse to be viewed from inside the vehicle. I apologise for the quality of the image it was raining on the day I took photograph.

Also on this subject I am very much in favour of the point that vehicle needs to be firmly in one camp either as an exempt vehicle or one that displays plates, this avoids confusion and should help to maintain standards of the cars with exemption.

Earlier in my letter I

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	<p>expressed my agreement that Sat Nav system should not be employed by drivers working locally, I do not use one when hackney driving locally. I do however use one some of the time in my executive car, not as I do not know the way but to benefit from the traffic updates; will it still be acceptable to use one on longer journeys either starting or terminating locally?</p> <p>While these policies are under review and discussions taking place I would like to take the opportunity to raise one point regards the use of an Operator's Licence by people supplying executive cars. As I acknowledge the same rules apply to all private hire companies, although currently we (suppliers of Executive Cars) gratefully receive exemption from displaying plates at the council's discretion. Could consideration be given with regard to the rules of accepting bookings while out of the office?</p> <p>The rule that a booking can only be taken while at the premises the licence pertains to makes absolute sense in</p>	<p>In regard to Sat Navs it is not the intention of the Council to prohibit the use of Sat Navs for journeys that terminate outside of the Councils area, merely to restrict the use of Sat Navs for local traditional "HC and PH" jobs. Sat Navs do not look after the interests of the paying customer.</p>	<p>No Change to Conditions</p>
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many ways; for example to stop a private hire driver taking essentially immediate bookings (maybe at the car window or via a mobile telephone) and operating not dissimilar to a hackney vehicle.

Speaking now from experience that I have gained in the last twelve months since I have been providing an executive car service under a private hire licence. As I drive myself there are occasions when clients contact me and I am away from the office, clearly I cannot book jobs at these times and can only arrange to make contact when I am back in the office. Is there any opportunity for some discretion to be given in accepting a booking for an executive car (as recognised by the council) while out of the office? Perhaps only for jobs that start of terminate beyond the city limits or are not due to commence within a certain timeframe? In the event that a job could be only booked under the aforementioned conditions I do not think that this would give unfair advantage over other licence holders; while

that where the telephone is answered is where the licence to Operate is required.

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<p>Page 142</p>		<p>making potentially improving our service, efficiency and green credentials.</p> <p><i>In closing I thank you for the opportunity to comment, apologise for my long winded letter and repeat my earlier comment that it appears some well thought out changes are being proposed that should help to maintain and improve the quality of service to the public.</i></p> <p><i>I appreciate you are likely to have received comments from other parties and may not have the time to reply. Please feel free to contact me if I can be of any assistance</i></p>		
<p>8.</p>	<p>Harald Demski (Taxi Driver)</p>	<p>As discussed at the meeting on the 14 August 2013 at Lewis House I would be obliged if you could forward a full and detailed explanation of the changes involved with proposed condition no 24 together with any resultant effects this may have on condition no 25.</p>	<p>Due to changes in the DBS Local Authorities no longer receive copies of the required criminal records certificate as they did in the past.</p> <p>There is an online checking facility that allows registered bodies such as a Local Authority (LA) to instantly check whether or not the information contained on the DBS database has changed since the last DBS check carried out. This check is instant but requires that the</p>	<p>No change to Policy.</p>

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	<p>holder of the DBS certificate (the Driver) registers and keeps the registration up to date.</p> <p>The local authority must not grant a licence unless they are satisfied that the applicant is fit and proper. Under the old regime of the CRB there was not so much of an issue as the LA always received a copy of the certificate at the same time as the applicant and therefore any issues that arose could be dealt with immediately and public safety was not compromised as the system delivered the information into the LA's hands where any issues could be brought to the attention of the LA immediately.</p> <p>This is no longer the case and the onus is on the applicant to produce the information to the LA, the simplest method is by the online checking system and will allow for real time checks on an applicant who submits an application to renew his driver's licence. The online check does not give access to criminal records it merely indicates that there have</p>	

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<p>Page 144</p>		<p>been no changes since the last certificate was issued, (if a further criminal conviction or caution has been obtained it will indicate that there has been a change)</p> <p>For any driver who does not subscribe to the online system the LA will not be in a position to obtain an immediate check and will subsequently be relying on the driver to produce his certificate when he receives it. Clearly this is not acceptable as any driver who has something to hide (and a small proportion of drivers always fail to disclose convictions or cautions) will be reluctant to produce a certificate as it may have an impact on his/her licence. The LA is not in a position resource wise to chase some 200 (give or take) DBS certificates every renewal period to ensure that we have had sight of a "clean" certificate.</p> <p>So essentially it's up to the driver either register online (licence fees will be reduced to offset the annual registration cost so that drivers who register are not financially disadvantaged)</p>	
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<p>Page 145</p>			<p>and allow the LA to obtain an instant check and have a licence issued immediately.</p> <p>Or choose not to register online and be subject to an individual paper DBS check with the full fee payable (equal to the 3 years registration fee) and the subsequent delay in obtaining a paper certificate and producing it to the LA. In the meantime no licence will be issued until a DBS certificate has been produced to the LA and the LA can satisfy itself that there has been no change in the criminal records status of the applicant.</p> <p>There is a further benefit in registering online for a DBS certificate holder as once registered they should never have to have a further DBS check and any registered body can check the online status, so DBS checks become portable should a driver wish to work for another LA or obtain work in a sector that requires a DBS check without the need for multiple DBS applications.</p>	
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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13 November 2013	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
		E 2594
TITLE:	Review of the B&NES Local Development Scheme (LDS)	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Summary of proposed key LDS milestones</p> <p>Appendix 2 – Draft Local Development Scheme</p> <p>Appendix 3 - Natural Environment /Urban Design Evidence/Strategies</p>		

1 THE ISSUE

- 1.1 All local Authorities are required to have an up-to-date work programme (Local Development Scheme or LDS) for the preparation of planning documents for at least the next 3 years. This enables local communities, the development industry and others with an interest in the development process to engage in plan preparation. A plan must be prepared in accordance with the LDS in order to be found sound at examination.
- 1.12 The current LDS covers the period 2012 – 2015. This is now rolled forward to cover the period to 2016/17.
- 1.13 The new programme takes into account capacity and resource availability, which has resulted in priorities being established.

2. RECOMMENDATION

- 2.1 The Cabinet agrees the revised Local Development Scheme in Appendix 2
- 2.2 That delegated authority is granted to the Divisional Director of Planning and Transport Development, in conjunction with the Cabinet Member for Homes and Planning, to make editorial amendments to ensure the LDS is up-to-date and correct any errors.

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The medium term work programme in the LDS depends on council's priorities and the resources available. The LDS sets out the resources required for the projects contained within the terms of both staff and finance. The Medium Term Financial Plan entails a reduction of resources in the Planning Policy and Environment t Teams of £100k in 2015/16.
- 3.2 The primary call on resourcing this work is the Planning Policy and the Environment Teams but due to the broad land-use implications, input is required from Transport, Leisure Education and other Services. The LDF base budget is £200k but this has had to be supplemented by around £100k to £150 k for the last few years in order to deliver the required objectives. If the work cannot be met from the base budget a temporary funding request may be required to deliver this work.
- 3.3 Income generated from planning policy work is mostly indirect but includes the boost to housing supply which increases New Homes Bonus income, the income from planning applications and securing of developer contributions through the Planning Obligations SPD (and from CIL in future years).
- 3.4 Neighbourhood Planning Grant from central Government has been awarded to B&NES for Neighbourhood Area designation and this amounted to £10k during 2012/3 and is likely to be £15k in 2013/14. This income is being used by B&NES to assist town and parish councils with Placemaking/Neighbourhood planning.
- 3.5 Under the Localism Act, the District Council has financial obligations to support Neighbourhood Planning and specifically to fund Neighbourhood Plan examinations and referenda. The Council is refunded for this expenditure by Government grant, but only at the end of the process which may be 12 to 18 months after incurring the expenditure.

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The maintenance of a LDS is a statutory requirement under the Planning and Compulsory Purchase Act 2011. It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how they will be reviewed.
- 4.2 Documents in the LDS contain planning policies which have implications relating to equalities, sustainability, natural environment, planning, public health and equalities, including legal requirements. However the LDS itself does not have any direct implications
- 4.3 The Council's Neighbourhood Planning Protocol sets out how the Council plans to engage with local communities on planning issues currently there are no proposals to review it but this may change depending on the outputs of the Local Engagement Framework work.

5. THE REPORT

- 5.1 The Planning Act requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (the Plan-led system). The LDS sets out the up-to-date Development Plan for B&NES and how and when this is being reviewed. Any proposals which allocate land for development or which set out new policy must be contained within a *Development Plan Document* (DPD) and be subject to public examination but the Council can also prepare supplementary planning documents (SPD) if needed. Any other document will have limited weight in the planning system. In the absence of up-to-date policy, the National Planning Policy Framework (NPPF) takes precedence.

The Core Strategy

- 5.12 The first priority for the Council's LDS is to secure the adoption of the Core Strategy. All authorities are required to have an up-to-date Core Strategy in place. Adoption of the Core Strategy will enable it to be given full weight in the determination of planning applications so that the NPPF no longer takes precedence over the Council's own policies.
- 5.3 The preparation of the Core Strategy has unfortunately become protracted partly due to recent changes to the planning system. Since its preparation began, the Regional Spatial Strategy has been revoked, a new Planning Act has been passed and the NPPF issued. The Examination in Public has had to be suspended twice in order to respond to issues arising from these changes. The LDS is therefore amended to reflect the up-to-date Core Strategy timetable. The revised programme is set out in the summary chart in annex 1 with adoption likely to be late Summer 2014.
- 5.4 Whilst full weight cannot be given to the Core Strategy until then, weight can be attached to the inspector's conclusions arising from the current round of hearings.
- 5.5 The need to focus resources on the Core Strategy is having implications for the timetable of other Plans.

Placemaking Plan

- 5.6 The Placemaking Plan complements the Core Strategy by setting out the detailed planning policies and proposals. The purpose of the Placemaking Plan is to;
- allocate detailed sites and set out the planning requirements for their development. This includes key brownfield sites and rural sites although the urban extensions are now to be included in the Core Strategy,
 - update the district wide planning policies such as car parking standards, design standards, housing density and sites in the Green Belt,
 - co-ordinate the infrastructure requirements to ensure its proper provision and its alignment with new development.
- 5.7 The need to focus on the Core Strategy means that the programme for the preparation of the Placemaking Plan will be delayed because there are insufficient resources to progress two plans simultaneously. The LDS is therefore amended to schedule the submission of the Placemaking Plan to early 2016 and adoption by the end of 2016.
- 5.8 A consequence is that there will be a delay to the incorporation of the Bath Enterprise Area Masterplan into formal planning policy. The Council could seek to attribute interim

policy status to the Masterplan but it could not be afforded significant weight in planning decisions. It will also take longer to formalise the work currently being undertaken by the Parish and Town Councils on character appraisals and site identification. However, some early clarity on development at the villages and towns will be provided initially through the Inspector's conclusions following the Core Strategy hearing in December 2013 and his conclusions after the March 2014 hearings.

- 5.9 The delay to the programme will now make it difficult to align the consultation on the Place Making Plan with that of the Transport Strategy or Leisure strategy as previously planned although, the emerging outputs of these can feed into the Placemaking Plan. This may also raise issues for implementing land use/spatial elements of other Council strategies

Gypsy & Travellers Sites Plan

- 5.10 Whilst the accommodation needs of the Travelling community are quantified in the Core Strategy, the identification of sites is taking place through the Gypsies, Travellers & Travelling Showpeople Sites Plan. Cabinet on 12th June agreed a programme which entailed production of a draft Plan by the Spring of 2014. This was to enable, inter alia, further work to be undertaken with neighbouring authorities in order to ascertain accommodation needs across the West of England and to review capacity to accommodate the travelling communities outside the Green Belt. Joint working with adjoining authorities is essential in light of the duty to cooperate and to ensure that non-Green Belt options are fully explored.
- 5.11 Both the additional work required on the Core Strategy outlined above along with the need to collaborate on a sub- regional level has affected progress on this plan and the timetable has been reviewed and a revised programme is set out in Annex 2.

CIL/Planning Obligations

- 5.12 Progress on the CIL (and the associated review of the Planning Obligations SPD) is linked to the Core Strategy and hence the programme for the preparation of the CIL has also been reviewed. The draft CIL, and the associated infrastructure spend, cannot be finalized until the Core Strategy Inspector gives an affirmation on the scale and location of housing and this is not likely to be before mid-2014. Fortunately the Government has confirmed the postponement of the date by which s.106 contributions are scaled back from April 2014 to April 2015. The revised programme entails adoption of the CIL before April 2015.

Neighbourhood Plans

- 5.13 The Localism Act imposed duties on District Councils as outlined in the finance section above.
- 5.14 The Council is seeking to deliver many of the objectives of Neighbourhood Planning through working in partnership with town and parish councils on the Placemaking Plan. This brings the mutual benefit of efficient use of resources, cost savings and better co-ordination. Whilst this is proving a successful approach, some local communities will still prefer to prepare their own Neighbourhood Plans which will entail a cost for the Council.
- 5.15 There has been no proposal yet for the establishment of a Neighbourhood Forum in Bath although this may change during the LDS period.

- 5.16 Some financial and staff resource provision must therefore be made for this requirement over the period of the LDS. The precise requirement is difficult to estimate as the council has a reactive role.

Sub-regional Plan review

- 5.17 The Council has committed itself to undertaking a review of the Core Strategy in 2016 along with other West of England Authorities. This has been a key consideration of the Core Strategy examination Inspector in terms of not withdrawing the Core Strategy in September this year. The Core Strategy Inspector has therefore requested that the Council set out more clearly its intentions for review in the Core Strategy and this also needs to be set out in the LDS.
- 5.18 Underpinning this review is a revised West of England SHMA and revised LEP economic projections. Preparation of both of these is now underway. The mechanisms for considering a revised sub-regional spatial strategy are being considered but initial policy proposals will need to be prepared during 2015 based on the outputs of the WoE SHMA at the end of 2014. These initial agreed proposals will underpin the review of plans in B&NES during 2016/7. .

Authority Monitoring Reports & other evidence

- 5.19 The Council is required to publish monitoring statistics relating to the LDF such as house building rates and employment space completions. These provide useful information for other Council Services and members of the public and this will continue to feature as an ongoing task in the LDS.
- 5.20 The Council is also required to keep other evidence up-to-date such as the Strategic Housing Land Availability Assessment (SHLAA) and the Infrastructure Delivery Plan (IDP) to ensure new development is properly aligned with necessary infrastructure.

