

# Cabinet

**Date: Tuesday, 18th December, 2018**

**Time: 10.00 am**

**Venue: Council Chamber - Guildhall, Bath**

## Agenda

**To: All Members of the Cabinet**

Councillor Tim Warren (Leader of the Council and Conservative Group Leader), Councillor Charles Gerrish (Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset), Councillor Vic Pritchard (Cabinet Member for Adult Care, Health and Wellbeing), Councillor Paul Myers (Cabinet Member for Economic and Community Regeneration), Councillor Karen Warrington (Cabinet Member for Transformation and Customer Services), Councillor Paul May (Cabinet member for Children and Young People), Councillor Bob Goodman (Cabinet Member for Development and Neighbourhoods) and Councillor Mark Shelford (Cabinet Member for Transport and Environment, Conservative Deputy Group Leader Bath)

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Jack Latkovic**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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**Cabinet - Tuesday, 18th December, 2018**

**in the Council Chamber - Guildhall, Bath**

**AGENDA**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

*The Chair will draw attention to the emergency evacuation procedure as set out in the Notes*

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 or a member of his staff 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 MEETINGS (Pages 7 - 20)

*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. The Chair of the relevant PDS Panel will have the right to attend and to introduce the Panel's recommendations to Cabinet.*

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 21 - 22)

*A list of Cabinet Single Member decisions taken and published since the last Cabinet meeting to note (no debate).*

12. BUSINESS PLAN UPDATE - CLEAN AIR ZONE (Pages 23 - 28)

The six week public consultation on the Clean Air Zone (CAZ) options was one of the most comprehensive engagement exercises undertaken by the authority with over 8,400 responses. It has not been possible to fully analyse all of the responses within the original timeline due to the volume and the number of comprehensive responses received in the last three days of the consultation period.

To adhere to the timetable originally set presents a risk that the Council could be legally challenged on the grounds of a flawed consultation and a Business Case that has not recognised the full extent of the very detailed and technical submissions made by local residents and interested parties.

This report therefore sets out the options for a revised timeline for the delivery of the project.

13. REVIEW OF TAXI LICENSING POLICY AND ASSOCIATED CONDITIONS (Pages 29 - 76)

This report seeks to update and amend the policy and general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences.

As part of the policy review it is proposed to adopt Section 165-167 of the Equality Act 2010 and maintain a list of designated vehicles which are appropriate for wheel chair access within the licensed vehicle fleet.

14. REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO OCTOBER 2018 (Pages 77 - 118)

This report presents the financial monitoring information for the Authority as a whole for the financial year 2018/19 to the end of October 2018.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.

**BATH AND NORTH EAST SOMERSET**

**CABINET**

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

Wednesday, 31st October, 2018

**Present:**

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Care, Health and Wellbeing
Councillor Paul Myers	Cabinet Member for Economic and Community Regeneration
Councillor Karen Warrington	Cabinet Member for Transformation and Customer Services
Councillor Paul May	Cabinet member for Children and Young People
Councillor Bob Goodman	Cabinet Member for Development and Neighbourhoods
Councillor Mark Shelford	Cabinet Member for Transport and Environment, Conservative Deputy Group Leader Bath

**30 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

**31 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

**32 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**33 DECLARATIONS OF INTEREST**

There were none.

**34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

The Chair used this opportunity to announce that the Council was running an event called Young Stars Award. The Chair invited residents of Bath and North East Somerset to visit [www.bathnes.gov.uk/ouryoungstars](http://www.bathnes.gov.uk/ouryoungstars) and nominate a child or young person who they feel has achieved something special, however big or small, which they feel deserves recognition.

The Chair also informed the meeting that item 20 (Aequus Shareholder approval of development business case proposal) would be deferred for next week. The Cabinet would be expected to make a decision on this item on 8<sup>th</sup> November 2018. The Group Leaders would be briefed on 6<sup>th</sup> November 2018.

### **35 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 21 questions from Councillors and 10 questions from members of the public.

*[Copies of the questions and responses, including supplementary questions and responses if any, are available on the Council's website.]*

### **36 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

Luke John Emmett made a statement *[a copy of which is available on the Council's website]* where he expressed his concerns on closure of the Arts Development Department, and the impact this might have to the cultural and financial economy of Bath and North East Somerset.

Caroline Ambrose made a statement *[a copy of which is available on the Council's website]* where she asked the Cabinet to clarify where, when and how Bath's public library services would be provided from January 2019.

Gerard Cooke made a statement as a Vice Chair of the Bristol and West branch of Equity (a union of more than 43,000 performers and creative practitioners). Gerard Cooke said that Equity has condemned phased closure of Arts Development Department. The closure would have severe negative impact for people who depend on public arts grants and especially on those who work in the industry. Gerard Cooke also said that the Council has failed to recognise the importance of arts in local economy and urged the Cabinet to reconsider closure of Arts Development Department. Gerard Cooke ended his statement by saying that it was vital to recognise that £1 invested in arts would bring between £2 and £7 back to the economy.

Councillor Dine Romero read a statement on behalf of Councillor Tim Ball where he expressed his concerns on the School Transport provision *[a copy of which is available on the Council's website]*.

Councillor Richard Samuel made a statement where he said that the Council was at a key point in its development of the policy towards the improvement of air quality. The consultation on Clean Air Zone would close in few weeks and the Cabinet would make the decision not long after that by taking into consideration residents' comments. Councillor Samuel congratulated the Council staff that was involved in this work and highlighted that traffic displacement would occur, which would need to

be resolved, and effective bus service requirements would need to be established. Also, there was a need for WECA Mayor to get involved and for the Council to ask central Government for a proper funding for this project, and under no circumstances allow central Government to collect 10% from the charges for vehicles entering the Clean Air Zone.

Councillor Dine Romero made a statement where she expressed her concerns on the closure of Arts Development Department. Councillor Romero said that these cuts were short sighted with consequences to the residents. Councillor Romero also said that a significant number of people can currently access schemes run by the Arts Development Department, and that its closure would also have a negative impact on visitors to the city.

### **37 MINUTES OF PREVIOUS CABINET MEETING**

It was **RESOLVED** that the minutes of the meeting held on Wednesday 5th September 2018 be confirmed as a correct record and signed by the Chair.

### **38 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

### **39 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

There were none.

### **40 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

### **41 WESTFIELD NEIGHBOURHOOD DEVELOPMENT PLAN**

Ron Hopkins (Vice Chairman Westfield Parish Council) read out the statement where he thanked Council officers for their support in preparing the Westfield Neighbourhood Development Plan over the last 3.5 years. Ron Hopkins also said that Westfield Parish Council was grateful for the Plan, especially as Westfield was one of the youngest Parishes in the country. Ron Hopkins invited the Council to continue to support Westfield in its development.

Councillor Eleanor Jackson, as Westfield Ward Member, also welcomed and thanked the officers and all of those involved in the Westfield Neighbourhood Development Plan. Councillor Jackson also thanked all volunteers who gave their time in organising events in Westfield. Councillor Jackson concluded her statement by saying that benefits of the Plan were already in the report, though the main benefit would be in creating community identity, in particular merging old community with the new.

Councillor Bob Goodman introduced the report by saying that he was pleased to bring this Plan for adoption. There had been a lot of time and effort put into creation of this plan which was one of the 7 already adopted Neighbourhood Development Plans, with 9 more Plans in waiting. Councillor Goodman also said that it would be important for community to have their say on this matter, and it would improve close working between the Parish Council and its residents.

Councillor Goodman concluded his comments by thanking everyone who was involved in creation of this Plan.

Councillor Bob Goodman moved the recommendations.

Councillor Karen Warrington seconded the motion by saying that the Plan would focus on the local community and how they want to develop the area. Councillor Warrington also thanked to all those involved in the process.

Councillor Vic Pritchard also welcomed the Plan by appreciating the amount of effort from all those involved in the production of the Plan. Councillor Pritchard also said that by having a Neighbourhood Development Plan, residents would be able to dismiss any attempts from new developers to persuade the community in approving their proposals.

Councillor Paul May congratulated the Ron Hopkins, Councillor Jackson and Westfield Parish Council on their part in bringing the Plan together which would be great credit to Westfield.