Heritage

Bath World Heritage Site Attributes

- 5.21 UNESCO encourages identification of 'Attributes' of WHS Outstanding Universal Values. These 'Attributes' are defined by UNESCO as aspects which convey or express the Outstanding Universal Value of the World Heritage Site. The attributes provide greater detail, explaining which elements of the site are of importance in World Heritage terms. Once these are clarified the WHS Management Plan will explain how these will be protected. The attributes have been developed in close co-operation with English Heritage, the World Heritage Site Steering Group, and with key internal officers.
- 5.22 The key purpose for identifying attributes is to ensure that they can be protected, managed and monitored, and used when assessing planning applications or other interventions. This exercise is particularly valuable in Bath where there are multiple layers of heritage, and not all of this will be deemed to be of World Heritage importance. The attributes therefore help to clarify what is of World Heritage importance, and what is not. Due to the use of attributes in the planning system as a material consideration, Council adoption is required and the LDS sets out a timetable for this.

Conservation Area review

- 5.23 The need for ongoing review of Conservation Areas is a statutory requirement and a concern of Parishes. There has been limited progress on undertaking these reviews due to other priorities. There is scope for local communities to facilitate some of this work through the Placemaking Plan and Neighbourhood Planning although the need for the statutory role of the District Council to adopt a Conservation Area appraisal or amend boundaries will inevitably impact on progress due to the resource implications.

Natural Environment

- 5.24 Work undertaken so far on the Core Strategy, the Placemaking Plan and with the local community, along with the requirements arising from the NPPF, stress the importance of ensuring a sufficient environmental evidence base. The 2011 Natural Environment White Paper and work with West of England Nature Partnership also requires the preparation of environmental strategies which will be a material consideration in plan preparation and planning decisions and provide the necessary evidence for plan-making. This includes a Trees & Woodland Strategy, Landscape Character Assessments and Design Guidance. These are described in more detail in Annex 3.
- 5.25 Only the work essential to the preparation of the key Development Plan Documents and CIL will be prioritized for the duration of this LDS although there may be scope to initiate some of environmental strategies in years 2016/17, particularly in connection with the West of England Plan review.

Other Guidance/SPDs

- 5.26 The Planning Service receives ongoing requests to prepare policy guidance or Supplementary Planning Documents from both internal and external sources. Many of these are of insufficient urgency to take priority over any of the above items although the preparation of some of these would have significant merit in providing greater clarity for developers and in streamlining decisions. These include
- Flood and Water Management Supplementary Planning Document/ Guidance
 - Guidance note for Development Control on the implications of Affordable Rent Tenancy
 - Bath Building Heights SPD
 - Locally Important Buildings list SPD
- 5.27 There might be capacity in late 2016 to begin preparation of some of these although none of these can be firmly timetabled at this stage.

6 RATIONALE

- 6.1 The benefits of setting out publically the Development Plan work Programme through the LDS is that it enables clarity for residents, businesses and other bodies
- 6.2 It also helps to ensure that Local Authorities prioritise their key objectives and ensure that appropriate resources are available to prepare plans over 2 or 3 financial years.

7 OTHER OPTIONS CONSIDERED

- 7.1 All Local Planning Authorities are required to maintain an up-to-date LDS although it has some discretion over its content. In practice, the required planning documents will be those needed to deliver both the requirements of the NPPF and the Council's own objectives.

8 CONSULTATION

- 8.1 Requirements to engage local communities, statutory undertakers and other bodies are embedded in the planning acts and regulations. The production of all planning documents entails public engagement as set out in the Council's Neighbourhood Planning Protocol. The arrangements for public consultation on each plan are set out in the LDS.
- 8.2 The preparation of the LDS itself does not require public consultation although it will be published when approved.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Simon de Beer 01225 477 616</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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ANNEX 1 – LDS SUMMARY TIMETABLE

BATH & NORTH EAST SOMERSET LOCAL DEVELOPMENT SCHEME REVIEW 2013-2017

REVISED LDS	2013					2014					2015					2016					2017											
	aug	sep	oct	nov	dec	jan	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec	jan	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec	jan	feb	mar
Core Strategy				H			H	M						R	A																	
Placemaking Plan															O	O																
CIL & Plg Obligations SPD review									V	D				S	H	R	A															
Plan review						SHMA					OPTIONS							O	O													
AMR																																
Gypsy, Travellers & Travelling Showpeople Sites Plan															O																	
Neighbourhood Planning						Ongoing statutory support					Ongoing statutory support					Ongoing statutory support																
Environmental Strategies																																
WHS attributes								A																								
Other SPDs																																

- V** Viability work
- M** Main Modifications
- O** Options consultation
- D** Draft Plan
- H** Hearings
- R** Report
- A** Adoption

ANNEX 2 – REVISED LOCAL DEVELOPMENT SCHEME

Bath & North East Somerset

LOCAL DEVELOPMENT SCHEME 2013 - 2017

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1. INTRODUCTION

The Local Development Scheme

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for the production of the Local Plan, Development Plan Documents and Supplementary Planning Documents that the Council is preparing, or intends to prepare. These documents are known collectively as Local Development Documents (LDDs). It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how these will be reviewed.
- 1.2 Further work required in connection with the Core Strategy during the suspension of the Examination (between July 2012 and June 2013) has had an impact on meeting the milestones set out in the approved Local Development Scheme 2012 - 2015. This has precipitated an early review of the LDS to cover the next three years (2013- 2016) to ensure the timframes are up-to-date and realistic to support the delivery of the Local Planning Policy Framework.
- 1.3 The amendments comprising this version of Local Development Scheme were agreed on 13/11/13. The Local Development Scheme came into effect on 1/12/13.

A Glossary of terms used in this document is set out at **Appendix B**

Local Planning Policy Framework

- 1.4 The term Local Planning Policy Framework (LPPF) is coined by the Council to replace the now defunct term 'Local Development Framework' which is no longer referred to in the National Planning Policy Framework published in March 2012. It comprises of a portfolio of locally prepared planning documents (Local Development Documents). It also includes related documents such as the Authority's Annual Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- 1.5 There are two types of Local Development Document (LDD):

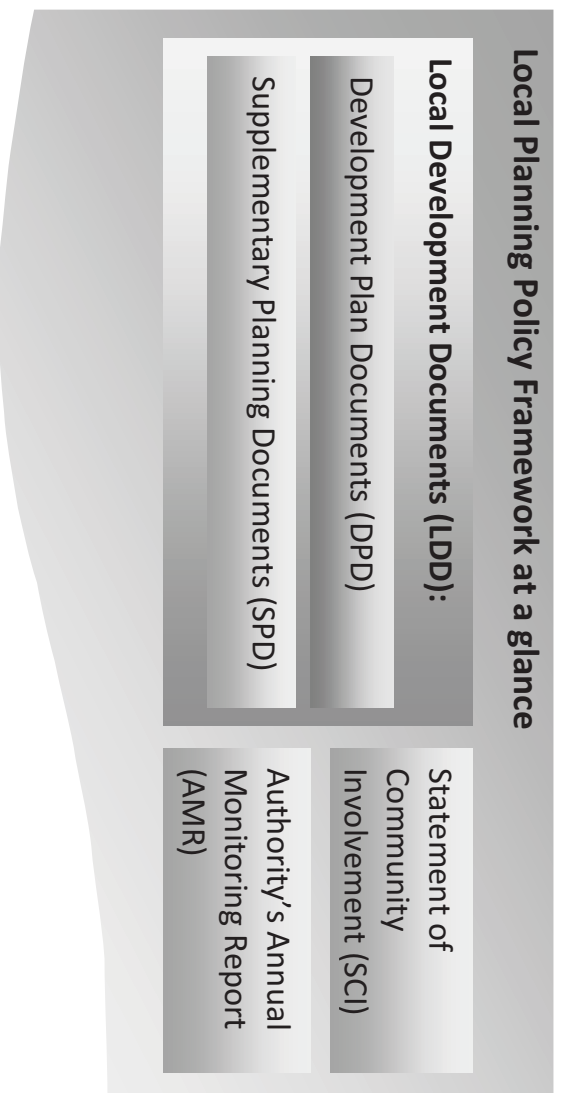
Local Development Scheme 2013 - 2016

Development Plan Documents (DPD)

These set out policies and proposals and have development plan status and therefore have full weight in the determination of planning applications (see paragraph 1.8). They will be subject to community involvement and Sustainability Appraisal/Strategic Environmental Assessment throughout their preparation and will be subject to independent examination. The main types of DPD that local planning authorities should prepare include the Local Plan, Allocations DPD, Area Action Plans and Proposals Map.

Supplementary Planning Documents (SPD)

Supplementary Planning Documents do not have statutory development plan status but are useful in providing more detailed guidance and support for policies and proposals in Development Plan Documents. They are quicker to prepare as they are not subject to independent examination. Whilst they constitute a material consideration in the determination of planning applications they cannot be used to formulate planning policy or designate sites. They will however be subject to community involvement and where appropriate Sustainability Appraisal during preparation.



The Localism Act 2011

- 1.6 The Localism Act makes provision for the revocation of Regional Spatial Strategies and Structure Plans. It has changed the planning system to reflect the localism agenda. It also introduces Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build.

Local Development Scheme 2013 - 2016

Neighbourhood Plans are prepared by Parish/Town Councils and Neighbourhood Forums. The intention is that Local Plans and Neighbourhood Plans will form the Development Plan. The form and content of these plans will be shaped by the National Planning Policy Framework (NPPF).

The Development Plan for Bath & North East Somerset

- 1.7 Section 38(6) of the Planning and Compensation Act stipulates that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. This gives considerable weight to Development Plan Documents.
- 1.8 Regional strategies and Structure Plans continued to comprise part of the development plan until they were formally revoked by the Secretary of State in April 2013 (the draft Regional Spatial Strategy for the South West (RSS) was revoked by ministerial edict in 2010).
- 1.9 The development plan for Bath and North East Somerset currently comprises:

Saved policies from the Bath & North East Somerset Local Plan adopted October 2007¹

These policies will be saved for an indefinite period. Some will be replaced by the policies in the Core Strategy when adopted and the remainder reviewed through the Placemaking Plan.

Joint Waste Core Strategy DPD (JWCS) adopted March 2011

This supersedes all existing Local Plan policies on Waste apart from Policies WM.4 and WM.9. It sets out the waste planning strategy for the West of England, addressing the planning aspects of the waste hierarchy promoting waste minimisation, recycling/ composting, recovery and disposal.

The Policies Map (previously known as the Proposals Map)

This illustrates all the allocations and designations set out in the DPDs. It will be revised as each new DPD is

¹ The Schedule of saved Local Plan policies can be viewed [here](#).

adopted where there are allocations or designations. The existing Local Plan Proposals Map will be amended to give geographical expression to the Core Strategy and the Placemaking Plan. Proposed amendments to the Proposals Map will be publicised alongside the appropriate DPD.

- 1.10 Emerging DPDs will carry weight as set out in the NPPF.

Other related planning documents

- 1.11 Other key planning related documents the Council is required to produce are a Statement of Community Involvement, a Monitoring Report and a Policies Map as explained below.

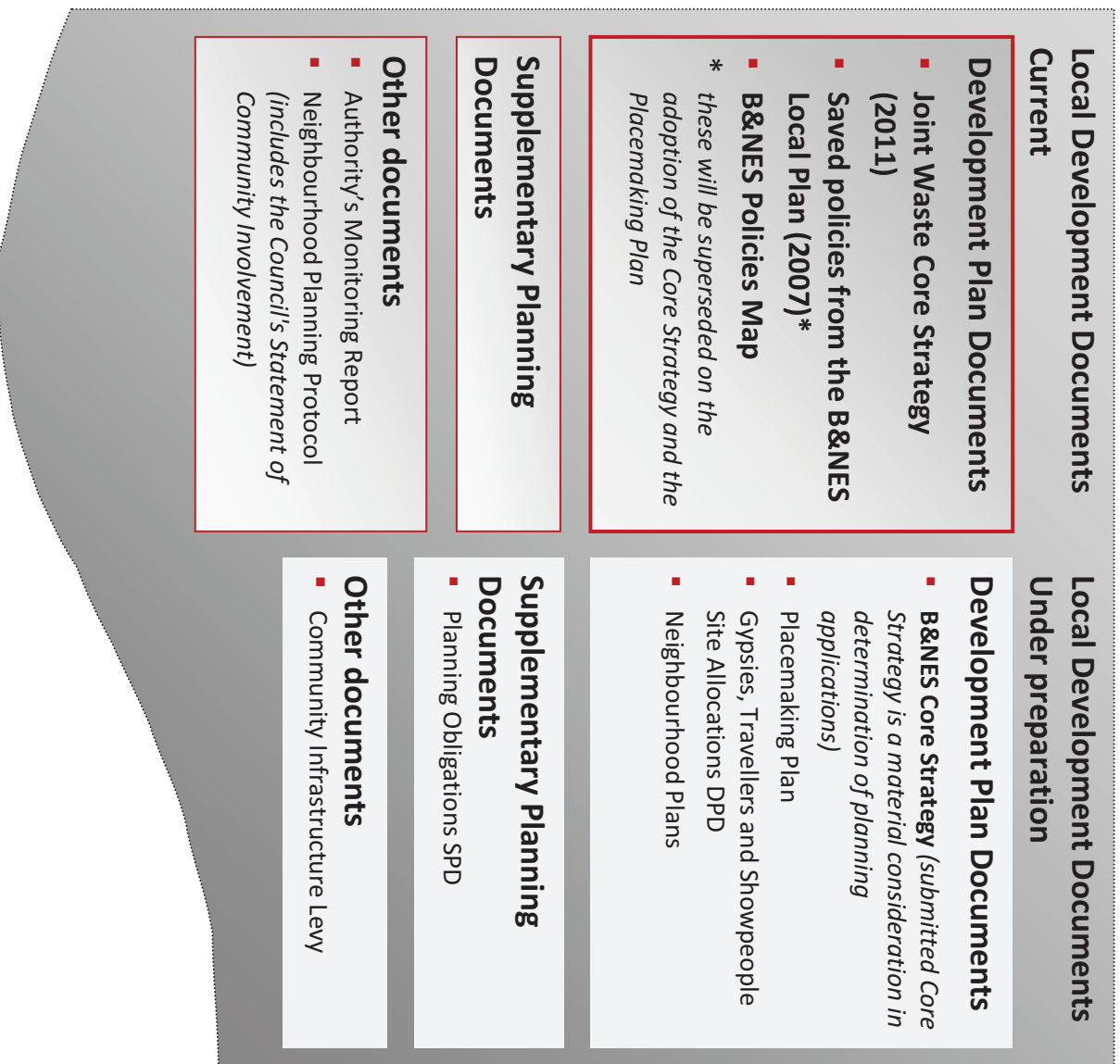
- 1.12 The **Neighbourhood Planning Protocol (NPP)** was adopted in September 2012 and sets out how the following new mechanisms will operate:

- Neighbourhood Fora,
- Neighbourhood Referenda
- Neighbourhood Development Orders
- Community Right to Build

- 1.13 The NPP also incorporates a review of the Council's **Statement of Community Involvement** which was adopted in 2007. This helps to ensure that the Council is in a position to respond to the Localism agenda efficiently and coherently. This will enable communities to understand the range of opportunities to interact with and take an active role in planning in their locality.