**RESOLVED** (unanimously) that the Cabinet agreed to make and bring into force the Westfield Neighbourhood Development Plan as part of the Development Plan for the Westfield Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011 and the Housing and Planning Act 2016).

## **42 BANES NEW LOCAL PLAN OPTIONS CONSULTATION**

Councillor Dine Romero made an ad-hoc statement where she expressed concerns by Saltford residents in terms of any proposals on the Green Belt area around Keynsham and Saltford. Councillor Romero also said that the Green Belt makes a significant contribution to residents and visitors. Councillor Romero asked the Cabinet to give an assurance that they would stand against developments in the Green Belt.

Councillor Paul Crossley made an ad-hoc statement where he said that setting a Local Plan that would suit everyone was never an easy task. Councillor Crossley also said that rents in Bath were so high that the term 'affordable' has become nonsensical. There was a need for a strategy that could be communicated with the locals MPs about changes required in the law that would meet the needs of our people. Councillor Crossley expressed his concerns on growing number of short terms rents in Bath; lack of social housing and the impact of new developments on the Green Belt.

Councillor Bob Goodman introduced the report.

The Council was reviewing its planning policy framework to ensure it was up-to-date

and responded to the key issues that the area was facing. The consultation document was a discussion document and sets out options. The results of the consultation would be used to inform the draft plan due to be published in 2019.

Key issues in the document;

- Options for greater controls over new student accommodation, with a greater emphasis on focussing new university related developments at the campuses.
- Relocation of Bath's Household Reuse and Recycling facility.
- Expansion and mix of uses of the Somer Valley Enterprise Zone.
- The introduction of new restrictions on the location of fast food takeaways to prevent them from opening near schools and youth facilities.
- A review of parking standards and provision for electric vehicles infrastructure.

The Local Plan must also reflect the requirements in the Joint Strategic Plan, such as:

- Rolling forward the District's housing requirements to 2036
- Set out more details on the new Garden Communities at North Keynsham (1,400 new homes) and South East of Whitchurch (1,600 homes). This would create exemplar, high quality communities to provide new affordable homes, jobs and infrastructure, eg the new Keynsham Link Road; Keynsham Station improvements and bus service improvements will help to relieve existing congestion and improve air quality.
- New housing sites, including affordable housing, in other towns and villages

Cabinet would also consider a report on Strategic Transport Options to ensure that new growth is properly aligned with necessary infrastructure.

The consultation would run from 12<sup>th</sup> November 2018 to 21<sup>st</sup> December 2018 and there would be exhibitions in Bath, Keynsham,, the Somer Valley and Whitchurch.

Councillor Bob Goodman moved the recommendations.

Councillor Tim Warren seconded the motion by thanking the officers and Members who had worked on the report. Councillor Warren agreed with comments from Councillors Romero and Crossley on the importance of the Green Belt and on the negative impact of short term rental homes. Councillor Warren concluded his statement by saying that we need houses for the residents of Bath and North East Somerset and again highlighted the importance of the Green Belt, in particular around the Keynsham area which would need to stay separated from Bristol.

Councillor Paul May commented that he was pleased that all parties had the same view in terms of the Green Belt importance and preservation, and congratulated the officers on producing the report.

Councillor Charles Gerrish said that he was also pleased that all parties had the same view in protecting the Green Belt though the Council had a duty to co-operate with neighbouring authorities as part of the West of England Combined Authority. Councillor Gerrish highlighted the importance of the link road to Northern Keynsham development which would not only improve access to the development but also significantly reduce traffic from Keynsham centre. Councillor Gerrish also said that new estates would need to consider car owners' habits to park cars outside their

houses, and for that reason should consider building wider roads to avoid traffic congestions. Councillor Gerrish concluded his statement by inviting the public to engage in the consultation.

**RESOLVED** (unanimously) that the Cabinet:

- (1) Agreed the Local Plan Options consultation document for public engagement from 12th November to 21st December 2018;
- (2) Delegated authority to the Director, Development and Public Protection, to make minor changes to the document for clarification and accuracy prior to publication.

### **43 JOINT COMMUNITY SAFETY PLAN**

Councillor Richard Samuel made an ad-hoc statement where he said that the Joint Community Safety Plan lacked visible targets on how the crime would be reduced in Bath and North East Somerset. Councillor Samuel also said that he had huge respect for Council officers and Police, who were doing their best to reduce the crime, though that would seem to be difficult task down to reduced funding from the central Government. Councillor Samuel felt that Avon and Somerset Police, and Local Authority, have not considered in detail potential implications on increased crime in the area. Councillor Samuel concluded his statement by saying that the Plan has had some good areas of work though he had no confidence that much would be achieved in terms of crime reduction.

Councillor Dine Romero made an ad-hoc statement where she also felt a lack of confidence that the Plan would achieve much in terms of the crime reduction in the area. Councillor Romero mentioned a campaign by the Liberal Democrats Group to open a Police station in Bath, which would not only be used by the Police but also for joined up working between different agencies. Councillor Romero asked the Cabinet if they felt that there should be more substance in the Plan.

Councillor Bob Goodman introduced the report by saying that he has chaired the Responsible Authorities Group (RAG), which meets quarterly with a number of agencies involved, and that RAG have achieved progress in some areas. The Avon and Somerset Police have worked closely with the Council on production of the Joint Community Safety Plan which had three main themes: protect the most vulnerable from harm; strengthen local communities for improved outcomes; and, continue active work with the Avon and Somerset Police. The Plan as such was a magnificent milestone as it was the first document of that kind since 2012. Councillor Goodman also said that there was comparable low crime rate in Bath and North East Somerset area although he was concerned with an upturn in drug dealing. Councillor Goodman expressed his concern that the Police and Crime Commissioner funding would last until year 2020 though the Plan was set until year 2021, which could present a risk in the future. Councillor Goodman concluded his introduction by thanking Samantha Jones for her hard work on putting the Plan together.

Councillor Bob Goodman moved the recommendations.

Councillor Mark Shelford seconded the motion by saying that this was an important paper which has received a support from the Police. Councillor Shelford also said

that he would welcome Police presence on the streets and not just by having a Police station. Councillor Shelford welcomed that Police have been using bodycams when dealing with the perpetrators.

Councillor Paul May also welcomed the Plan and praised the joint working between the Youth Offending Team and the Police. Councillor May stressed importance of joined up work with other agencies in terms of crime reduction.

Councillor Vic Pritchard commented that crime figures for Bath and North East Somerset were lower than anywhere else in the country, and highlighted the importance of working together with other agencies on bringing the crime figures down.

Councillor Charles Gerrish commented that the Police were resolving the anti-social behaviour in Keynsham. Councillor Gerrish also said that victims of the crime should be involved by working with relevant agencies. Councillor Gerrish concluded his statement by saying that quite often some issues get inflated by social media.

**RESOLVED** (unanimously) that the Cabinet agreed the Joint Plan and recommend it to full Council for adoption.

#### **44 TREASURY MANAGEMENT 2018/19 QUARTER 2 PERFORMANCE REPORT (MID-YEAR UPDATE)**

Councillor Charles Gerrish introduced the report by saying that the Prudential Code and CIPFA's Code of Practice on Treasury Management requires regular monitoring and reporting of Treasury Management activities. This report has outlined details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2018/19 for the first six months of 2018/19. The average rate of investment return for the first six months of 2018/19 was 0.63%, which was 0.14% above the benchmark rate. The Council's external borrowing as at 30th September 2018 totalled £182.8 million. A short term loan for £2.5 million matured during the quarter and new long term PWLB annuity borrowing for £10 million was arranged during the quarter to maintain appropriate cash flow balances. The Council's Capital Financing Requirement (CFR) as at 31st March 2018 was £247.1 million with a projected total of £434 million by the end of 2018/19 from self-investment and re-phasing of capital programmes. The current revenue forecast was for an underspend of £495k, mainly related to external interest savings from re-phasing of capital spend.

Councillor Charles Gerrish moved the recommendations.

Councillor Paul May seconded the motion by praising Councillor Gerrish and the relevant officers for their work.