- 1.14 The **Authority's Monitoring Report (AMR)** assesses whether plan production is on target and the extent to which policies in local development documents are being implemented. It monitors key data such as housing completions, growth in office space and losses in industrial space. It will also monitor CIL once finalised. The AMR is based upon the period 1st April to 31st March each year.

Bath & North East Somerset's Local Planning Policy Framework in 2013



2. LOCAL PLANNING POLICY FRAMEWORK PRODUCTION 2013 - 2017

Progress

Development Plan Documents

2.1 The **Core Strategy** sets out the long term planning framework for Bath & North East Somerset. It includes a spatial vision and spatial objectives looking ahead to 2029. It will ensure an up-to-date and robust strategic planning framework for the district. It also gives spatial expression to the Sustainable Community Strategy and the Council Vision. A key diagram defines the broad locations for delivering housing and other strategic development needs as well as setting out policies to protect the environment. The Core Strategy will form **Part 1 of the Local Plan** to respond to the NPPF requirement to produce a Local Plan.

Profile
updated

2.2 The Core Strategy was submitted for Examination in May 2011. It was suspended in July 2012 to enable the Council to undertake further work to address preliminary conclusions of the Examination Inspector and resumed in July 2013. This has meant a review of the current programme as set out on page 17.

2.3 The Core Strategy is supported by an **Infrastructure Delivery Plan** to ensure the strategic proposals are deliverable and aligned with infrastructure needs. Linked to this is the Planning Obligations SPD which will be revised. The Core Strategy and the Placemaking Plan (see below) will both need to be underpinned by the **Community Infrastructure Levy (CIL)** to address infrastructure funding issues and ensure growth happens in a planned way. Work on the CLL begun in 2011 and a revised timetable to align this with the adoption of the Core Strategy is set out on page 17 onwards.

Profile
updated

2.4 Planning policy framework needs to prepare for growth through facilitating delivery of key development sites. The Core Strategy will therefore be complemented by the production of the **Placemaking Plan (PMP)**. The Placemaking Plan DPD will form **Part 2 of the Local Plan** (see also paragraph 2.1 above) and will identify development site allocations and changes to Development Management policies. It will set out the development parameters for site allocations in the context of their surroundings. It will specify the delivery mechanisms drawing on key

evidence such as the Strategic Housing Land Availability Assessment (SHLAA). The DPD will be structured to take account of the different needs of the varying locations across the District. The programme for this DPD has been reviewed in light of the revised Core Strategy timetable to ensure alignment.

Profile updated

2.5 The **Gypsies, Travellers and Travelling Showpeople Site Allocations DPD** will establish the location of a number of sites suitable to meet the permanent and transit accommodation needs of Gypsies and Travellers in the District. This work was delayed due to resourcing arrangements but has been progressed to a Preferred Options stage in July 2012. In the light of the Planning Policy for Travellers issued in March 2012 and further assessment work that needs to be undertaken the timetable for the preparation of this document has been reviewed. A revised timetable is set out in the Document profiles from page 17 onwards.

2.6 The Localism Act introduces **Neighbourhood Plans**. These will be prepared by local neighbourhoods under the auspices of the Local Authority and once adopted they will form part of the Development Plan. To facilitate this process, the Council has introduced a **Neighbourhood Planning Protocol 'My Neighbourhood'** which incorporates the Statement of Community Involvement. The Government is currently funding Neighbourhood Planning support. Between April 2013 and March 2015 *Locality* in partnership with *Planning Aid England* and other partners will deliver the national support package for Neighbourhood Planning.

2.7 There have been a number of expressions of interest from Town and Parish Councils in preparing Neighbourhood Plans. The current position on each is summarised below:

- In late 2011 **Freshford and Limpley Stoke Parish Councils** decided to develop a joint Neighbourhood Plan. This was the first Neighbourhood Plan to span a county boundary - between B&NES and Wiltshire. This led to a grant being made available from the CLG Frontrunners project. After consultation and advice from planning professionals, the Draft Freshford and Limpley Stoke Neighbourhood Plan was published for consultation from 1st July 2013 to 11th August 2013. Freshford and Limpley Stoke are now working through the consultation responses and updating the draft Neighbourhood Plan where necessary.

-
- **Englishcombe Parish Council** expressed an interest in developing a Neighbourhood Plan. The application to be designated as a Neighbourhood Plan Area was consulted on between 31st January - 18th March 2013 and they were officially designated on 19th March 2013. The Parish Council is currently working on the Neighbourhood Plan policies.
 - **Batheaston Parish Council** was designated as a Neighbourhood Plan Area on the 19th March 2013. The Neighbourhood Plan steering group are currently formulating Neighbourhood Plan policies.
 - **Clutton Parish Council** was designated as a Neighbourhood Plan Area on 27th August 2013. The Parish Council are currently organising a number of events to encourage people to join the Neighbourhood Plan Steering Group and are looking at different ways of engaging with the Parish.
 - **Stanton Drew Parish Council** has applied to become a Neighbourhood Plan Area and is currently in a consultation period. The Consultation period is from 23rd August-6th October 2013.
 - **Midsomer Norton Town Council** has applied to become a Neighbourhood Plan Area and is currently in a consultation period. The Consultation period is from 19th September-31st October 2013.

Supplementary Planning Documents

- 2.8 A **Planning Obligations SPD** was adopted in 2009 and is a key document in setting out a coordinated approach to securing contributions from development. It currently supplements saved policies in the Bath & North East Somerset Local Plan (2007) but it is a 'living document' and will be reviewed from time to time to take account of new information. In order to ensure that it is aligned with up-to-date policy, especially the Core Strategy, it will be revised together with the new Community Infrastructure Levy. See paragraph 2.13 below and revised profile in the Document profiles from page 17 onwards.

- 2.9 The **Sustainable Construction and Retrofitting SPD** was adopted in February 2013 supplements the adopted Local Plan and Core Strategy Policies CP1 and CP2 once adopted. This SPD is aimed at being a practical, technically based 'how to' guide on the topics, using annotated diagrams by:

Plan
adopted

-
- supporting householders to improve the energy efficiency of their homes and support the take-up of micro-generation from renewable energy sources
 - providing additional guidance in relation to retrofitting historic buildings and buildings of traditional construction
 - providing additional guidance in relation to sustainable construction methods and how these can be implemented for developers, householders and planners.

2.10 The **Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings** was adopted in September 2013 as an Appendix to the Sustainable Construction and Retrofitting Supplementary Planning Document for use determining Listed Building Consent and Planning Applications. It has been agreed that this should be reviewed by Planning Services in September 2014.

Plan adopted

2.11 The **World Heritage Site Setting SPD** was adopted in August 2013 to provide evidence and to supplement saved Local Plan Policy BH.1 and Policy B4 in the Core Strategy when adopted. This Supplementary Planning Document will:

- explain the nature of the World Heritage Site setting including its extent and significance
- provide guidance to developers, consultants and others on carrying out impact assessments for proposals affecting the World Heritage Site setting
- inform decisions affecting the management of the World Heritage Site setting including development management and on-going maintenance.

Plan adopted

2.12 The **Houses in Multiple Occupation in Bath Supplementary Planning Document** was adopted in 1st June 2013. This introduces a new threshold policy which supplements saved Local Plan Policy HG.12 to control the further growth of numbers of HMOs in parts of the City. It supports an Article 4 Direction made by the Council on the same date, which requires planning permission for change of use from C3 to C4 use classes within the City of Bath. Baseline data will be updated each year on 1st July and 1st December.

Other related planning documents

Profile
updated

- 2.13 The Council is preparing a **Community Infrastructure Levy (CIL)**. This will enable the Council to raise funds from new development in order to fund the timely delivery of infrastructure. Preparation of a CIL requires an adopted Core Strategy and it includes a charging schedule and a spending regime based on development proposals in the LDF. Its preparation will entail viability assessments so as not to inhibit development and input from stakeholders. The Infrastructure Delivery Programme will need to be kept up-to-date. The Localism Act requires the allocation of a proportion of CIL revenues raised back to neighbourhoods where development takes place. Procedures will need to be established.

LDD Content and Key Milestones

- 2.14 A table setting out an overview of the timetable and key milestones for the production of Bath & North East Somerset Local Planning Policy Framework is set out on page 16 and provide a schedule of the LDDs to be prepared during the next 3 years. This is followed by the individual profiles for each LDD.

3. THE EVIDENCE BASE

3.1 The strategies, policies and proposals in the Local Development

Documents must be founded on a robust evidence base. A considerable amount of data is available at national and regional level. A number of studies have been commissioned to inform the preparation of its Local Planning Policy Framework and other Council strategies. There are also opportunities for the Council to improve its data collection and management strategies. The full **Evidence Base** informing the Local Planning Policy Framework is listed on and is accessible via the Council's website. The evidence base covers the subjects listed below:

- Economic
- Environment
- Flood Risk
- Housing and the Strategic Housing Land Availability Assessment (SHLAA)
- Infrastructure
- Recreation, Cultural and Services
- Retail
- Sustainability
- Transport
- Urban Design, Landscape, and Heritage
- Waste

3.2 Other studies not covered by the categories above can be found here. A

comprehensive list of documents supporting the Core Strategy can be found on the **Core Documents List** and is supplemented by a series of **topic papers** also available within the Evidence Base.

4. PRODUCTION ARRANGEMENTS FOR THE LOCAL PLANNING POLICY FRAMEWORK

Sustainability Appraisal and Strategic Environmental Assessment

- 4.1 The development of DPDs and SPDs in the Bath & North East Somerset Local Planning Policy Framework will be informed by Sustainability Appraisal. Sustainability Appraisal and is an iterative process through which the economic, social and environmental effects of a plan under preparation are assessed. It incorporates the requirements of Strategic Environmental Assessment (SEA) as required by EU SEA Directive 2001/42 on the Assessment of certain Plans and Programmes on the Environment. The appraisal process will draw heavily on the evidence base.
- 4.2 In order to protect the integrity of European sites, Local Authorities are obliged to carry out Appropriate Assessment (AA) as a part of the planning process under the Habitats Directive. AA has been and will continue to be carried out in conjunction with the SA as recommended by the Guidance.

Review and Monitoring

- 4.3 Review and monitoring are crucial to the successful delivery of the spatial vision and objectives of the LDF and will be undertaken on a continuous pro-active basis. The **Authority's Monitoring Report** is prepared for each financial year (see also paragraph 1.14). It has a dual purpose which is to:
- monitor progress of preparation of planning documents against agreed milestones in the LDS
 - assess the implementation of DPD policies against targets which will influence policy review and other decisions

Resources and Arrangements for Production

- 4.4 The Planning Service co-ordinates the preparation of Local Development Documents in liaison with other relevant Services across the Council.

The document profiles (page 17 onwards) outline the responsibilities for document preparation.

Joint Working

4.5 Bath & North East Somerset Council works jointly with Bristol, North Somerset and South Gloucestershire Unitary Authorities (UAs) on sub-regional planning and cross boundary issues. Section 110 of the Localism Act sets out a new ‘**duty to co-operate**’. In addition to the other West of England UAs referred to above the Council engages actively with the neighbouring authorities of Mendip District Council and Wiltshire Council on strategic issues. The ‘**duty to co-operate**’ applies to all local planning authorities and a number of other public bodies including:

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Primary Care Trusts
- Office of the Rail Regulator
- Highways Agency
- Integrated Transport Authorities
- Highways Authorities

4.6 These bodies are required to cooperate with Councils on issues of common concern to develop sound Development Plans.

4.7 The authorities are also working with business leaders as part of the Local Enterprise Partnership (LEP) for the West of England. The LEP does not have a direct role in spatial planning but there is a need for co-ordination in activities.

Member Arrangements and the LDF

4.8 A bespoke Local Development Framework Steering Group guides the production of the Local Planning Policy Framework and advises the Cabinet Member for Homes and Planning. Decisions on DPDs are made by Full Council in accordance with the Council constitution and other LDDs are agreed as appropriate.

Risk Assessment

- 4.9 It is often difficult to anticipate all potential risks which could affect the Local Planning Policy Framework programme. There are a number of factors that could affect the Council's ability to deliver the Local Development Framework in accordance with the programme outlined for each of the LDD Profiles. Actions to manage these risks have been identified.

Area of Risk	Likelihood/Impact	Mitigation Measures
Programme slippage	Medium/High Failure to meet the key milestones for LDDs in the LDS is detrimental to the reputation of the local planning authority. Absence of up to date Development Plan likely to lead to unplanned developments across the district. The deadlines for preparing the Local Development Framework are very challenging given the greater emphasis on community consultation. High risk Political process lead to delays	Ensure that progress is carefully monitored and that priority is given to achieving the key milestones set out in the LDS. Allow for contingency in the programmes. Use efficient project management. Ensure elected members are properly briefed throughout the plan preparation process including through the LDF Steering Group.
Adequate staff resources	Low/Medium Should cuts to local government funding together with the current restructuring of Council Services impact on the Planning Services, the potential loss of experienced staff would impact on the preparation of LDDs and heightens the risk of programme slippage.	Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of LDDs. Consider seconding staff from other Services in the Council and/or joint working with neighbouring authorities. Subject to the availability of financial resources, employ temporary staff or consultants.
Financial resources	Medium/High It is important that there are	Ensure the LDS influences budgetary decisions to

	<p>sufficient financial resources available to prepare LDDs, including for consultants (where necessary), to secure and maintain robust evidence base, community consultation and engagement, and for the Examination process in the case of DPDs.</p>	<p>ensure sufficient resources are in place including a suitable level of contingency. However cuts to local government funding are outside the Council's direct control.</p>
<p>Competing work priorities</p>	<p>Medium/High</p> <p>The Policy Team is involved in a wide range of spatial policy work. Planning applications for major unplanned developments are resource-heavy. There is a risk that the Team's work is diverted from plan making by other unforeseen work pressures such as involvement in planning appeal inquiries, regeneration projects and responding to consultation on emerging Government policies.</p>	<p>Ensure that progress on the Local Planning Policy Framework remains a high priority and at certain times other work will have to take a much lower priority. Consideration may then need to be given to outsourcing work to prevent delays in progress.</p>
<p>Evidence base</p>	<p>Low/Medium</p> <p>Lack of an up-to date evidence base will affect the soundness of a DPD</p>	<p>Maintain a proportionate and up to date evidence base. Ensure all policies and proposals can be fully justified with evidence.</p>
<p>Level of public interest in plan making</p>	<p>Medium/High</p> <p>Historically the level of public interest in LDDs has been high during previous consultations and engagement exercises. An unanticipated high level of responses could result in a delay in the programme.</p>	<p>Ensure that resources are in place at appropriate times to ensure representations are dealt with promptly and efficiently.</p>
<p>Neighbourhood Planning</p>	<p>Medium/High</p> <p>An additional stress on staff resources is the requirements to provide professional and technical advice to support Parish and Town Councils in progressing Neighbourhood Plans.</p>	<p>Maintain close liaison with Parish and Town Councils to monitor the scale of work required. Consider to what extent neighbourhood planning aspirations can be delivered through LDDs to reduce costs</p>

LOCAL DEVELOPMENT DOCUMENT PROFILES

See annex 1 of the covering report

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 1: DEVELOPMENT PLAN DOCUMENTS

CORE STRATEGY DPD	
Role and Content	The Core Strategy sets out the spatial vision, spatial objectives, core policies and a delivery strategy for the development of the district and framework for development management It will be underpinned by an Infrastructure Delivery Plan to ensure a deliverable strategy.
Status	Development Plan Document
Chain of conformity	National Planning Policy, regard to Sustainable Community Strategy and Council Vision
Geographic Coverage	District wide
TIMETABLE & MILESTONES	
The milestones for the Core Strategy, both achieved and those planned, are set out below.	
Issues Consultation	Oct - Dec 2007
Publication of issues and alternative options for public consultation including indication of the Council's preferred options (Reg 25)	Sept - Oct 2009
Publication of proposed Submission DPD (Reg 27) and draft SA report	Dec 2010
Submission to Secretary of State (Reg 30) ² with final SA Report	May 2011
Examination Hearings Period	Jan – March 2012
Update evidence base and develop policy options (Reg 18)	July 2012 – Feb 2013
Council agrees changes to Core Strategy	Feb/March 2013
Publication of changes to draft Core Strategy for public consultation	April-May 2013
Resume Examination Hearings	July 2013
Receive Inspector's Report	See summary
Adoption	Timetable
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning and Transport Services in conjunction with other relevant Services. Preparation overseen by the cross-party LDF Steering Group and Policy agreed by Council and LSP Exec. Co-ordination with West of England through the Planning, Housing and Communities Board and the Joint Transport Board. Supporting evidence prepared corporately. Costs funded by the LDF Budget.
Community and stakeholder involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations and the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Monitoring & Review	The implementation of the objectives and policies of the Core Strategy will be monitored as part of the AMR as set out in the submission Core Strategy. The Draft Core Strategy makes it clear that the first review of the Core Strategy will be undertaken in conjunction with the review of West of England Authorities and 5 yearly interludes thereafter.

² Prepared under the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 until March 2012.

LOCAL DEVELOPMENT DOCUMENT PROFILES

PLACEMAKING PLAN DPD	
Role and Content	<p>This is a place focussed planning policy framework, containing both site allocations and updated planning policies for Development management.</p> <p>The Plan will:</p> <ul style="list-style-type: none"> • Facilitate the delivery of key development sites by providing the necessary level of policy guidance and site requirements to meet Council objectives • safeguard and enhance the quality and diversity of places in B&NES and identify opportunities for change. • set out the housing supply and other development commitments to meet development needs to 2026. • be prepared in a collaborative way in order to respond to Localism. • Address how infrastructure requirements will be met • Preparation to be aligned with production of CIL
Status	Development Plan Document
Chain of conformity	National Policy; Core Strategy; Regard to Sustainable Community Strategy
Geographic Coverage	District-wide but area based
TIMETABLE & MILESTONES	
Pre-production period including commencement of document preparation	See summary Timetable
Issues and alternative options consultation (Reg 18)	
Publication of and consultation on proposed Submission DPD (Reg 19) and draft SA report	
Submission to Secretary of State (Reg 22) with final SA Report	
Pre-examination meeting	
Examination Hearings Period	
Receipt of Inspector’s report	
Adoption and publication	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning and Transport Services in conjunction with other Services and consultant expertise where required. Corporate steer by the LDF Steering Group with key stages to be agreed at Cabinet and/or Council.
Key Evidence:	SHLAA, IDP.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol Take account of previous consultation on Core Strategy and Economic Regeneration Delivery Plans.
POST-PRODUCTION	
Implementation, Monitoring & Review	The implementation of the objectives and policies of the DPD will be monitored as part of the AMR.

LOCAL DEVELOPMENT DOCUMENT PROFILES

GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DPD	
Role and Content	Allocate specific sites to meet the accommodation needs of gypsies and travellers
Status	Development Plan Document
Chain of conformity	National Policy, draft Core Strategy, Bath & North East Somerset Local Plan
Geographic Coverage	District-wide
TIMETABLE & MILESTONES	
Commencement and early stakeholder and community engagement in document preparation	July 2009
Publication of issues and alternative options for consultation (Reg 25)³	November 2011 – January 2012 (Issues & Options - call for sites and site assessment criteria)
Publication of preferred options for consultation (Reg 18)	June – July 2012 (alternative and preferred sites) February-March 2013 (further options)
Publication and public participation on draft DPD (Reg 19) and draft SA report	May – July 2013
Submission to Secretary of State (Reg 22) with final SA Report	
Commencement of Hearings	See summary Timetable
Receipt of Inspector's report	
Adoption and publication	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning Services in collaboration with other relevant Council Service areas, external authorities service providers and specialist consultant advisors as required. Key stages to be agreed at Cabinet and Council. The Proposals Map will be revised accordingly. Cost to be shared between the Services.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol
POST-PRODUCTION	
Monitoring & Review	The DPD will be monitored as part of the AMR and will be reviewed if the monitoring highlights such a need.

³ Prepared under the Town and County Planning (Local Development) (England) (Amendment) Regulations 2008 until March 2012.

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 2: SUPPLEMENTARY PLANNING DOCUMENTS

NONE SPECIFIED FOR PREPARATION 2012-17 (ALTHOUGH CONSIDERATION WILL BE GIVEN TO THEIR PREPARATION AS RESOURCES AND PRIORITIES ALLOW)

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 3: OTHER LOCAL DEVELOPMENT DOCUMENTS

POLICIES MAP	
Role and Content	The Proposals Map identifies site-specific proposals, designations, and locations and areas to which specific policies in other DPPDs apply on an Ordnance Survey base map and will include inset maps. This map evolves with each Development Plan Document.
Status	Development Plan Document
Chain of conformity	Conformity with the Core Strategy and other Development Plan Documents (DPPDs).
Geographic Coverage	District-wide
TIMETABLE & MILESTONES	
The production of the Proposals Map is dependent on the timetable of DPPDs which require the geographical expression of location of site-specific proposals and area based policies and will be updated as DPPDs are adopted.	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning Services with Corporate GIS and technical support. Preparation of printed versions and interactive electronic versions will be outsourced as required. Key stages to be agreed at Cabinet and Council.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Monitoring & Review	An amendment to the Proposals Map is contingent on the outcome of the monitoring and review of DPPDs.

LOCAL DEVELOPMENT DOCUMENT PROFILES

COMMUNITY INFRASTRUCTURE LEVY	
Role and Content	The CIL is a levy on new development to fund the timely delivery of infrastructure needed to support development.
Status	Local Development Document
Chain of conformity	Core Strategy; Infrastructure Delivery Programme
Geographic Coverage	Whole District
TIMETABLE & MILESTONES	
Commence	July 2011
Public consultation on Preliminary Draft Charging Schedule	March-April 2012
Public consultation on Draft Charging Schedule	
Submission	
Hearings	See summary Timetable
Report	
Adoption	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Charging schedule and a spending regime based on development proposals in the LDF, viability assessments & the Infrastructure Delivery Programme to be prepared by the Planning & Transport Service in conjunction with other Council services. This will be overseen by the LDF Steering Group with decisions made by Cabinet/Council. The work will be co-ordinated by the Officer Development Co-ordination Group with input from external developers/stakeholders as required. Other key tasks are: <ul style="list-style-type: none"> - Clarifying the proportion to be allocated back to neighbourhoods - Establish enforcement arrangements/penalisation for non-payment
Community and stakeholder involvement	Community engagement in preparation of charging schedule, spending regime and neighbourhood element in accordance with the Neighbourhood Planning Protocol Public examination
POST-PRODUCTION	
Implementation	B&NES, as both the charging and collecting authority will issue a liability notice on grant of planning permission. The levy is paid on commencement of and during development. Establish collection arrangements
Monitoring and Review	A report on the levy raised and what it is spent on will be included in the AMR.

Status of current SPGs and SPDs

Agricultural Building Design Guidelines for the Mendip Hills AONB (published 2001, revised 2013) supplements saved Policy NE.2 in the Bath & North East Somerset Local Plan.

Archaeology in Bath & North East Somerset SPG (May 2004) and **Archaeology in Bath SPG** (May 2004) supports saved Policies BH.11, BH.12 and BH.13 in the Bath & North East Somerset Local Plan.

Bath City-wide Character Appraisal (August 2005) supports saved Policies BH.1, BH.6, BH.8, BH.15, D.1, D.2, D.4, HG.7, GB.2, NE.1, NE.2, NE.3, NE.12 and NE.15 in the Bath & North East Somerset Local Plan.

Bath Western Riverside SPD (March 2008) supplements Bath & North East Somerset's Local Plan site allocation Policy GDS.1/B1.

Existing Dwellings in the Green Belt SPD (October 2008) supplements saved Policies HG.14 and HG.15 in the Bath & North East Somerset Local Plan.

Guidelines for Horse-related Development for the Mendip Hills AONB (published 2004, revised 2012) supplements saved Policies NE.2 and SR.12 in the Bath & North East Somerset Local Plan.

Houses in Multiple Occupation in Bath SPD with Article 4 Direction for HMO in Bath (June 2013) introduces a new threshold policy which supplements Policy HG.12 in the Bath & North East Somerset Local Plan

Conservation Area and Village Design Statements

The following documents are saved as SPG to supplement the Bath & North East Somerset Local Plan:

- **Paulton Conservation Area Statement** (2003)
- **Chew Magna Conservation Area Statement** (2003)
- **Midsomer Norton and Welton Conservation Area Statement**(2004)
- **Larkhall Character Statement and Development Principles** (1998)
- **Peasedown St. John Village Statement** (2001)
- **Hallatrow & High Littleton Design Statement** (2003)
- **Paulton Village Design Statement** (2003)
- **Bathford Village Design Statement** (2005)
- **Chew Magna Village Design Statement** (2006)

Planning Obligations SPD (July 2009) supplements saved Policy IMP.1 in the Bath & North East Somerset Local Plan.

Retrofitting & Sustainable Construction SPD (February 2013) supplements saved the Bath & North East Somerset Council Local Plan and Policies CP1 and CP2 of the Core Strategy once it is adopted.

APPENDIX A

Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment (February 2003) supports saved Policy NE.1 in the Bath & North East Somerset Local Plan.

Streetscape Manual SPD (April 2005) supplements saved Policy D.2 in the Bath & North East Somerset Local Plan.

Walcot Street Works (1997), **Cherishing Outdoor Places** (1994), and **External Building Materials Local Design Guide** supplement the Bath & North East Somerset Local Plan.

City of Bath World Heritage Site Setting SPD (August 2013) supplements Local Plan Policy BH.1 to be replaced by Core Strategy Policy B4 once adopted.

GLOSSARY OF TERMS

- AAP** An **Area Action Plan** can be used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.
- AMR** The **Authority’s Monitoring Report** will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented. Previously known as an Annual Monitoring Report.
- CS** **Core strategy:** sets out the long-term spatial vision for the local planning authority area, the spatial objectives and a strategic policy framework to deliver that vision. The Core Strategy will have the status of a *Development Plan Document* and will form Part 1 of the new style Local Plan.
- DP** **Development Plan:** as set out in Section 38(6) of the Act, an authority’s development plan consists of the relevant *Development Plan Documents* contained within its *Local Development Framework*.
- DPD** **Development Plan Document:** spatial planning documents that are subject to independent examination will form the *Development Plan*. They can include a *Core Strategy, Site Specific Allocations of Land*, and *Area Action Plans* (where needed). Other Development Plan Documents, including generic Development Control Policies, can be produced. They will all be shown geographically on an *adopted Policies Map*.
- LDF** **Local Development Framework:** the name for the portfolio of *Local Development Documents*. It consists of *Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme* and *Annual Monitoring Reports*. Together these documents will provide the framework for delivering the spatial planning strategy for a local authority area.
- LDD** **Local Development Document:** the collective term for Development Plan Documents, Supplementary Planning Documents and the Neighbourhood Planning Protocol.
- LDS** **Local Development Scheme:** sets out the programme for preparing *Local Development Documents*.
- LEP** **Local Enterprise Partnerships:** locally-owned partnerships between local authorities and businesses and play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs.
- NPP** **Neighbourhood Planning Protocol:** sets out mechanisms for:
- Neighbourhood Fora
 - Neighbourhood Referenda

APPENDIX B

- Neighbourhood Development Orders
- Community Right to Build

This includes a review of the Council's Statement of Community Involvement.

NPPF National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be implemented. It replaces all previous planning policy guidance notes and planning policy statements.

PMP Placemaking Plan: a Development Plan Document being prepared to complement the strategic framework in the Core Strategy by setting out detailed development principles for identified sites and other policies for managing development across Bath & North East Somerset. It will form Part 2 of the new style Local Plan.

Policies Map: previously referred to as the **Proposals Map** and illustrates geographically the policies and proposals in the Development Plan Documents (DPD) on an Ordnance Survey map. Inset Maps show policies and proposals for specific parts of the district. It will need to be revised each time a new DPD is adopted.

RSS Regional Spatial Strategy: set out the region's policies in relation to the development and use of land and forms part of the *development plan* for local planning authorities. Regional strategies remained part of the development plan until they were formally revoked by the Secretary of State in May 2013.

Saved policies or plans: existing adopted development plans are saved for three years from the date of commencement of *the Act*. Any policies in old style development plans adopted after commencement of the Act will become saved policies for three years from their adoption or approval.

SA Sustainability Appraisal: tool for appraising policies to ensure they reflect sustainable development objectives. Sustainability Appraisals are required in the Act to be undertaken for all local development documents.

SEA Strategic environmental assessment: a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

SPD Supplementary Planning Document: provide supplementary information in respect of the policies in *Development Plan Documents*. They do not form part of the Development Plan and are not subject to independent Examination.

This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats from the Planning Policy Team Tel (01225 477548) Fax (01225 477617), Minicom (01225 477535).