**RESOLVED** (unanimously) that the Cabinet agreed that:

- 1) The Treasury Management Report to 30th September 2018, prepared in accordance with the CIPFA Treasury Code of Practice, is noted;
- 2) The Treasury Management Indicators to 30th September 2018 are noted.

#### **45 MEDIUM TERM FINANCIAL STRATEGY**

Councillor Richard Samuel made an ad-hoc statement saying that over the last 3 years there were further cuts central Government funding to Local Government. Overall, there was £16bn of cuts to Local Governments across the country, and those cuts have had significant negative impact on Local Authorities such as Bath and North East Somerset. There were no real solutions on how this problem would be resolved yet there were more cuts to arts services, waste services, youth services, public services, etc. Councillor Samuel concluded his statement by expressing concern on further unprecedented cuts to the Council.

Councillor Joe Rayment made an ad-hoc statement where he held responsible central Government administrations for the cuts over the last 8 years. Councillor Rayment also said that the austerity was not over, despite what the Chancellor has said in his speech, and further cuts would cause reduction in more services provided by the Council. Councillor Rayment concluded his statement by saying that he saw proposals by the Council to lobby the central Government to get funding from other places, though this would not be enough to help the current and future situation.

Councillor Paul Crossley made an ad-hoc statement where he said that cuts in funding to Local Government were performed over decades and not just over the last 8 years.

Councillor Charles Gerrish introduced the report by saying that Local Government had suffered cuts in funding from different administrations. This strategy spans five years although there was only certainty of the level of Government funding for next year at present. The recent consultation paper has outlined that several funding streams were to be reviewed for 2020/21; these included Fairer Funding, Business Rate Retention, New Homes Bonus, and Better Care Funding and these changes would pose a significant financial risk for B&NES in 2020/21. Despite the uncertainty the Council would still need to plan its finances for the medium to longer term and therefore the Strategy was based on best estimates at this stage. The Council has had a good track record in savings delivery with £55.4m delivered between 2013/14 to 2017/18 and, a further £17m expected in this financial year – a total of £72.4m over six years. These estimates showed that the Council would need to find a further £50.3m in savings over the next five years. In essence the Council would need to reduce net spend by approximately 44.5% (15.2% of gross spend) over the next five years. The current plans identified, delivered, and would continue to deliver a high number of efficiency savings and therefore the scope for delivering further large savings from efficiencies were limited.

Councillor Charles Gerrish moved the recommendations.

Councillor Tim Warren seconded the motion by saying that the Council were in difficult times with a huge pressure on the budget. The Council did not choose to make these cuts, but something had to be done. Councillor Warren also said that if the cuts were not made in services such as Arts Department or similar then other services would suffer.

Councillor Paul May said that we have to live with allocated resources. Councillor May highlighted that children services were under significant pressure and for that reason the Council would need to get the best from assets that we have.

Councillor Vic Pritchard reminded the Cabinet that 80% of Council's budget was for children and adult social care.

**RESOLVED** (unanimously) that the Cabinet agreed to approve the Medium Term Financial Strategy.

#### **46 THE GREAT SPAS OF EUROPE**

Councillor Vic Pritchard left the meeting at this point (5.50pm).

Councillor Rob Appleyard made an ad-hoc statement by saying that Liberal Democrat Group fully endorsed the submission of the Great Spas of Europe nomination to UNESCO. Councillor Appleyard also said that this was a good piece of work which was supported by a number of previous administrations and which would bring quite a few benefits to Bath.

Councillor Paul Crossley made an ad-hoc statement where he thanked Tony Crouch for his dedicated and hard work on submitting Bath nomination for the Great Spas of Europe. Councillor Crossley also hoped that UNESCO would agree that Bath deserves to be recognised as one of the Great Spas of Europe.

Councillor Eleanor Jackson made an ad-hoc statement by saying that this was an extremely important report which would give everyone a boost, and which would bring more tourists to Bath. Councillor Jackson also said that Brexit and fracking may have detrimental impact on future status of Bath.

Councillor Paul Myers introduced the report by thanking all previous Cabinet Members for Economic Development, no matter what party they have belonged to, for their part in supporting and promoting Bath as one of the Great Spas of Europe. Councillor Myers also said that, if Bath was recognised as one of the Great Spas of Europe it would gain global recognition.

Councillor Paul Myers moved the recommendations.

Councillor Mark Shelford seconded the motion by saying that this was quite important for Bath and surrounding areas, and thanked Councillor Myers for his contribution.

**RESOLVED** (unanimously) that the Cabinet agreed endorse the submission of the Great Spas of Europe nomination to UNESCO.

#### **47 STRATEGIC TRANSPORT CONSULTATION OPTIONS**

Councillor Neil Butters made an ad-hoc statement where he said that the Liberal Democrat Group was in favour of the consultation on the Strategic Transport in the area.

Councillor Mark Shelford introduced the report by saying that the Council would revise its planning policy framework to ensure it was up-to-date and responds to the key issues that the District was facing. The Transport Studies have developed the strategic infrastructure identified to support/facilitate growth in the WoE Joint Transport Study. The Transport Studies were a crucial next step in developing a new Local Plan, clearly setting how the Strategic Transport Infrastructure would be provided to support growth in our area.

The Transport Studies would be consulted on as part of a district wide consultation in conjunction with the Local Plan, in particular on Hicks Gate Roundabout, A4 to A4175 East Keynsham Corridor Study, and South East Bristol and Whitchurch Package.

Key issues would be: Identification of key transport challenges and transport objectives in the areas of interest; Identification and shortlisting of potential transport options to address the challenges and objectives; concept design and initial costing of shortlisted options; desk-based assessment of environmental, social and economic impacts, and value for money of the options; and, initial assessment of financial and delivery case of the options.

The consultation would run from 12<sup>th</sup> November to 21<sup>st</sup> December 2018 and there would be exhibitions in Bath, Keynsham, the Somer Valley and Whitchurch. The results of the consultation would be used to inform the preferred route options that would be safeguarded in the draft plan due to be published in 2019.

Councillor Mark Shelford moved the recommendations.

Councillor Tim Warren seconded the motion by saying that working along and together with other Local Authorities within West of England Combined Authority was possible and that big mass-transport system was promising.

The rest of the Cabinet welcomed the report and detailed appendices and suggested that communities would need to be engaged in proper manner, and results of the consultation be open for detailed scrutiny.

**RESOLVED** (unanimously) that the Cabinet:

- 1) Agreed the Strategic Transport Studies consultation documents for public engagement from 12<sup>th</sup> November to 21<sup>st</sup> December 2018;
- 2) Delegated authority to the Director Environmental Services to make minor changes to the document prior to publication.

## **48 YOUTH CONNECT PUBLIC SERVICE MUTUAL**

Councillor Eleanor Jackson made an ad-hoc statement where she said that young people across the area would be able to access youth services if this report is adopted, and urged the Cabinet to support the Strategy which would provide support to young people who need it at the earliest opportunity.

Councillor Dine Romero made an ad-hoc statement where she said that proposals looked good on a face of it, though the report has been driven by cuts from the Council, which were due to reduction in funding from the central Government. Councillor Romero expressed her concern about the longevity of the project, in particular if it would be the subject of future cuts or be taken over by another provider. Councillor Romero concluded her statement by asking the Cabinet to publish the business plan before making the decision, and that the decision should be made in public.

Councillor Joe Rayment asked what would be, in unlikely event, if the decision to establish final approval of the project was not delegated to the Corporate Director.

Councillor Rayment also felt that workers should be sitting on the Board of Trustees for Public Service Mutual.

Councillor Paul May said that last year there was a £500k cut in the budget with £517k left for the service. Councillor May asked if the approved document would be commercially sensitive and subject to scrutiny.

Maria Lucas, Monitoring Officer of the Council, responded that the relevant Policy Development and Scrutiny Panel would be able to scrutinise the business case though it would have to be in confidential/exempt session.

Councillor Paul May introduced the report by saying that it would come back to the Cabinet if the risks were unreasonable for Corporate Director to approve the project. The project would eradicate any flexibility for further budget cuts, and it would be a dedicated youth service project. There was an effective work with a number of agencies and also with a number of voluntary services across the area. The project was set to move the agenda forward in reasonable way and the Council would support the staff as much as it could.

Councillor Paul May moved the recommendations.

Councillor Karen Warrington seconded the motion by saying that she was pleased that people could run their own organisation though she expressed slight concern in the due diligence of the project.

Councillor Tim Warren welcomed the report by saying that this would be an excellent opportunity for the staff to take on the project and that he had confidence that the project would be successful.

**RESOLVED** (unanimously) that the Cabinet agreed to:

- 1) Confirm in principle its support for Youth Connect becoming an independent Public Service Mutual, subject to further due diligence/assurance;
- 2) Delegate to the Corporate Director, in consultation with Cabinet Member for Children and Young People, and the Section 151 Officer the final approval to establish the Public Service Mutual and the allocation of transitional funding to support its establishment;
- 3) Note that a further report may come forward for approval for funding when the "due diligence" process has been completed.

**49 AEQUUS - SHAREHOLDER APPROVAL OF DEVELOPMENT BUSINESS CASE PROPOSAL**

This item would be considered on 8<sup>th</sup> November 2018.

The meeting ended at 6.40 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

## BATH AND NORTH EAST SOMERSET

### CABINET

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

Thursday, 8th November, 2018

#### **Present:**

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Care, Health and Wellbeing
Councillor Paul Myers	Cabinet Member for Economic and Community Regeneration
Councillor Karen Warrington	Cabinet Member for Transformation and Customer Services
Councillor Paul May	Cabinet member for Children and Young People
Councillor Bob Goodman	Cabinet Member for Development and Neighbourhoods

#### **50 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **51 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

#### **52 APOLOGIES FOR ABSENCE**

Councillor Mark Shelford had sent his apologies for this meeting.

#### **53 DECLARATIONS OF INTEREST**

Councillor Charles Gerrish declared an other interest as the Chair of the ADL Board. Councillor Gerrish said that he would participate in the debate but that he would abstain from voting.

#### **54 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

There were none.

#### **55 EXCLUSION OF THE PUBLIC**

The Cabinet having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVED** that the public shall be

excluded from the meeting for the next item and that the reporting of this part of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A of the Act, as amended.

The Chair informed the Cabinet that Group Leaders would be allowed to stay and make their statements during the exempt session of the meeting.

**56 AEQUUS - SHAREHOLDER APPROVAL OF DEVELOPMENT BUSINESS CASE PROPOSAL**

It was **RESOLVED** that that Cabinet **REJECTED** the Business Case for the proposed development.

NOTE: As the Cabinet rejected recommendation 2.1 they did not vote on recommendations 2.2 and 2.3 of the report.

The meeting ended at 10.30 am

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

Bath & North East Somerset Council

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

published 19-Oct-2018 to 6-Dec-2018

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>

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### **Metrowest Phase 1 - Initial Promotion Agreement**

*In order for the Metrowest project to remain on programme the working arrangements between the four Unitary Authorities and West of England Combined Authority needs updating by entering in to the initial Promotion Agreement version 3.*

**Decision Maker: Cabinet Member - Finance and Efficiency**

**Decision published: 12/11/2018**

**Effective from: 20/11/2018**

**Decision:**

The Cabinet Members agree to provide delegated authority to the Corporate Director in consultation with Monitoring Officer and Section 151 Officer to finalise, sign and seal Initial Promotion Agreement version3 (IPA3) in conjunction with the four other authorities.

**Lead officer: Gary Peacock**

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### **Sustainable Construction Checklist Supplementary Planning Document - Adoption**

*The SPD will help meet the cross-cutting objective of the Placemaking Plan to address climate change. It has now been consulted on and updated accordingly so is proposed for adoption.*

**Decision Maker: Cabinet Member - Development and Neighbourhoods**

**Decision published: 24/10/2018**

**Effective from: 01/11/2018**

**Decision:**

The Cabinet Member agrees that the Council should adopt the Sustainable Construction Checklist Supplementary Planning Document.

**Lead officer: Sara Grimes**

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<b>Bath &amp; North East Somerset Council</b>		
MEETING/ DECISION MAKER:	<b>Cabinet</b>	
MEETING/ DECISION DATE:	<b>18<sup>th</sup> December 2018</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3103</b>
TITLE:	<b>Business Plan Update - Clean Air Zone</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
None		

## 1 THE ISSUE

- 1.1 The six week public consultation on the Clean Air Zone (CAZ) options was one of the most comprehensive engagement exercises undertaken by the authority with over 8,400 responses. It has not been possible to fully analyse all of the responses within the original timeline due to the volume and the number of comprehensive responses received in the last three days of the consultation period.
- 1.2 To adhere to the timetable originally set presents a risk that the Council could be legally challenged on the grounds of a flawed consultation and a Business Case that has not recognised the full extent of the very detailed and technical submissions made by local residents and interested parties.
- 1.3 This report therefore sets out the options for a revised timeline for the delivery of the project.

## 2 RECOMMENDATION

The Cabinet is recommended to;

- 2.1 Note the unprecedented high number of consultation responses, as highlighted in section 8 of this report.
- 2.2 Receive a further report with fully costed and modelled options, including a range of mitigation measures as soon as is reasonably possible. In any event receive an update report in March 2019.

- 2.3 Request a full analysis of the consultation responses and any consequential statistical and financial modelling work deemed necessary to ensure comprehensive consideration of the wide range of comments received.
- 2.4 Request Officers to continue to liaise with the Joint Air Quality Unit (JAQU) regarding the timeline and the on-going funding for the remaining Outline and Full Business cases (OBC and FBC), subject to understanding the implications of further modelling.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 A full economic and financial modelling process is required as part of the OBC. Draft versions of the relevant documents required as part of the OBC (excluding those withheld for reasons of commercial sensitivity) are published on the Council website.
- 3.2 The delivery of the CAZ may have a significant impact on Bath and North East Somerset in a number of areas. Therefore, until a final decision is made on the type and format of the CAZ, this impact cannot be fully assessed or presented.
- 3.3 Whilst the council may defer a decision on the details of what the zone looks like, officers are continuing to work, subject to funding being agreed with JAQU, on the OBC and FBC and will present a report as soon as the consultation, financial and additional air quality modelling is concluded.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 Under the Environment Act 1995 and following a binding ruling by the Supreme Court upon the Government a Ministerial Direction was issued to Bath and North East Somerset Council in July 2017. The Direction stipulates that Bath and North East Somerset Council shall prepare a final plan for a scheme to deliver compliance with legal limits by 31st December 2018 in line with the UK Air Quality Plan (AQP). The Government Direction requires compliance with the Air Quality Objectives no later than 2021.
- 4.2 In accordance with the legal obligations as set out within [ClientEarth (No.2) v Secretary of State for the Environment, Food and Rural Affairs (2016)], the authority is required to:
  - (1) Achieve compliance as soon as possible and
  - (2) Choose a route to compliance which reduces human exposure as quickly as possible and
  - (3) Ensure that compliance is not just possible but likely
- 4.3 In addition to the above legal tests, the Council is legally required to give due consideration to the responses to the recent consultation exercise and the discharge of our duties under the Equalities Act 2010.
- 4.4 The Council had assumed a high level of public interest and response. However, due to the higher than anticipated level of response to the public consultation it is not possible to fully analyse the feedback and undertake any further modelling and financial assessment in order to present a comprehensive report within the original timeline.

- 4.5 It should be noted that despite the challenging timeline set by Government the Council achieved the deadline for submitting the initial plan to the Joint Air Quality Unit and immediately proceeded with the technical work necessary to develop a final plan and preferred option. Extensive public and partner engagement on the initial plan was also undertaken in parallel with a view to enabling the shortest possible consultation on the final plan and preferred option. However, the extent of the response requires additional time to complete this piece of work effectively and fairly.