ANNEX 3 – NATURAL ENVIRONMENT /URBAN DESIGN EVIDENCE/STRATEGIES

1. The West of England Nature Partnership (WENP) launched in June 2013 is one of 47 Local Nature Partnerships given statutory status by Defra. The WENP will develop and advocate an investment strategy for the natural environment of the West of England that provides a range of essential services to support economic development and public health. The WENP aims to provide coherent and cohesive representation of a range of stakeholders concerned for the natural environment and work in partnership with economic development agencies, health authorities and other statutory bodies to create a truly joined up approach in the West of England. The NPPF states that local planning authorities should work collaboratively with Local Nature Partnerships

Landscape

2. One of the core principles the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Landscape Character Assessment is the tool that informs judgements on the value of landscapes and should be undertaken at a scale appropriate to local and neighbourhood plan-making. The rural character assessment of the District was carried out in 2003 and an assessment of Bath was carried out in 2005 as a precursor to more detailed Conservation Appraisals across Bath which are still pending, and are dependent on available resources.

3. The District is vulnerable to impacts on the landscape and visual character because the existing character assessments carried out to current methodologies to accord with government policy. A District landscape character assessment carried out in partnership between the Council, and parishes and local communities is needed. This will inform planning decisions and will help to provide the context for other related assessments including local planning initiatives such as Neighbourhood Plans where these are undertaken.

Trees & Woodland Strategy

4. The need for a tree and woodland strategy has been identified through a number of related studies (Public Realm & Movement Strategy, Green Space Strategy, Green Infrastructure Strategy etc). This is especially relevant with the high level of public interest in this area following the governments proposed sell off of the public forestry estate and the risks of significant landscape scale tree loss through ash die-back and other tree related disease. The Objective is to produce, adopt and implement a collaborative strategy for protecting, developing and managing a thriving, benefit-generating treescape which is in tune with local needs and aspirations.

Ecology

5. In 2011 Government published a Natural Environment White Paper setting out its goals and vision for the natural environment followed later that year by Biodiversity 2020 Government's biodiversity strategy. The National Planning Policy Framework (2012) sets out the requirement to map ecological corridors and also to be able to respond to biodiversity offsetting. There is a need for the council to review/consider these needs and set out its approach, this should ideally be done to tie in with the plan review

Design

6. As part of updating district wide design standards for the Placemaking Plan (para 5.4 of LDS review doc) introduce 'Evolving Place' project, an SPD providing planning applicants with guidelines on achieving Good Design. This would incorporate the requirement in

NPPF for LAs to 'deliver a wide range of high quality homes' (chapter 7, pp14-16) together with 'Promoting Healthy Communities' (NPPF chapter 8 pp17-19) into a detailed and comprehensive guidance document for use in planning prepared with input across council services and the public (i.e. a highly visual document along lines of SC&R SPD and based on describing how to meet the relevant core strategy policy 'CP6 Environmental Quality' & NPPF requirements (as well as integrating relevant corporate strategies?)).

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	13th November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2556
TITLE:	Revenue and Capital Budget Monitoring, Cash Limits and Virements – April 2013 to September 2013	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report</p> <p>Appendix 1: Revenue & Capital Monitoring Commentary Appendix 2: Revenue Monitoring Statement: All Council Spending Appendix 3: Capital Monitoring Statement: All Council Spending Appendices 4(i) & 4(ii): Proposed Revenue Virements & Revised Revenue Cash Limits 2013/14 Appendices 5(i) & 5(ii): Capital Virements & Capital Programme by Portfolio 2013/14</p>		

1 THE ISSUE

1.1 This report presents the financial monitoring information for the Authority as a whole for the financial year 2013/14 to the end of September 2013.

2 RECOMMENDATION

The Cabinet agrees that:

2.1 Strategic Directors should continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control.

2.2 This year's revenue budget position as shown in Appendix 2 is noted.

2.3 The capital expenditure position for the Council in the financial year to the end of September and the year end projections detailed in Appendix 3 of this report are noted.

2.4 The revenue virements listed for approval in Appendix 4(i) are agreed.

2.5 The changes in the capital programme listed in Appendix 5(i) are noted.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The financial implications are contained within the body of the report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The annual medium term financial planning process allocates scarce resources across services with alignment of these resources towards the Council's corporate priorities. This report monitors how the Council is performing against the financial targets set in February 2013 through the Budget setting process.

5 THE REPORT

5.1 The Budget Management Scheme requires that the Cabinet consider the revenue and capital monitoring position four times per year.

5.2 For revenue, where overspent, services are normally expected to seek compensating savings to try and bring budgets back to balance.

5.3 Appendix 1 highlights significant areas of forecast over and under spends in revenue budgets. Appendix 2 outlines the Council's current revenue financial position for the 2013/14 financial year to the end of September 2013 by Cabinet Portfolio. The current forecast outturn position is for an underspend of £1,170,000 which equates to 0.29% of gross budgeted spend (excluding Schools).

5.4 The forecast outturn position includes the delivery of £11.63m savings required as part of the approved budget for 2013/14.

5.5 There is an exceptional return being generated this year by the Heritage estate, in particular the Roman Baths. This is based on the exceptional increase in visitors following on from the Olympics last year. This is supplemented by significant additional benefits being achieved from the Council's recent debt restructuring.

5.6 The Council's financial position, along with its financial management arrangements and controls, are fundamental to continuing to plan and provide services in a managed way, particularly in light of the medium term financial challenge. Close monitoring of the financial situation provides information on new risks and pressures in service areas, and appropriate management actions are then identified and agreed to manage and mitigate those risks.

5.7 Revenue budget virements which require cabinet approval are listed in Appendix 4(i). Technical budget adjustments are also shown in Appendix 4(i) for information purposes as required by the Budget Management Scheme.

5.8 Appendix 3 outlines the current position for the 2013/14 Capital budget of £83.78m (excluding contingency), with a current forecast spend of £71.55m which is £12.23m less than the budget.

5.9 Previously approved changes to the capital programme are listed in Appendix 5(i), while Appendix 5(ii) provides the updated capital programme allocated by Portfolio.

6 RATIONALE

6.1 The report is presented as part of the reporting of financial management and budgetary control required by the Council.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 Consultation has been carried out with the Cabinet Member for Community Resources, Strategic Directors, Section 151 Finance Officer, Chief Executive and Monitoring Officer.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

9.2 The substance of this report is part of the Council's risk management process. The key risks in the Council's budget are assessed annually by each Strategic Director, with these risks re-assessed on a monthly basis as part of the budget monitoring process.

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim_Richens@bathnes.gov.uk Jamie_Whittard@bathnes.gov.uk
Background papers	<i>Budget Management Scheme</i>
Please contact the report author if you need to access this report in an alternative format	

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REVENUE BUDGET MONITORING APRIL 2013 TO SEPTEMBER 2013

- 1.1 Appendix 2 outlines the Council's current financial position for the 2013/14 financial year to the end of September 2013 by Cabinet Portfolio. The Appendix shows the current forecast outturn position is an underspend of £1,170,000, or 0.29% of the gross expenditure budget (excluding Schools).
- 1.2 The forecast outturn position includes the delivery of £11.63m savings required as part of the approved budget for 2013/14.
- 1.3 Within the current £1,170,000 forecast underspend figure, there are areas of over and under spending which are detailed below along with planned management actions being taken to reduce any overspends.

1.4 **Leader's Portfolio – forecast £16,000 overspend**

There is a £42,000 forecast overspend in Legal Services as detailed savings proposals are reviewed, which is partially offset against an underspend in Improvement & Performance within Human Resources salary budgets.

This Portfolio includes an approved use of reserves of £500,000 to cover the delayed implementation of the Council's Corporate Travel Plan arrangements. This will be reviewed pending the actual outturn position.

1.5 **Community Resources Portfolio – forecast £785,000 underspend**

The forecast overspend on this portfolio is made up of the following variances:

Support Services: There is an overspend of £62,000 in Property and Facilities, mainly due to Commercial Estate income being forecast £163,000 below budget following a delay in achieving anticipated rental income. This is being partially offset by salary savings within Property Services. There are also small underspends in Finance, Risk & Assurance and Customer Services due to staffing and overhead savings, resulting in a £55,000 underspend in total.

Corporate costs: £730,000 forecast underspend, mainly due to £600,000 forecast net savings in debt costs and interest following the recent repayment of council borrowing, as detailed in the Treasury Management Performance Report elsewhere on the agenda. There are also additional savings of £50,000 in the cost of external auditors since the Government's rationalisation of the external audit regime, and the Council Tax Freeze Grant is £50,000 higher than originally budgeted for.

1.6 **Wellbeing Portfolio – forecast on target**

Net spending pressures of £366,000 in purchasing budgets for Mental Health and Physically Disabled, due to an increase in the cost and demand of placements, and a £362,000 forecast income shortfall in Fairer Contributions Income from personal

contributions have been offset within the Portfolio by Section 256 funding received from the PCT in 2013/14 and carried forward funding from 2012/13 for growth in purchasing budgets.

1.7 Early Years, Children & Youth Portfolio – forecast £60,000 overspend

This portfolio is currently forecast to be £60,000 overspent due to an individual case, estimated to cost £500 per day until November 2013. There are several demand-led budgets which could impact on this should they increase over the coming months, including Looked After Children, Parent & Baby Placements and remand care.

1.8 Homes & Planning Portfolio – forecast £11,000 underspend

The underspend in this Portfolio is in Building Control and Land Charges, due to staffing savings and increased income. Building Control income is being closely monitored in case of under recovery throughout the year.

1.9 Sustainable Development Portfolio – forecast £977,000 underspend

The majority of this forecast underspend is due to a favourable income forecast in Heritage Services, with the trading surplus forecast now £851,000 above the annual target level of £4.054m.

Admission income and visitor numbers are 9% above estimates and previous year figures at the Roman Baths site. Retail gross surplus in Heritage Services is also higher than expected.

Within Tourism & Destination Management there is also forecast to be additional income from the Council's share of trading activity profit for the year. This is currently forecast to be £115,000 higher than projected.

1.10 Neighbourhoods Portfolio – forecast £56,000 underspend

There is a £248,000 forecast net underspend in Waste Services, due to inflation savings on the waste contract, lower disposal tonnages and a delay in service supported debt costs being charged to the service following delays in the procurement process of new vehicles.

This is partially offset by overspends of £138,00 in Public Protection due to savings targets not being fully achieved, and £40,000 in Library Services, partly due to falling income from film / audio book hire and from internet usage.

1.11 Transport Portfolio – forecast £83,000 overspend

There is a £66,000 underspend in Park & Ride due to increased income being reimbursed for concessionary fares, which is partially offset by unexpected expenditure on on-going Transport Schemes within Highways. There are also

potential upcoming pressures in Highway Maintenance dependant on the winter weather.

Car Parking is currently forecast £150,000 overspent, with £100,000 of this being a shortfall in bus gate income. On-going work is being undertaken to closely monitor the current & future income budgets.

1.12 The Council has requested that the delivery of the key savings for the 2013/14 budget, including potential impacts, should be included as part of the regular budget monitoring. The following table provides a narrative on key savings:

Description of Saving	Target Saving Amount £'000	Amount Achieved to date £'000	Comments on saving including any service impacts or service user impacts
<u>Wellbeing</u>			
Savings achieved through a reduction in the “non-statutory” services funded as part of the “Supporting People & Communities Programme”.	152	152	On track to meet savings target, a number of voluntary organisations that have been funded to provide these non-statutory services have had their funding reduced and contracts agreed to enable this to happen.
<u>Early Years, Children & Youth</u>			
Reductions in Children’s Commissioned Services.	178	157	Changes agreed including an increase in a number of areas proposed. Delay in implementation from reserves.
<u>Neighbourhoods</u>			
Public Protection - consolidate services, review elements for delivery with a view to minimising service provided.	303	166	Current savings achieved through Voluntary Redundancies, vacancies and supplies and services savings. Plans are being reviewed for remaining target.
<u>Community Resources</u>			
Property - reduction in staffing levels to facilitate a 20% reduction target. Reduction in Repairs & Maintenance budgets.	721	721	Target for 2013-14 is already achieved and further plans are being worked up and costed for the achievement of 2014-15 target. Budget has been reduced and staff working towards new target.
Property Services – increased revenue income through investment in Commercial properties	550	250	Arises from the potential to invest in properties with secure returns that exceed those available through usual treasury management opportunities.

			Future acquisitions need to be linked to the enhancement of the Council's estate and to therefore achieve wider property objectives
Capital & Debt Charges	1,700	1,700	Complete. Following the proposal that was agreed in June, the loan repayments took place in July and August.
Leader			
Corporate Travel Plan - review of business travel & reimbursement arrangements across the Council.	500	0	The project is to support changes in the business travel practices of staff, reducing journeys and carbon emissions A revised proposal is currently being agreed with managers, staff and unions which will impact on savings deliverable in the current year.
ICT - rationalisation of systems, improved procurement, implementation of IT strategy & Consolidation of budgets. In-sourcing of ICT function.	350	350	Following a review of insourcing and ICT budget centralisation, these savings are confirmed for 2013/14.

CAPITAL BUDGET MONITORING – APRIL 2013 TO SEPTEMBER 2013

1.13 The 2013/14 Capital Programme approved by Council in February 2013 was £58.07m (excluding contingency). Since then, £13.79m of spend on existing capital projects has been approved, along with re-phasing of £12.14m as recommended in the 2012/13 Outturn Report on 10th July 2013.

1.14 The approved Capital Programme for 2013/14 is currently £83.78m (excluding contingency), and is detailed in Appendix 5(ii). Changes to the Capital Programme since July Cabinet are shown in Appendix 5(i).

1.15 Progressing Capital Projects Update

- **Keynsham Regeneration** – The contractor is confident that it will achieve the handover date and completion on budget. The first section of the works, the refurbished and extended car park, was handed back to the Council in October 2013.
- **Bath Transport Package** - Parts of the scheme completed to date relate to Odd Down and Lansdown Park & Ride, High Street paving works, Morrison's junction upgrade, fibre optic installations and circa 100 bus stop upgrades. First order of 56 bus shelters issued to be installed by the end of

March 2014. A revised planning application for Newbridge Park & Ride was submitted in July 2013, with a decision likely during November 2013 and a planned completion Sept 14.