## 5 THE REPORT

- 5.1 Residents and businesses have taken the time to engage with the Council and as such, they deserve a considered response. This is particularly important given the unique nature of Bath which is one of only two entire cities designated by UNESCO as World Heritage Sites, the other being Venice, the area surrounding the city is also designated. This makes the city a major tourist destination whilst it is also a key transit point between the south coast and the motorway network. Therefore, the council has to balance addressing air quality, that has the potential to be a highly complex and controversial issue, with measures that may be perceived to unfairly “penalise” residents and businesses when the causes of the poor air quality also relate to transiting traffic, tourism and the topography of the city and surrounding area.
- 5.2 As a responsible public body, the Council takes its duties and responsibilities seriously and has demonstrated best endeavours to comply with Government Directive and legal requirements. It should also be noted that the Council is significantly further ahead in this process than a number of other local authorities provided with an air quality direction.
- 5.3 Whilst the volume and complexity of responses to the consultation is unprecedented, certain themes are emerging, these include:
- Suggestions to either extend or reduce the boundary of the zone
  - Other alternative measures to address the air quality levels
  - Diversion routes to avoid ‘rat runs’
  - Identification of impacts of the proposals on specific groups of people, specific localities and businesses
  - Suggestions on mitigation measures such as; charging variations, public transport measures, access restrictions, infrastructure improvements, parking and transport management measures and development of low emission transport modes
- 5.4 The Joint Air Quality Unit, commonly known as JAQU, was established by UK government departments for transport and the environment to deliver national plans to improve air quality and ensure compliance EU air quality objectives. Air quality modelling is central to developing these plans. In accordance with JAQU guidance, modelling for the local CAZ has been undertaken using the most frequently used UK model for assessing emission concentration from road traffic sources (Ref: Atmospheric Dispersion Modelling System for Roads). The model inputs include; emission sources, meteorological data, background pollution levels and the likely impacts of structures/urban environments.

## 6 RATIONALE

6.1 As set out within the report, failing to fully understand the outcomes from the public consultation when making a significant decision which could affect the travel choices of a large number of people within Bath & North East Somerset and across the wider area and would leave the Authority at risk of legal challenge. The principles adopted to ensure fair consultation are detailed below:

- (i) consultation must take place when the proposal is still at a formative stage;*
- (ii) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;*
- (iii) adequate time must be given for consideration and response; and*
- (iv) the product of consultation must be conscientiously taken into account.*

6.2 Section 8 of this report highlights the extensive consultation undertaken and the Bath Breathe newsletter has provided regular updates to ensure that this issue has been well communicated public.

## 7 OTHER OPTIONS CONSIDERED

7.1 The Cabinet could make a decision at this meeting based on the feedback that has been analysed to date from the consultation exercise with a full report following in due course. The advantages of continuing on this basis are:

- The council is complying with the letter of Direction
- It maintains the current implementation timeline

7.2 However, the risk of this approach is that the Cabinet does not have access to a complete analysis of the consultation responses, nor any additional modelling data that may be required to give due consideration to the comments received.

7.3 On this basis, this option was rejected.

## 8 CONSULTATION

8.1 The six week public consultation on the CAZ options was one of the most comprehensive engagement exercises undertaken by the authority. The engagement plan included:

8.2 9 drop in events and 10 surgeries held in Bath, Keynsham and Midsomer Norton, attended by approximately 750 people

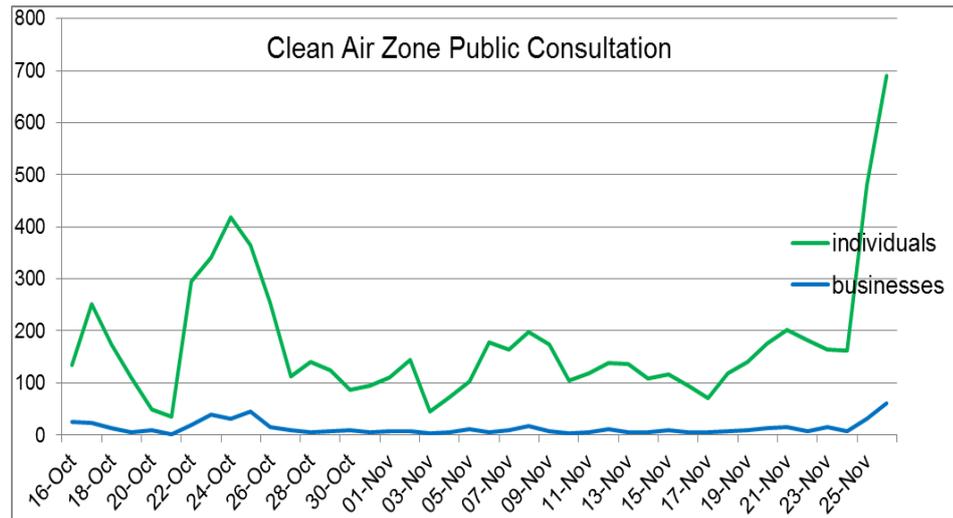
8.3 The Project Team have held 56 separate stakeholder meetings and have engaged with around 1,000 people through these meetings

8.4 A summary of the number and nature of the responses is detailed below

Nature of Response	Number	% of total responses
<b>On-Line</b>		
Businesses/Organisations (Surveys)	567	7%
Individuals/Interest Groups (Surveys)	7,314	87%
E Mails <i>Note: This is an approximate figure</i>	120	1%
<b>Total (On-line):</b>	<b>8,001</b>	<b>95%</b>

Paper Copies		
Surveys <i>Note: 120 surveys entered, 150 approximate figure</i>	270	3%
Letters <i>Note: This is an approximate figure</i>	150	2%
<b>Total (Paper):</b>	<b>420</b>	<b>5%</b>

8.5 95% of responses were submitted electronically. 20% of responses were submitted during the last three days of the consultation, see graph below:



8.6 Additionally, approximately 1.7 million words of text have been submitted in support of the consultation responses, including a large number of technical submissions from individuals and groups of up to 64 pages in length.

## 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.

<b>Contact person</b>	<i>Chris Major x4231</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Cabinet</b>	
MEETING DATE:	<b>18 December 2018</b>	<b>E3099</b>
TITLE:	<b>Review of the Council's Hackney Carriage and Private Hire Licensing Policy and associated conditions</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Appendix A- Proposed Hackney Carriage and Private Hire Licensing Policy</b></p> <p><b>Appendix B- Proposed Private Hire driver conditions and Hackney Carriage driver byelaws</b></p> <p><b>Appendix C- Department for Transport (DfT) statutory guidance 'Access for wheelchair users to taxis and private hire vehicles'</b></p>		

## **1 THE ISSUE**

- 1.1 This report seeks to update and amend the policy and general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences.
- 1.2 As part of the policy review it is proposed to adopt Section 165-167 of the Equality Act 2010 and maintain a list of designated vehicles which are appropriate for wheel chair access within the licensed vehicle fleet.

## **2 RECOMMENDATION**

Cabinet is asked to:

- 2.1 Note the responses to the public consultation and the officer recommendations
- 2.2 Adopt the revised hackney carriage and private hire policy following endorsement by the Licensing Committee (Appendix A)
- 2.3 Adopt Section 165-167 of the Equality Act 2010 following endorsement by the Licensing Committee
- 2.4 Note the amended private hire driver conditions and hackney carriage driver byelaws following amendments proposed by the Licensing Committee (Appendix B)
- 2.5 Note the remaining conditions adopted by the Licensing Committee at the meeting on 17 October 2018

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The policy and conditions review has been carried out by the licensing authority, supported by Legal Services. Costs of officer time are met through full cost recovery by the collection of taxi licensing fees.
- 3.2 Any additional costs of maintaining a list of designated vehicles are not considered to be significant and will be met through full cost recovery by the collection of taxi licensing fees.
- 3.3 Costs for driver Child Sexual Exploitation awareness training will be minimised through the delivery of an in-house programme and met through the recovery of training fees.

### **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 On 13 November 2013 the Cabinet adopted a policy relating to hackney carriage and private hire licensing standards and on 7 January 2014 the Licensing Committee adopted revised conditions of licence to be attached to the standard grant of private hire/hackney carriage drivers, proprietors and operators licenses.
- 4.3 It is now timely for the policy and conditions to be updated to ensure that they remain up to date and fit for purpose. This is in light of the forthcoming Clean Air Zone proposals for Bath, the need to ensure that licensed drivers are aware of issues relating to Child Sexual Exploitation and the need to further promote public safety by ensuring that all new drivers have the necessary English speaking skills to deal with an emergency situation.
- 4.4 On 7<sup>th</sup> February 2017 the Department for Transport (DfT) announced their intention to commence Sections 165 and 167 of the Equality Act 2010 in so far as they were not already in force and made the Equality Act 2010 (Commencement No. 12) Order 2017 which subsequently took effect on 6<sup>th</sup> April 2017.
- 4.5 As a result of this legislative change, drivers of designated wheelchair accessible taxi and private hire vehicles are now legally obliged to:
  - Carry the passenger while in the wheelchair
  - Not to make any additional charge for doing so
  - If the passenger chooses to sit in a passenger seat, to carry the wheelchair
  - To take such steps as are necessary to ensure that the passenger is carried in reasonable comfort
  - To give the passenger such mobility assistance as is reasonably required.

- 4.6 This order applies in England, Wales and Scotland, applies to both taxis and private hire vehicles and affects vehicles that are designated as wheelchair accessible.
- 4.7 The legislation only applies in areas where the licensing authority has decided to maintain a list of designated vehicles under Section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority. Officers are recommending that the council decides to maintain a list of designated vehicles under Section 167.
- 4.8 DfT has published guidance on the accessibility requirements that licensing authorities should apply and this can be found at Appendix C.
- 4.9 The Licensing Committee considered the revised policy and conditions on 17 October 2018 and required further consultation with the Council's Equalities Officer which has now been completed and will be considered later in this report.

## **5 THE REPORT**

- 5.1 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 vehicles and hackney carriages in the area of Bath & North East Somerset Council.
- 5.2 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.
- 5.3 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.
- 5.4 This review of the Hackney Carriage and Private Hire policy and conditions has several significant changes which are outlined below:
- 5.5 Compliance with Bath's Clean Air Plan:**
- 5.6 The Council has been directed to reduce levels of nitrogen dioxide to within acceptable limits in the shortest time possible and by 2021 at the latest. In the Strategic Outline Business Case for the Clean Air Plan, published in March 2018, 3 possible options were identified for a Clean Air Zone, which technical assessment has determined is necessary to deliver the necessary reductions in the time possible. All of these options require taxi and private hire vehicles to be compliant with the Government's Clean Air Framework, i.e. Euro 4 standard or better for petrol vehicles and Euro 6 standard or better for diesel vehicles.
- 5.7 Engagement with the taxi trade has been ongoing since April 2018 over these options and it is proposed in the revised policy that should a Clean Air Zone be introduced, all licensed vehicles will be compliant with the requirements of such a zone. Feedback from the consultation suggests concessions to mitigate the

impact of such a change and this is being considered further in the Outline Business Case for the Clean Air Zone which was published in October 2018.

#### **5.8 The need for awareness training on Child Sexual Exploitation:**

5.9 The Council has a duty to promote public safety and there is evidence to show that across the UK, drivers of taxis are often (unwittingly) being used to transport boys and girls between hotels, pubs and other places where they are being sexually exploited. Taxi drivers are in a unique position to notice when all is not right with young passengers, and to pass concerns onto the Police. A DfT national survey undertaken in 2017 demonstrated that 58% of licensing authorities now require both hackney carriage and private hire drivers to undergo some form of awareness training.

5.10 It is therefore proposed to introduce mandatory training for every driver which will be a necessary requirement of the licence renewal. Having considered feedback from the trade and other local authorities, it is recommended that an in-house training course is favoured both in terms of minimising costs to the drivers and providing locally focussed training.

#### **5.11 The need to ensure that all drivers have the necessary English speaking skills to promote public safety:**

5.12 Taxi drivers have a very responsible role in ensuring the public safety of their passengers and it is important to ensure that they have the necessary communication skills to be able to do this successfully. Consultation with 18 other licensing authorities has determined that 10 of these have some form of English Speaking test for new applicants. It is proposed to introduce a mandatory requirement of the licence application that applicants undergo a test approved by the Council. For those applicants who are not successful, the Council is exploring options for support for re-taking the test with local educational providers, such as Bath College.

5.13 A public consultation on the revised policy and conditions was carried out from 16 July 2018-14 September 2018 (8 weeks). Every driver licenced by the Council was invited to a launch event on 16 July 2018 which was followed up by copies of the proposed policy and conditions being sent to every driver and operator. Meeting appointments for face to face discussions were offered and a dedicated webpage with online questionnaire was created for comments to be recorded.

5.14 Appendix A provides the proposed policy. The key changes from the existing policy are:

- The Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party.
- All vehicles will normally be less than four years old when first licensed.
- All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

- Hybrid, plug-in hybrid or fully electric powered vehicles will be encouraged, providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met.
- Alternative fuel vehicle conversions are permissible provided genuine conversion certificates from industry approved installers are provided prior to the vehicle being first licensed.
- All drivers must complete a B&NES approved course relating to raising awareness around the issue of child sexual exploitation. Evidence of successful completion of the training must be produced on the driver's first licence renewal. Failure to provide evidence of course completion will result in refusal of the renewal application.
- Any failure to produce a Disclosure & Barring Services Certificate dated within 30 days of its issue howsoever caused will result in a delay in any licence being issued and may result in referral to the Licencing Sub Committee.
- The Council expects all licensed hackney carriage and private hire drivers to have sufficient expertise of the English language so that they can communicate freely and clearly with passengers and authorised officers. All new applicants are therefore required to undertake a B&NES approved assessment of their communication skills. Successful completion of this assessment is required before a licence can be granted.
- Those wishing to enter the executive/chauffeur hire corporate account sector should take advice from the Council's Licensing team on the suitability of the nature of the business model and proposed vehicle. If the proposal does not meet the criteria for exemption in the view of the Licensing team, then the applicant may appeal to the Licensing Sub Committee.

5.15 Following the public consultation and Licensing Committee, officers have considered the representations received and whether or not any changes should be made to the proposals. There are no recommendations from either officers or the Licensing Committee to make further changes to the proposed policy.

#### 5.16 **Changes to the Private Hire Drivers conditions:**

5.17 Following the Licensing Committee the Team Manager was asked to review the proposed policy and conditions in liaison with the Council's Equalities Officer. As a result some amendments have been made to the private hire driver conditions and hackney carriage driver byelaws which are contained in Appendix B. The amendments are shown in bold and italics.

## 6 RATIONALE

6.1 The previous policy and conditions adopted by the Council have been updated to align with the proposals on air quality, the need to ensure that all drivers have an awareness of how to respond to concerns about Child Sexual Exploitation and the need to ensure that new applicants are able to effectively communicate with passengers in the interests of public safety. Following the Equality Act 2010

(Commencement No. 12) Order 2017, it is also recommended that the Council adopts these provisions in the interests of transparency and fairness to both licence holders and wheelchair users.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

8.1 A public consultation in relation to the proposed revised policy and conditions was carried out as referred to in paragraph 5.13 of this report.

8.2 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

8.3 Cabinet Member, Members of the Licensing Committee, the Council's Equalities Officer and the local taxi trade, have been engaged in the consultation process on the proposed policy and conditions.

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

8.5 An equalities impact assessment has been completed in relation to the revised policy and conditions and adoption of Section 165-167 of the Equalities Act 2010. This identified that the adoption of Section 165-167 has a positive impact for disabled people who use wheelchairs. There is a potentially negative impact for new applicants who need support to pass the English Speaking test and the Council is exploring ways for applicants to access training so that they can be successful.

<b>Contact person</b>	<i>Cathryn Brown, 01225 477645</i>
<b>Background papers</b>	<i>Conditions previously adopted by Licensing Committee on 17 October 2018</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**PROPOSED POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING STANDARDS FOR DRIVERS, VEHICLES AND OPERATORS**  
**(there are no proposed changes following the public consultation and Licensing  
Committee on 17 October 2018)**

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 applications fall outside this Policy they will be referred to the Licensing Sub-Committee for consideration.
2. For the purpose of Hackney Carriage licensing, the district of Bath and North East Somerset is zoned into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council has a limitation policy to regulate the number of Hackney Carriage Proprietors Licences issued 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 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. Any new Hackney Carriage Proprietors licenses issued in zone 1 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. The Council intends to adopt section 165 of the Equality Act 2010 and will maintain a list of designated vehicles which are appropriate for wheel chair access within the fleet. Private Hire operators are encouraged to offer accessible vehicles within their fleet and information about operators who provide fully accessible vehicles will be published on the Council's web pages.
7. 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 Council.
8. In accordance with the definition of "Proprietor" as stated by the Local Government (Miscellaneous Provisions) Act 1976, the Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party. In these cases vehicle licenses will only be granted to the person in possession of the vehicle under a lease or hire agreement.
9. All vehicles will normally be less than four years old when first licensed.