- **Guildhall Co Working Hub** - The project was delivered on budget and formally launched on 19th September 2013. This space provides hotdesking, break out and meeting facilities, as well as a canteen area, showers and cycle parking, and is already running an events programme which draws business networks in from across the city.
- **Victoria Bridge** – Detailed design activities are substantially complete. Listed Building Consent has been approved by the Secretary of State. The principal contractor has been appointed and is currently planning the construction works. Works commencement is envisaged in December 2013, and the bridge due to open on a permanent basis in Quarter 4 2014.
- **Rossiter Road** – The capital budget available to bring the scheme to completion is £1.835m. The detailed design of the scheme is being progressed, with highways surfacing costs met from highways capital maintenance budget. The scheme is scheduled for delivery in 2014/15.
- **St Gregory's Post 16 Block** - The construction and fit-out works completed, the Sixth Form Centre has now opened for the new school year.
- **Grand Parade and Undercroft** - Pre Procurement Questionnaire complete and tendering underway for evaluation in November. Marketing commenced to secure pre-letting.
- **Revolving Infrastructure Fund Schemes – Flood Alleviation, Destructor Bridge, Gas Tanks** – Funding offer letters have now been signed by the council with the West of England Revolving Infrastructure Fund for all these projects. All schemes have now moved to delivery phase and will be monitored against the key milestones going forward.
- **London Road Regeneration** - Tenders are due to go out during October 2013 and will be discussed with the Community Gateway Group once tenders are returned. Work is planned to start after the Christmas embargo.
- **Batheaston Footbridge and Bridleway** - Appointed contractor commenced works at the start of October 2013 with planned completion for January 2014.
- **Ralph Allen Applied Learning Centre** – The £2.4m project was completed and the centre was open for the new term. Landscaping commences as scheduled in the autumn season.
- **Heritage Investment** - New boilers fitted at Assembly Rooms. Main works at Roman Baths are well advanced with tenders being evaluated. Works will take place from November 2013 to February 2014, to coincide with fewer visitor numbers off-season.

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Portfolio Summary Monitor REVENUE SPENDING For the Period APRIL 2013 to SEPTEMBER 2013	CURRENT YEAR 2013/14 FORECAST OUTTURN					ADVERSE / FAVOURABLE
	Forecast Gross Expenditure	Forecast Gross Income	Net Forecast Actual	Annual Current Budget	Forecast over or (under) spend	
	£'000	£'000	£'000	£'000	£'000	
Leader	14,585	(5,159)	9,427	9,410	16	ADV
Community Resources	45,568	(41,518)	4,050	4,835	(785)	FAV
Wellbeing	101,334	(39,957)	61,377	61,377		ON TARGET
Early Years, Children & Youth	158,977	(131,379)	27,598	27,538	60	ADV
Homes & Planning	7,148	(2,798)	4,350	4,361	(11)	FAV
Sustainable Development	15,352	(17,962)	(2,610)	(1,632)	(977)	FAV
Neighbourhoods	27,965	(7,411)	20,554	20,610	(56)	FAV
Transport	29,142	(22,042)	7,101	7,018	83	ADV
TOTAL COUNCIL	400,072	(268,225)	131,846	133,516	(1,670)	FAV
Remove Corporate Travel Plan Reserves Drawdown					500	
REVISED TOTAL COUNCIL	400,072	(268,225)	131,846	133,516	(1,170)	FAV

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Capital Monitoring Statement: All Council Spending

Appendix 3

Capital Monitor Apr 2013/14 - Sep 2013/14 Summary by Senior Manager	Current Year		Prior Years	Budget			Forecast					Variance			
	Actuals	Commitments	Actual Spend to Date	Total Spend	Budget 2013/2014	Budget 2014/2015	Budget 2015/2016	Total Scheme Budget	Forecast 2013/2014	Forecast 2014/2015	Forecast 2015/2016	Forecast 2016/2017	Total Scheme Forecast	Current Year	Scheme
	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's	£' 000's
Place	4,207	16,285	20,492	35,618	39,966	17,676	2,603	96,313	36,423	17,731	5,571	524	95,868	(3,543)	(445)
Resources	5,578	680	6,257	16,745	31,448	13,614	33	62,133	24,102	20,028	94	0	61,060	(7,345)	(1,073)
People & Communities	3,019	1,842	4,861	58,126	12,367	2,070	20	72,584	11,021	3,142	282	49	72,619	(1,346)	36
Total	12,804	18,807	31,611	110,490	83,781	33,360	2,656	231,030	71,547	40,901	5,948	573	229,548	(12,235)	(1,482)
Corporate Budgets	0	0	0	0	2,805	0	0	2,805	0	0	0	0	0	(2,805)	(2,805)
GRAND TOTAL	12,804	18,807	31,611	110,490	86,586	33,360	2,656	233,835	71,547	40,901	5,948	573	229,548	(15,040)	(4,287)

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2013/2014 Revenue Virements for Approval

REF NO	REASON/ EXPLANATION	CABINET MEMBER	TRANSFER FROM CASHLIM (£'s)	Income (£'s)	Expenditure (£'s)	CABINET MEMBER	TRANSFER TO CASHLIM (£'s)	Income (£'s)	Expenditure (£'s)	DESCRIPTION	ONGOING EFFECTS
The following virements are reported for approval under the Budget Management Scheme rules.											
OVERALL TOTALS			0	0	0		0	0	0		

2013/2014 Revenue Virements for Information

REF NO	REASON/ EXPLANATION	CABINET MEMBER	TRANSFER FROM CASHLIM (£'s)	Income (£'s)	Expenditure (£'s)	CABINET MEMBER	TRANSFER TO CASHLIM (£'s)	Income (£'s)	Expenditure (£'s)	DESCRIPTION	ONGOING EFFECTS
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The following virements have either been previously approved, are technical in nature or are below limits within BMS that require approval, and therefore are reported for information only.

INFO 13#28	Centralisation of IT Budgets	Leader	Council Retained ICT Budgets		371,358	Early Years, Children & Youth	Community Resources		12,919	Part reversal of previously reported virement 13#20 on centralisation of IT Recharges. This part of the virement was incorrect, and took budgets from some areas that were grant funded.	Budget virement is on-going.
						Children, Young People & Families	Customer Services		158,501		
						Learning & Inclusion	Property Services		14,317		
						Health, Commissioning & Planning	Children, Young People & Families		39,132		
						Adult Services	Learning & Inclusion		12,209		
						Tourism & Destination Management	Health, Commissioning & Planning		58,000		
							Adult Services		76,280		
INFO 13#29	Finance Support Budgets	Community Resources	Customer Services		12,919	Community Resources	Finance		247,700	Realignment of Finance Support budgets within service areas following the recent Finance restructure, bringing them all within the Finance cash limit.	Budget virement is on-going.
		Sustainable Development	Property Services		158,501	Early Years, Children & Youth	Health, Commissioning & Planning		38,000	Transfer of corporately held headroom budget for listening Council funding to service area, where expenditure is being incurred.	Budget virement is on-going.
			Tourism & Destination Management		76,280	Homes & Planning	Building Control & Land Charges		191,795	Transfer of GIS System management to Building Control & Land Charges, and removal of recharges associated with the System.	Budget virement is on-going.
INFO 13#30	Listening Council Headroom Funding	Community Resources	Corporate Budgets incl. Capital, Audit & Bank Charges		38,000	Improvement & Performance			7,908		
		Leader	Highways - Network Maintenance								
INFO 13#31	Geographic Information System	Transport									

OVERALL TOTALS			0	0	0		0	0	0		
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Portfolio Cash Limits 2013/14 - Revenue Budgets
Appendix 4(ii)

CABINET PORTFOLIO	Service	Sep'13 Revised Cash Limits £'000	Technical Adjustments, below BMS limits or already agreed - shown for information £'000	Total Virements for Approval £'000	Nov'13 Revised Cash Limits £'000
Leader	Policy & Partnerships	1,472			1,472
	Council's Retained ICT Budgets	4,862	(371)		4,491
	Council Solicitor & Democratic Services	1,652			1,652
	Improvement & Performance	2,230	(192)		2,038
	PORTFOLIO SUB TOTAL	10,216	(563)		9,653
Community Resources	Finance	1,392	248		1,640
	Support Services Change Programme	(4)			(4)
	Customer Services	2,510			2,510
	Risk & Assurance Services	1,008			1,008
	Property Services	521			521
	Corporate Estate Including R&M	5,431			5,431
	Commercial Estate	(12,443)			(12,443)
	Traded Services	(84)			(84)
	Strategic Director - Resources	(28)			(28)
	Corporate items (Tourism Levy, Trading Opps, Community Use of Assets & Corporate Travel Plan)	(500)			(500)
	Hsg / Council Tax Benefits Subsidy	305			305
	Capital Financing / Interest	4,078			4,078
	Unfunded Pensions	1,709			1,709
	Corporate Budgets incl. Capital, Audit & Bank Charges	1,642	(38)		1,604
	New Homes Bonus Grant	(1,977)			(1,977)
	Magistrates	17			17
	Coroners	305			305
Environment Agency	205			205	
	PORTFOLIO SUB TOTAL	4,087	210		4,297
Wellbeing	Adult Services	60,773	58		60,831
	Adult Substance Misuse (Drug Action Team)	546			546
	PORTFOLIO SUB TOTAL	61,319	58		61,377
Early Years, Children & Youth	Children, Young People & Families	16,926	14		16,940
	Learning & Inclusion	17,218	39		17,257
	Health, Commissioning & Planning	(113,888)	50		(113,838)
	Schools Budget	107,283			107,283
	PORTFOLIO SUB TOTAL	27,538	104		27,642
Homes & Planning	Planning Services	2,187			2,187
	Building Control & Land Charges	150	200		350
	Housing	2,024			2,024
	PORTFOLIO SUB TOTAL	4,361	200		4,561
Sustainable Development	Arts	512			512
	Tourism & Destination Management	707			707
	Heritage including Archives	(4,054)			(4,054)
	Project Delivery	181			181
	Regeneration, Skills & Employment	1,021			1,021
	PORTFOLIO SUB TOTAL	(1,632)			(1,632)

Portfolio Cash Limits 2013/14 - Revenue Budgets

Appendix 4(ii)

CABINET PORTFOLIO	Service	Sep'13 Revised Cash Limits £'000	Technical Adjustments, below BMS limits or already agreed - shown for information £'000	Total Virements for Approval £'000	Nov'13 Revised Cash Limits £'000
Neighbourhoods	Service Delivery - Overheads	904			904
	Waste Services	11,021			11,021
	Public Protection	562			562
	Neighbourhood Services	5,138			5,138
	Libraries & Information	1,977			1,977
	Sports & Active Leisure	888			888
	Community Safety	120			120
	PORTFOLIO SUB TOTAL	20,610			20,610
Transport	Transport Design & Projects	881			881
	Transportation Planning (incl. Public Transport)	5,783			5,783
	Park & Ride	(682)			(682)
	Highways - Network Maintenance	7,463	(8)		7,455
	Transport Services	(140)			(140)
	Parking Services	(6,288)			(6,288)
	PORTFOLIO SUB TOTAL	7,018	(8)		7,010
	NET BUDGET	133,516			133,516

Sources of Funding

Council Tax	71,342			71,342
Revenue Support Grant*	31,106			31,106
Retained Business Rates	20,262			20,262
Collection Fund Deficit (-) or Surplus (+)	168			168
Council Tax Freeze Grant	740			740
Balances	9,898			9,899
Total	133,516			133,516

Capital Virements - Additions & Reductions 2013/2014

Appendix 5 (i)

REF NO	REASON / EXPLANATION	TRANSFER / FUNDING FROM	Income (£'s)	Expenditure (£'s)	TRANSFER TO	Income (£'s)	Expenditure (£'s)	Notes
CAP13#40 - 2013	Batheaston Footbridge	Government Grant	8,286		Place - Transport		8,286	Approved by Technical Adjustment August 2013
CAP13#41 - 2013	Beau Street Coin Hoard	3rd Party Contribution		10,000	Place - Tourism, Leisure & Culture	10,000		Approved by Technical Adjustment August 2013
CAP13#42 - 2013	LAA Performance Reward Grant	Government Grant		100,000	Resources - Support Services	100,000		Approved by Technical Adjustment August 2013
CAP13#44 - 2013	Transport Improvement Programme	3rd Party Contribution	862		Place - Highways		862	Approved by Technical Adjustment September 2013
CAP13#45 - 2013	London Road Regeneration - Grant Scheme	Corporate Supported Borrowing (Headroom)	250,000		Place - Regeneration		250,000	Approved by Strategic Director - Place / Cabinet Member for Sustainable Development - September 2013

OVERALL TOTALS			259,148	110,000		110,000	259,148	
				149,148			-149,148	

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Capital Programme by Directorate - 2013/2014
Revised Capital Cash Limits by Directorate

CAPITAL SCHEME	2013/2014		
	Budget at 11 September 2013 Cabinet	Approvals to 13 November 2013 Cabinet	Budget at 13 November 2013 Cabinet
	£000	£000	£000
Place			
Planning & Transport			
Local Sustainable Transport Fund	666		666
BTP - Pre Construction Costs	77		77
BTP Property	203		203
BTP Main Scheme	10,788		10,788
Local Transport Improvement Schemes	1,301	1	1,301
Smart Card E Purse for WofE	261		261
5 Arches	26		26
Rossiter Road	791		791
20mph Schemes	383		383
Better Bus Fund	256		256
Greater Bristol Metro	124		124
Batheaston Footbridge	686	8	694
Cycle Routes	220		220
	15,781	9	15,790
Environmental Services			
Highways			
Highways Structural Maintenance	4,772		4,772
Victoria Bridge	1,923		1,923
Waste			
Vehicle Replacements - Waste	485		485
Parking			
Pay & Display Machines / Parking Systems / Permit Processing	150		150
Neighbourhoods			
Vehicle Replacement - Neighbourhoods	258		258
Haycombe Crematorium Chapel Refurbishment	54		54
Haycombe Cemetery	19		19
Allotments	110		110
River Avon Safety Fencing	109		109
Beechen Cliff Woodlands	484		484
	8,364	0	8,364

Capital Programme by Directorate - 2013/2014
Revised Capital Cash Limits by Directorate

CAPITAL SCHEME	2013/2014		
	Budget at 11 September 2013 Cabinet	Approvals to 13 November 2013 Cabinet	Budget at 13 November 2013 Cabinet
	£000	£000	£000
Regeneration			
NRR Infrastructure	1,291		1,291
Creative Hub	245		245
BDUK Broadband	460		460
London Road Regeneration - Public Realm Implementation	533	250	783
London Road Regeneration - Public Realm Grant Scheme	200		200
Radstock Capital Schemes	340		340
Bath Enterprise Area - Flood Mitigation	250		250
River Corridor Fund	100		100
Southgate - Council	115		115
Public Realm - Wayfinding	169		169
Public Realm - High Street	547		547
Public Realm - Northumberland Place	130		130
Public Realm - Pattern Book	160		160
Public Realm - Street Furniture	37		37
Public Realm - Team Costs	38		38
	4,614	250	4,864
BWR			
BWR - Council Project Team	552		552
BWR - Affordable Housing	1,380		1,380
BWR - Infrastructure	2,334		2,334
BWR - Windsor Gas Tanks	1,500		1,500
BWR - Destructor Bridge	1,800		1,800
	7,566	0	7,566
Tourism Leisure & Culture			
Roman Baths Site Development - Catering / Infrastructure / Stone Cleaning	199		199
Beau Street Coin Hoard	100	(10)	90
Visitor Management System	100		100
Assembly Rooms Dilapidations	120		120
Hetling Spring Borehole	139		139
Odd Down Playing Field - Cycle Track	22		22
Odd Down Playing Field - Pitch and Changing Rooms	1,567		1,567
Paulton Library Relocation	29		29
Temple Precinct	886		886
Pump Room Gas Supply (Roof)	230		230
	3,392	(10)	3,382
Total Approved	39,717	249	39,966

Capital Programme by Directorate - 2013/2014
Revised Capital Cash Limits by Directorate

CAPITAL SCHEME	2013/2014		
	Budget at 11 September 2013 Cabinet	Approvals to 13 November 2013 Cabinet	Budget at 13 November 2013 Cabinet
	£000	£000	£000
People and Communities			
Children's Services			
Schools Capital Maintenance Programme	1,205		1,205
Schools Capital Maintenance Programme	0		0
Carbon Reduction Project			
Ralph Allen Applied Learning Centre	1,092		1,092
Wellsway Sports Hall (inc 6 court)	79		79
Devolved Capital 2013/2014	1,741		1,741
Seed Challenge	1		1
School Travel Plans	6		6
Private Capital	180		180
Specialist Schools	80		80
Early Years / Extended Services / Twerton S106	93		93
Writhlington BSF	196		196
Writhlington ALC	47		47
Children's Services Capital Schemes	5		5
Children's Services Capital Schemes Managed by Property	249	12	261
Aiming High for Disabled Children	53		53
BN - Oldfield Park Infants Expansion	4		4
Oldfield Co Ed Capital Improvements	26		26
Peasedown St John - ALC	35		35
St Gregory's / St Mark's 6th Form	1,376		1,376
Culverhay (Bath Community College) Co-Ed Capital Improvements	14		14
Radstock Nursery Provision / Trinity Primary	171		171
Schools Carbon Reduction Scheme - Lighting	2		2
Margaret Coates Centre Expansion	30		30
Youth Projects	9		9
BN 2012/2013 Schemes			
Weston All Saints Primary / Castle Primary / Paulton Infant / Farrington Gurney Primary / St Saviour's Infant / St Saviour's Junior / Paulton Junior	3,437		3,437
Chew Magna Primary	181		181
Bathampton Primary Land Purchase	30		30
St Michael's Primary BESD Unit	143	(12)	131
Moorlands Junior	70		70
	10,553	0	10,553
Adult Social Services & Housing			
Disabled Facilities Grant	1,042		1,042
Adult PSS Capital Grant	385		385
Housing Association Grant	144		144
Occupational Therapy Equipment	100		100
Supported Housing Development	77		77
Carefirst Module for Personal Budgets	16		16
Gypsy and Traveller's Site	50		50
	1,814	0	1,814
Total Approved	12,367	0	12,367

Capital Programme by Directorate - 2013/2014
Revised Capital Cash Limits by Directorate

CAPITAL SCHEME	2013/2014		
	Budget at 11 September 2013 Cabinet	Approvals to 13 November 2013 Cabinet	Budget at 13 November 2013 Cabinet
	£000	£000	£000
Resources and Support Services			
Property & Facilities			
Corporate Estate Planned Maintenance	835		835
Disposals Programme - Minor	338		338
Key Disposal Programme	250		250
DDA Works	153		153
Commercial Estate Investment Fund	200		200
Saw Close Development	258		258
Bluecoat House	7		7
South Road Car Park MSN	155		155
Victoria Hall	875	(215)	660
Grand Parade & Undercroft	430		430
Combe Down Stone Mines (HCA)*	72		72
	3,573	(215)	3,358
Support Services			
Customer Services System	961		961
Agresso System	6		6
Desk Top Service - VDI Technology	1,468		1,468
Windows 7 Upgrade	400		400
Policy & Partnerships	329	(100)	229
	3,164	(100)	3,064
Workplaces Programme			
Workplaces Programme Delivery	328	236	564
Lewis House (inc Comms Hub & OSS)	428	(183)	245
The Hollies	96	(50)	46
Keynsham Regeneration & New Build	24,174	(2)	24,171
	25,026	0	25,026
Total Approved	31,763	(315)	31,448
TOTAL APPROVED	83,847	(66)	83,781
Contingency	2,590	215	2,805
GRAND TOTAL	86,437	149	86,587

Appendix 5 (ii)

Capital Programme by Directorate - 2013/2014
Revised Capital Cash Limits by Directorate

CAPITAL SCHEME	2013/2014		
	Budget at 11 September 2013 Cabinet	Approvals to 13 November 2013 Cabinet	Budget at 13 November 2013 Cabinet
	£000	£000	£000
Sources of Funding (£'000)			
Government Supported Borrowing	0		0
EU/Government Grant	13,656	8	13,664
Capital Receipts (inc RTB)	4,034		4,034
Revenue	758		758
Service Supported Borrowing / Unsupported Borrowing / Corporate Supported Borrowing (Headroom) (inc Inter Yr Adjustments)	65,319	150	65,469
s106 Contribution	1,939		1,939
Other 3rd Party	731	(9)	722
Total	86,437	149	86,587

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	13th November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2557
TITLE:	Treasury Management Monitoring Report to 30th September 2013	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Performance Against Prudential Indicators Appendix 2 – The Council’s Investment Position at 30th September 2013 Appendix 3 – Average monthly rate of return for 1st 6 months of 2013/14 Appendix 4 – The Council’s External Borrowing Position at 30th September 2013 Appendix 5 – Arlingclose’s Economic & Market Review Q2 of 2013/14 Appendix 6 – Interest & Capital Financing Budget Monitoring 2013/14 Appendix 7 – Summary Guide to Credit Ratings</p>		

1 THE ISSUE

1.1 In February 2012 the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year.

1.2 This report gives details of performance against the Council’s Treasury Management Strategy and Annual Investment Plan 2013/14 for the first six months of 2013/14.

2 RECOMMENDATION

The Cabinet agrees that:

2.1 the Treasury Management Report to 30th September 2013, prepared in accordance with the CIPFA Treasury Code of Practice, is noted

2.2 the Treasury Management Indicators to 30th September 2013 are noted.

2.3 this Treasury Management Report and attached appendices are reported to November Council and December Corporate Audit Committee.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The financial implications are contained within the body of the report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 This report is for information only.

5 THE REPORT

Summary

- 5.1 The average rate of investment return for the first six months of 2013/14 is 0.49%, which is 0.08% above the benchmark rate.
- 5.2 The Council's Prudential Indicators for 2013/14 were agreed by Council in February 2013 and performance against the key indicators is shown in **Appendix 1**. All indicators are within target levels.

Summary of Returns

- 5.3 The Council's investment position as at 30th September 2013 is given in **Appendix 2**. The balance of deposits as at 30th June 2013 & 30th September 2013 are also set out in the pie charts in this appendix.
- 5.4 The Council is the accountable body for the West of England Revolving Investment Fund (RIF) and received grant funding of £57 million at the end of the 2011/12 financial year. The Council acts as an agent and holds these funds on behalf of the West of England Local Enterprise Partnership until they are allocated in the form of repayable grants to the constituent Local Authorities to meet approved infrastructure costs. Since these funds are invested separately from the Council's cash balances and have been placed short term with the Debt Management Office and other Local Authorities, they are excluded from all figures given in this report.
- 5.5 Gross interest earned on investments for the first six months totalled £228k. Net interest, after deduction of amounts due to West of England Growth Points, B&NES PCT Pooled Budgets and schools, is £183k. **Appendix 3** details the investment performance, the average rate of interest earned over this period was 0.49%, which is 0.08% above the benchmark rate of average 7 day LIBID +0.05% (0.41%).

Summary of Borrowings

- 5.6 The Council has now implemented the restructuring of its Public Works Loan Board debt portfolio by utilising Council's cash flow, which, as can be seen above, is currently earning very low rates of interest. The rescheduling of £50 million of borrowing was completed during the second quarter of 2013/14.
- 5.7 Current forecasts project that the savings in the current year will meet the additional £500K savings target in the Council's 2013/14 approved budget, as well as generating an additional £600k saving. This is achieved by netting off the loss of interest earned on the cash balance against the reduced interest payments made to the Public Works Loan Board.
- 5.8 The Council's reduced total borrowing was £70 million as at the 30th September 2013. The Council's Capital Financing Requirement (CFR) as at 31st March 2013

was £141.8 million with a projected total of £201 million by the end of 2013/14 based on the capital programme approved at February 2013 Council. This represents the Council's need to borrow to finance capital expenditure, and demonstrates that the borrowing taken to date relates to funding historical capital spend.

5.9 Following Local Government Reorganisation in 1996, Avon County Council's residual debt is administered by Bristol City Council. All successor Unitary Authorities make an annual contribution to principal and interest repayment, for which there is a provision in the Council's revenue budget. The amount of residual debt outstanding as at 31st March 2013 apportioned to Bath & North East Somerset Council is £15.14m. Since this borrowing is managed by Bristol City Council and treated in the Council's Statement of Accounts as a deferred liability, it is not included in the borrowing figures referred to in paragraph 5.8.

5.10 The borrowing portfolio as at 30th September 2013 is shown in **Appendix 4**.

Strategic & Tactical Decisions

5.11 As shown in the charts at Appendix 2, investments continue to be focussed on UK banks that have either already or are likely to receive support from the UK Government should they experience financial difficulties. As at 30th September 2013, £3.0m was invested with other Local Authorities to increase diversification whilst maintaining strong counterparty rating. To increase diversification further, the Council invests in AAA rated Money Market funds, with a balance of £6.5m invested in these as at 30th September 2013.

5.12 The overall decrease in the Council's cash balance between 30th June 2013 and 30th September 2013, as detailed in **Appendix 2**, is a reflection of the debt repayments that have been made during that period, as detailed in paragraph 5.6 above.

5.13 The Council continues to not invest with banks in countries within the Eurozone. The Council's investment counterparty list does not include any banks from the countries most affected by the Eurozone debt situation (Portugal, Ireland, Greece, Spain and Italy).

5.14 The Council's average investment return is running below the budgeted level of 0.75% due to the continued reduction in current market rates. Also, in line with the debt restructuring strategy, the majority of the remaining cash balance is required for short term cashflow, so cannot be locked into the slightly higher longer term rates. The reduced return is more than offset by the reduced interest payments, as set out in **Appendix 6**.

Future Strategic & Tactical Issues

5.15 Our treasury management advisors economic and market review for the second quarter 2013/14 is included in **Appendix 5**.

5.16 The Bank of England base rate has remained constant at 0.50% since March 2009.

Budget Implications

- 5.17 A breakdown of the revenue budget for interest and capital financing and the forecast year end position based on the period April to September is included in **Appendix 6**. This is currently forecast to be £600k underspend for 2013/14, resulting from the recent debt rescheduling.

6 RATIONALE

- 6.1 The Prudential Code and CIPFA's Code of Practice on Treasury Management requires regular monitoring and reporting of Treasury Management activities.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 Consultation has been carried out with the Cabinet Member for Community Resources, Section 151 Finance Officer, Chief Executive and Monitoring Officer.

- 8.2 Consultation was carried out via e-mail.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 9.2 The Council's lending & borrowing list is regularly reviewed during the financial year and credit ratings are monitored throughout the year. All lending/borrowing transactions are within approved limits and with approved institutions. Investment & Borrowing advice is provided by our Treasury Management consultants Arlingclose.
- 9.3 The 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice requires the Council nominate a committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies. In February 2012, the Council's treasury advisors provided training to the Corporate Audit Committee to carry out this scrutiny.
- 9.4 In addition, the Council maintain a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year.

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim.Richens@bathnes.gov.uk Jamie.Whittard@bathnes.gov.uk
Background papers	<i>2013/14 Treasury Management & Investment Strategy</i>
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

1. Authorised limit for external debt

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	£'000	£'000
Borrowing	201,000	70,000
Other long term liabilities	2,000	0
Cumulative Total	203,000	70,000

2. Operational limit for external debt

The operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	£'000	£'000
Borrowing	167,000	70,000
Other long term liabilities	2,000	0
Cumulative Total	169,000	70,000

3. Upper limit for fixed interest rate exposure

This is the maximum amount of total borrowing which can be at fixed interest rate, less any investments for a period greater than 12 months which has a fixed interest rate.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	£'000	£'000
Fixed interest rate exposure	201,000	50,000*

* The £20m of LOBO's are quoted as variable rate in this analysis as the Lender has the option to change the rate at 6 monthly intervals (the Council has the option to repay the loan should the rate increase)

4. Upper limit for variable interest rate exposure

While fixed rate borrowing contributes significantly to reducing uncertainty surrounding interest rate changes, the pursuit of optimum performance levels may justify keeping flexibility through the use of variable interest rates. This is the maximum amount of total borrowing which can be at variable interest rates.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	£'000	£'000
Variable interest rate exposure	60,000	20,000

5. Upper limit for total principal sums invested for over 364 days

This is the maximum amount of total investments which can be over 364 days. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	£'000	£'000
Investments over 364 days	50,000	0

6. Maturity Structure of new fixed rate borrowing during 2013/14

This indicator is set to control the Council's exposure to refinancing risk.

	Upper Limit	Lower Limit	2013/14 Actual as at 30th Sep. 2013
	%	%	%
Under 12 months	50	Nil	0
12 months and within 24 months	50	Nil	0
24 months and within 5 years	50	Nil	0
5 years and within 10 years	50	Nil	0
10 years and above	100	Nil	100

7. Average Credit Rating

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the weighted average credit rating of its investment portfolio.

	2013/14 Prudential Indicator	2013/14 Actual as at 30th Sep. 2013
	Rating	Rating
Minimum Portfolio Average Credit Rating	A	AA-

APPENDIX 2

The Council's Investment position at 30th September 2013

	Balance at 30th September 2013
	£'000's
Notice (instant access funds)	12,200
Up to 1 month	20,000
1 month to 3 months	13,000
Over 3 months	0
Total	45,200

The investment figure of £45.2 million is made up as follows:

	Balance at 30th September 2013
	£'000's
B&NES Council	24,510
B&NES PCT	11,472
West Of England Growth Points	685
Schools	8,533
Total	45,200

The Council had an average net positive balance of £93.7m (including Growth Points & B&NES PCT Funding) during the period April 2013 to September 2013.