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified

emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

10. However, in recognition of the Council's wider responsibility to improve air quality, the Council will also seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best possible environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency and end-of life recycling.

Hybrid, plug-in hybrid or fully electric powered vehicles will be encouraged, providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met.

Vehicle owners are strongly recommended to contact the Council so that officers can help in an individual decision about vehicle type.

11. Alternative fuel vehicle conversions are permissible provided genuine conversion certificates from industry approved installers are provided prior to the vehicle being first licensed.
12. Emission converter technology is permissible subject to approved certification being submitted to the Council. However this does not automatically mean that the conversion renders the vehicle compliant with any emission standards enforced by any Clean Air Zone. It is the licensee's responsibility to ensure that the vehicle would be compliant prior to any such technology being fitted to the vehicle. Further, for the sake of absolute clarity, the Council cannot be held responsible if such technology does not result in the vehicle being exempted from any CAZ charge.
13. Only roof signs approved by the Council 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.
14. 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.
15. 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.
16. Hackney Carriage vehicle licenses are renewed annually and expire on the 31<sup>st</sup> May.
17. Private Hire vehicle licenses are renewed annually and expire on the 31<sup>st</sup> October.
18. Hackney Carriage and Private Hire Driver's licenses are issued for a maximum three year period and expire on the 28<sup>th</sup> February. Renewals will normally be issued for the maximum three year period.
19. Driver's licenses may be issued for a shorter period than the maximum three years depending on the individual circumstances of the applicant. Factors that may influence this include (but are not limited to) an applicant's right to work in the UK, applicants individual medical circumstances. or other issues that may arise during the application process.
20. An Operator's licence is issued for a maximum five year period, and shall expire on the 30<sup>th</sup> September.

21. The Council reserves the right to issue licenses for a lesser period should it see fit.
22. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
23. The following checks will be carried out on all new applications and 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. References and Disclosure & Barring Services checks will be waived for applicants who are already hold a combined Hackney Carriage/Private Hire Drivers Licence issued by Bath & North East Somerset Council.
  - Vehicle Licenses; 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.
  - 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.
  - 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 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

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.

24. All applicants for combined Hackney Carriage/Private Hire driver's licence must 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.
25. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council approved Drivers Assessment training course 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.

26. Applicants must successfully complete a driver's assessment course run by the Bath & North East Somerset Council Passenger Transport Team. In exceptional circumstances where a course is not available for a period greater than four weeks an alternative third party provider may be used. This provider must be approved by the Council and details of approved providers are available from the Licensing Office.
27. All drivers must complete a B&NES approved course relating to raising awareness around the issue of child sexual exploitation. Evidence of successful completion of the training must be produced on the driver's first licence renewal. Failure to provide evidence of course completion will result in refusal of the renewal application.
28. All driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and when requested by the Council after their 45<sup>th</sup> birthday and every 5 years thereafter until the age of 65 and then 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.
29. 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 Council Sub-Committee for determination.
30. 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.
31. 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. The cost of this new Enhanced Disclosure & Barring Services Certificate will have to be paid for by the licensee at the time of application.
32. On application for a combined Hackney Carriage/Private Hire drivers licence, renewal thereof or on three yearly review of Disclosure & Barring Services checks, any failure to produce a Disclosure & Barring Services Certificate dated within 30 days of its issue howsoever caused will result in a delay in any licence being issued and may result in referral to the Licencing Sub Committee.
33. 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, 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. Should an 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.

34. The Council expects all licensed hackney carriage and private hire drivers to have sufficient expertise of the English language so that they can communicate freely and clearly with passengers and authorised officers. Applicants are expected to have the necessary verbal communication skills which allow them to understand licensing requirements and to deal with day to day interactions with customers and members of the public during the course of everyday business. It is also essential for public safety that a driver can communicate clearly with passengers and Emergency Services in the event of an emergency situation. All new applicants are therefore required to undertake a B&NES approved assessment of their communication skills. Successful completion of this assessment is required before a licence can be granted.
35. Those wishing to enter the executive/chauffeur hire corporate account sector should take advice from the Council's Licensing team on the suitability of the nature of the business model and proposed vehicle. If the proposal does not meet the criteria for exemption in the view of the Licensing team, then the applicant may appeal to the Licensing Sub Committee.
36. All Operators, Private Hire Driver and Vehicle licenses issued by the Council are subject to a penalty point scheme as detailed in the section below.
37. All Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.
38. That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions or formal cautions are disclosed, are referred to the Licensing Sub Committee for determination.

December 2018

## 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
2. Licensing Committee for the consideration of a warning as to future conduct, suspension, revocation or refusal to renew a licence.
3. Where a licensee accumulates more than 12 penalty points in any twelve month period, the matter will be referred to the Licensing Sub 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. The Licencing Sub Committee may depart from this Policy on reasonable grounds for doing so.
4. Penalty points issued to a licensee will be confirmed in writing within 14 days of the decision to issue points.
5. 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 AND CAUTIONS 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, 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.

A precondition of being a licence holder is that the Council must be satisfied that applicants or holders of licenses are fit and proper persons. A criminal record check is therefore 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.

This 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 and when a subsequent criminal record check discloses a conviction or caution has been obtained during the period of an existing licence.

Applications disclosing an history of offending behavior resulting in conviction and or formal police caution falling both within and outside of this policy may be referred to the Licensing Sub-Committee for determination. The type of offending behavior that may be referred to the Licensing Sub Committee will depend, for example, on relevance to the application, seriousness of the offence, the age and number of convictions or cautions received and the nature of disposal on conviction i.e. conditional discharge, fine, community order or custody sentence.

### 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 on reasonable grounds having had regard to the full facts of the case and any mitigating or other circumstances put forward by the applicant. Should the Licensing Sub Committee 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.

Nevertheless, 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.
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 or revoked immediately by an authorised officer. 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 where it is just, fair and reasonable to do so. Where the Council departs 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 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 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 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 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 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 licensee shall be referred to the 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 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 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 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 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 Licensing Sub-Committee for determination.

### 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 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 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 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 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 Licensing Sub-Committee for determination.

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 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 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 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 before the restoration of the combined Hackney Carriage/Private Hire driving licence.

December 2018

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

***(changes following public consultation and the Licensing Committee on 17<sup>th</sup> October 2018 are shown in bold italics)***

**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.

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 of the Town Police Clauses Act 1847 and in relation to a Private Hire vehicle means a licence issued under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

### **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.

#### **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.

#### **APPLICATION BASED FARE CALCULATORS:**

Any mobile phone equipment used to calculate the fare shall be fixed securely to the interior of the vehicle in such a manner that it does not obstruct the drivers view of the road and so as to be plainly visible to fare paying passengers.

#### **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 or application based fare calculator.

#### **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). 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 12 hours of its occurrence.

#### **CONDUCT:**

The driver shall:

- (a) ensure that any Private Hire vehicle driven by him/her is in a roadworthy and clean condition before the commencement of driving for hire and reward.
- (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, sexuality or disability. not discriminate against any person on the basis of age, disability, race, sex, gender reassignment, religion/belief, sexual orientation, pregnancy/maternity~~**

### **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 are:

- Clothing that is ripped, torn or holed
- Words or graphics on any clothing that maybe offensive to others ~~is suggestive or offensive~~
- Sports shirts such as football, rugby or cricket shirts
- Track Suits
- ***Clothing which is too casual and not appropriate for work (e.g. beach attire, sports training attire) which includes items such as swimming/training shorts, Shorts, miniskirts, flip flops, and vest tops. Tailored shorts are acceptable. and any clothing that could be deemed to be provocative or sexually revealing.***

### **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. In the event of a delay in attendance the driver shall take reasonable steps to contact the customer using the contact details provided. In the event of a 'no show' by the customer the driver shall take reasonable steps to contact the customer before driving away.