**Chart 1: Council Investments
as at 30th September 2013 (£45.2m)**

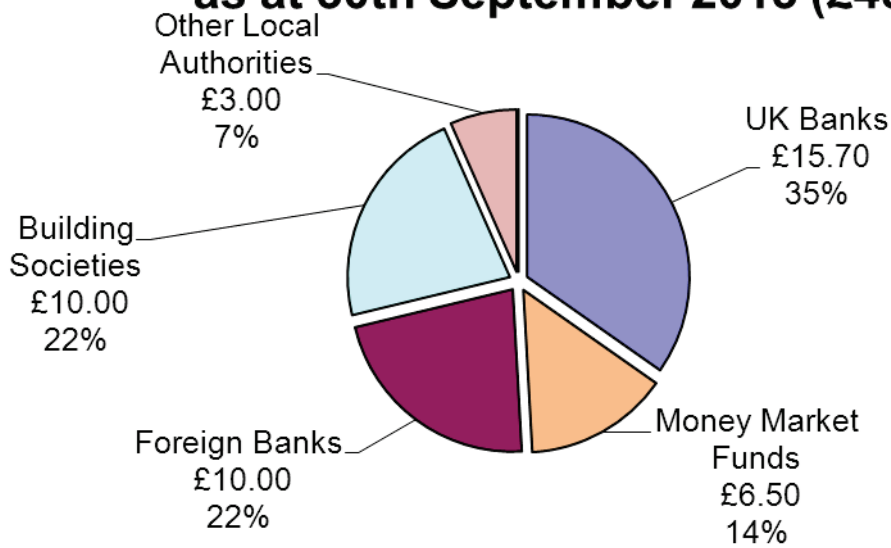


Chart 2: Council Investments as at 30th June 2013 (£111.7m)

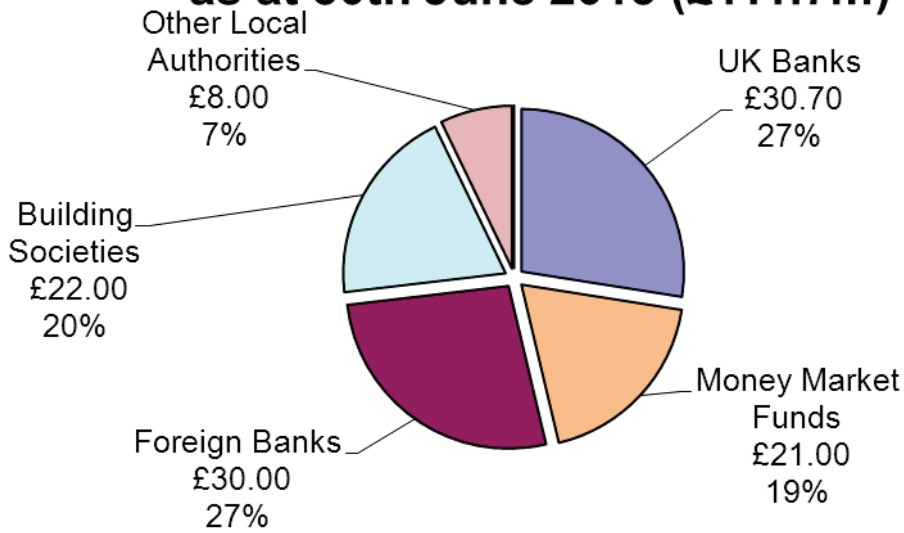


Chart 3: Council Investments per Lowest Equivalent Long-Term Credit Ratings (£45.2m) - 30th September 2013

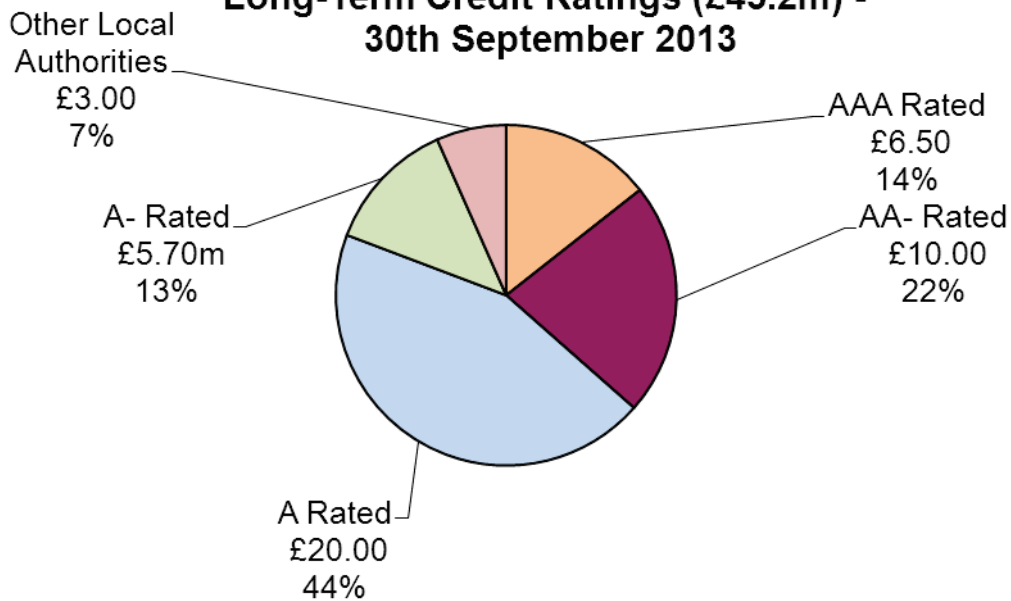
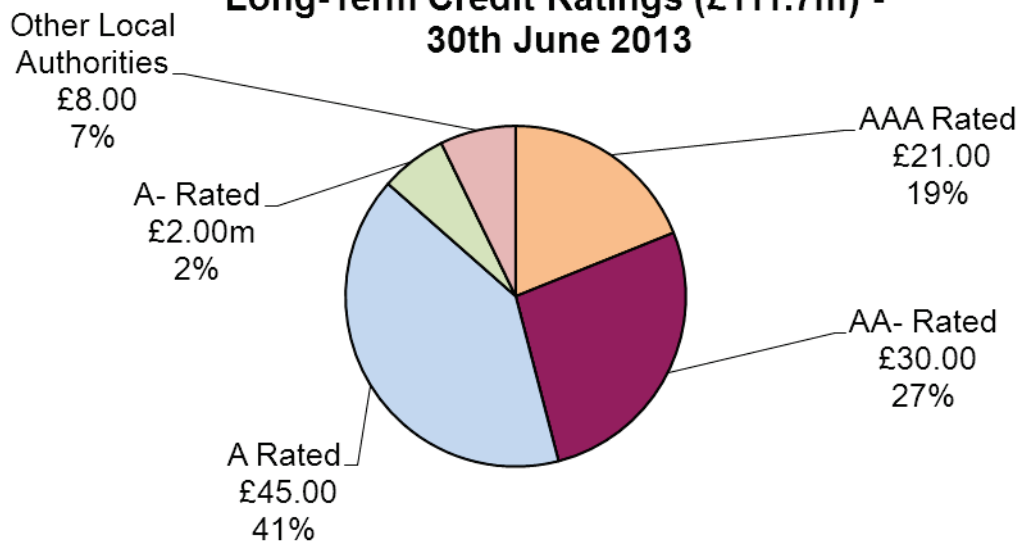


Chart 4: Council Investments per Lowest Equivalent Long-Term Credit Ratings (£111.7m) - 30th June 2013



APPENDIX 3

Average rate of return on investments for 2013/14

	Apr. %	May %	Jun. %	Jul. %	Aug. %	Sep. %	Average for Period
Average rate of interest earned	0.49	0.48	0.47	0.50	0.49	0.49	0.49%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)	0.42	0.41	0.41	0.41	0.41	0.40	0.41%
Performance against Benchmark %	+0.07	+0.07	+0.06	+0.09	+0.08	+0.09	+0.08%

APPENDIX 4

Councils External Borrowing at 30th September 2013

LONG TERM	Amount	Fixed Term	Interest Rate	Variable Term	Interest Rate
PWLB	10,000,000	30 yrs	4.75%	n/a	n/a
PWLB	5,000,000	25 yrs	4.55%	n/a	n/a
PWLB	5,000,000	50 yrs	4.53%	n/a	n/a
PWLB	5,000,000	20 yrs	4.86%	n/a	n/a
PWLB	10,000,000	18 yrs	4.80%	n/a	n/a
PWLB	15,000,000	50 yrs	4.96%	n/a	n/a
KBC Bank N.V*	5,000,000	2 yrs	3.15%	48 yrs	4.50%
KBC Bank N.V*	5,000,000	3 yrs	3.72%	47 yrs	4.50%
Eurohypo Bank*	10,000,000	3 yrs	3.49%	47 yrs	4.50%
TOTAL	70,000,000				

*All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.50%. The lender has the option to change the interest rate at 6 monthly intervals, however at this point the borrower also has the option to repay the loan without penalty.

APPENDIX 5

Economic and market review for July 2013 to September 2013 (Arlingclose)

Growth: The UK economy showed some improvement, with consumer spending boosting growth. GDP for the first quarter of 2013 was revised up to +0.4% and for the second quarter was +0.7%. Recent data suggests a stronger rate in quarter three. Revisions by the Office of National Statistics to GDP back-data showed the UK avoided a double-dip recession in 2012, but that the downturn in 2008-09 was deeper than previously estimated. Growth is now still over 3% below its peak back in 2007.

Some positive signs for household spending emerged. The deterioration in real earnings growth (i.e. earnings less inflation) slowed, which implied a slower erosion of purchasing power. Consumer confidence improved. Household savings rates remained high, which is unsurprising given the uncertain economic outlook, but appear to be on a downward track, suggesting spending was being driven by borrowing or lower savings. This raises questions about the sustainability of the recovery at these rates of growth.

Inflation: Annual CPI for August (published September) was 2.7%. Inflation fell in line with expectations and is expected to remain close to this level throughout the autumn. Further out, inflation should fall back towards the 2% target as external price pressures fade and a revival in productivity growth curbs domestic cost pressures. The oil price (Brent Crude) climbed above \$100/barrel on the back of political unrest in Egypt and the unresolved crisis in Syria.

Monetary Policy: There was no change to UK monetary policy with official interest rates and asset purchases maintained at 0.5% and £375bn respectively. The main development for UK monetary policy was the start of Mark Carney's tenure as Governor and the implementation of forward guidance. Within the August Inflation Report, the Bank stated its forward guidance, the main element of which is to defer monetary tightening at least until

the ILO Unemployment Rate falls to a threshold of 7% (among a raft of caveats). The Bank projected that the probability of this happening would remain below 50% until 2016. The Governor has had to defend the Bank's guidance in the face of rising financial market expectations of an earlier rate rise on the back of the encouraging economic data.

In his testimony to Congress on 22nd May the US Federal Reserve Chairman Ben Bernanke stated that, if the nascent recovery in the US economy became established, the Fed would reduce its \$85bn monthly asset purchase programme (QE). The apparent movement by the Fed towards tapering its open-ended QE programme prompted extreme asset price volatility in bonds and equities, as investors sought to crystallise gains driven by excessive liquidity. As a consequence, government bond yields spiked. There had been a growing expectation that the Federal Reserve would seek to commence 'tapering' in September but they took markets by surprise and maintained asset purchases at the existing level.

Global: Whilst the outlook for the global economy appeared to have improved over the first half of calendar 2013/14, significant economic risks remain, particularly in China and the Eurozone. The Chinese banking system is facing tighter liquidity conditions as officials seek to slow down rampant credit growth, and, despite the time gained by the ECB to allow individual members and the Eurozone as a whole to reform their economies, the Eurozone debt crisis has not gone away. The region appears to be dragging itself out of recession and September's German general election passed with little incident but political uncertainties, particularly in Italy, could derail any progress towards a more balanced and stable regional economy. The US recovery appeared to be in train, but a lack of agreement on the federal budget by the end of September caused a partial government shutdown at the start of October, which could have an effect on GDP growth. Political risks also remain regarding the debt ceiling.

Outlook: At the time of writing this activity report in September 2013, the UK economic outlook appears to have improved. The projected path for growth has risen, but remains relatively subdued, with a distinct reliance on household consumption, which itself remains under pressure given the deterioration in real earnings growth, high unemployment and general low confidence. A variety of other factors will continue to weigh on a domestic recovery, including on-going fiscal consolidation, muted business confidence and subdued foreign demand. While the economic recovery may pick up steam, forward guidance from the Bank of England suggests that monetary policy is unlikely to be tightened until the ILO Unemployment Rate falls below 7%. The Bank projected this level would be reached in 2016.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2013/14 (April to September)

April to September 2013	YEAR END FORECAST			ADV/FAV
	Budgeted Spend or (Income) £'000	Forecast Spend or (Income) £'000	Forecast over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	4,947	4,097	(850)	FAV
- Internal Repayment of Loan Charges	(6,584)	(6,584)		
- Ex Avon Debt Costs	1,388	1,388		
- Minimum Revenue Provision (MRP)	4,782	4,782		
- Interest on Balances	(455)	(205)	250	ADV
Sub Total - Capital Financing	4,078	3,478	(600)	FAV

APPENDIX 7

Summary Guide to Credit Ratings

Rating	Details
AAA	Highest credit quality – lowest expectation of default, which is unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality - expectation of very low default risk, which is not likely to be significantly vulnerable to foreseeable events.
A	High credit quality - expectations of low default risk which may be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
BBB	Good credit quality - expectations of default risk are currently low but adverse business or economic conditions are more likely to impair this capacity.
BB	Speculative - indicates an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time.
B	Highly speculative - indicates that material default risk is present, but a limited margin of safety remains. Capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	Substantial credit risk - default is a real possibility.
CC	Very high levels of credit risk - default of some kind appears probable.
C	Exceptionally high levels of credit risk - default is imminent or inevitable.
RD	Restricted default - indicates an issuer that has experienced payment default on a bond, loan or other material financial obligation but which has not entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, and which has not otherwise ceased operating.
D	Default - indicate an issuer that has entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, or which has otherwise ceased business.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1438-13

Meeting / Decision: Cabinet

Date: 13 November 2013

Author: Ashley Ayre

Report Title: Learning Partnership West

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <p>3. <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</i></p> |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of any particular person (including the authority holding that information). The officer responsible for this item believes that this information falls within the

exemption under paragraph 3 and this has been confirmed by the Council's Information Compliance Manager.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. The main factor in favour of disclosure is that all possible Council information should be public and that increased openness about Council business allows the public and others affected by any decision the opportunity to participate in debates on important issues in their local area. Another factor in favour of disclosure is that the public and those affected by decisions should be entitled to see the basis on which decisions are reached.

Weighed against this is the fact that the exempt report contains the opinions of Council officers. It would not be in the public interest if advisors and officers could not express in confidence opinions which are held in good faith and on the basis of the best information available.

The exempt report also contains details on the financial and business affairs of the Council and other third party organisations and is commercially sensitive. Release of this information would likely prejudice the commercial interests of the parties and the Council does not have authority to release the information regarding the third parties in to the public domain.

It is also important that Cabinet should be able to retain some degree of private thinking space while decisions are being made, in order to discuss openly and frankly the issues under discussion in order to make a decision which is in the best interests of the Council.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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