### **EATING & 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 1<sup>st</sup> 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.

Vaping and E-Cigarettes use is prohibited at all times.

The above also applies to passengers being carried within a licensed vehicle.

**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,
- (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.

**TAKEAWAY FOOD:**

It is at the driver's discretion whether or not takeaway food is allowed to be carried within the vehicle. If the driver does permit then the food should remain sealed and not be consumed within the vehicle. If a passenger refuses to comply with this request then the hiring may be terminated by the driver.

**CONVEYANCE OF LUGGAGE:**

No luggage shall be conveyed on the exterior of the vehicle. The driver should exit the vehicle and assist the passenger in safely and securely storing the luggage to be carried, provided that the amount of luggage does not exceed the storage space of the vehicle. No luggage shall be carried in the interior of the vehicle in such a manner as to be a hazard in the event of an emergency stop.

**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. If the driver is aware of any local temporary condition that may affect the shortest route such as roadworks or special events the driver should inform the passenger verbally of this and request permission to take an alternative 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 years 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.

**GUIDE DOGS AND OTHER ASSISTANCE ANIMALS:**

Passengers 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.

If a Private Hire Operator has a Council approved procedure in place for dealing with lost property then the driver may deposit any lost property with the Private Hire Operator and the condition above shall not apply.

**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.

**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.
- (g) A driver shall when requested by an Authorised Officer drive to another location if in the view of the Authorised Officer the driver could be perceived to be plying for hire due to the nature of the location.

**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 and provide full information relating to the circumstances leading to the charge.

Should the Licence holder receive any conviction, caution or Fixed Penalty Notice for a motoring offence 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 information relating to the circumstances surrounding the offence.

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

## **CRIMINAL ALLEGATIONS AND INVESTIGATIONS**

If a licensee is accused of any criminal activity that is the subject of an active Police investigation they should inform the Licensing Office as soon as reasonably practicable and in any event within 24 hours of such investigation being commenced. The licensee should provide as much information as possible that does not prejudice the investigation.

Licensees who have allegations made against them involving sexual misconduct may have their licence immediately revoked or suspended on the grounds of immediate public safety.

## **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 as soon as reasonably practicable or in any event within 48 hours.

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. .

If a medical is requested by the Council in accordance with the recommended timescales prescribed in the policy applicable to licensed drivers and they licensee fails to produce the results of such medical then the Authorised Officer may revoke or suspend the driver's license on the grounds of immediate 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. The written notice shall be on a form that can be obtained from the Licensing office.

## **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.

### **DUTY TO RESPOND TO WRITTEN REQUESTS**

If a licensee fails to respond to written requests for documentation without reasonable excuse on three occasions prompting a follow up letter then the licensee shall be referred to the Licensing Sub-Committee for them to consider whether or not he/she remains fit and proper person. The three occasions referred to above are not limited to any one year term of a licence and all occasions where repeated requests for information are made will be taken into account.

### **PENALTY POINT SCHEME**

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

### **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.

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

December 2018

<b>Penalty Points System Relating to Private Hire Driver's Licence Conditions</b>
---

Cause	Points
Demanding more than displayed on taximeter or <b>application</b>	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
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.

## **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;
  - (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 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
  - (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 or 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.

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. (a) 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.

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.

**Repeal of Byelaws**

19. The byelaws relating to Hackney Carriages which were made by Bath City Council on the 15<sup>th</sup> 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 .....**



Department  
for Transport

# Access for wheelchair users to Taxis and Private Hire Vehicles

## Statutory Guidance

**Moving Britain Ahead**

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

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# Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,  
Parliamentary Under Secretary of State, Department for Transport**

# 1. Introduction

## Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

## 2. Putting the law into practice

### Background

- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15<sup>th</sup> September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

### Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



# 3. Vehicles

## Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

## Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"<sup>1</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

---

<sup>1</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)

## Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

## Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

# 4. Drivers

## Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
- to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff<sup>2</sup> may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

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<sup>2</sup>

<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

## Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1<sup>st</sup> October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

## Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

## Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

# 5. Enforcement

## Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

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<b>Bath &amp; North East Somerset Council</b>	
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MEETING:	<b>Cabinet</b>	
MEETING DATE:	<b>18<sup>th</sup> December 2018</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3071</b>
TITLE:	<b>Revenue and Capital Budget Monitoring, Cash Limits and Virements – April 2018 to October 2018</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report</b></p> <p><b>Appendix 1:</b> Revenue Monitoring Commentary</p> <p><b>Appendix 2:</b> Key Scheme Capital Monitoring Commentary</p> <p><b>Appendices 3(i) &amp; 3(ii):</b> Proposed Revenue Virements &amp; Revised Revenue Cash Limits 2018/19</p> <p><b>Appendices 4(i), 4(ii) &amp; 4(iii):</b> Capital Virements, Capital Programme by Portfolio 2018/19 &amp; Capital Programme adjustments</p>		

## **EXECUTIVE SUMMARY**

### **a) Revenue budget**

The Revenue budget outturn is currently forecast to be £4.1m over budget. This is £1.5m higher than the £2.6m reported previously and is mainly due to unmitigated delays in savings delivery of net £1.8m, additional demand in Children's Services £2.2m, and a £1.2m shortfall in income from Commercial Estate. This has been partially offset by a forecast under budget position of (£0.86m) resulting from Council funded growth allocations now being funded from additional grant in Adult Social Care. Urgent actions are being put in place through Recovery Plans to mitigate this position. The report below highlights which savings are delayed and which are considered high risk and may not be delivered, those that are delayed can be supported through the smoothing reserve but this will utilise all of the reserve allocation for 2018/19.

### **b) Capital budget**

The capital budget is currently showing an expected under budget position of £11.4m mainly due to slippage and re-phasing.

This report also seeks approval to make adjustments to the current capital programme following the review that has been carried out to support 2019/20 budget planning.

### **c) Council tax and Business rates**

The current forecast Council's share of the year end Collection Fund position is:

- Council Tax – Surplus of £0.760m (2017/18 Deficit £0.154m)
- Business Rates – Deficit of £0.259m (2017/18 Deficit £1.473m)

Business rates collection remains slightly lower than target and will continue to be monitored closely over the next few months

### **d) Council Reserves**

Council reserves will be required to mitigate the current position if the actions being put in place are not successful. The Budget Contingency Reserve which has been set up to mitigate budget risk would be completely depleted with a further £0.53m requirement from Un-earmarked Reserves. This would reduce General Fund Un-Earmarked Reserves to below the range required to meet the Council's financial risks and therefore require a review of all reserves and a requirement for further savings to replenish them in 2019/20.

## **1 THE ISSUE**

- 1.1 This report presents the financial monitoring information for the Authority as a whole for the financial year 2018/19 to the end of October 2018.

## **2 RECOMMENDATION**

The Cabinet agrees:

- 2.1 To note the 2018/19 forecast over budget of £4.1m (as at the end of October 2018) and the recovery plan actions outlined in Appendix 1;
- 2.2 To note the mitigations that will be required shown in paragraph 5.6, if the over budget position cannot be reduced by the end of the financial year
- 2.3 To note the capital year-end forecast detailed in paragraph 5.17 of this report;
- 2.4 To note the revenue virements listed for information in Appendix 3(i);
- 2.5 To note the changes in the capital programme including capital schemes that have been agreed for full approval under delegation listed in Appendix 4(i)
- 2.6 Agree the capital schemes listed in Annex 4(iii) for removal / deferment from the current 5 year capital programme.

## **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 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 2018 through the Budget setting process.

## **5 THE REPORT**

### **REVENUE BUDGET**

- 5.1 The Budget Management Scheme requires that the Cabinet consider the revenue and capital monitoring position four times per year.
- 5.2 Service Directors have been asked to outline the actual expected outturn for the year and the reasons to date for over / under budget forecasts. For revenue budgets which are forecast to be over budget, the Directors are expected to seek compensating savings to try and bring budgets back to balance.

5.3 A summary by Portfolio of the revenue position as at 31<sup>st</sup> October 2018 is shown in the table below:

<b>Portfolio</b>	<b>Revised Budget £'m</b>	<b>Year End Forecast £'m</b>	<b>Variance Over / (Under) £'m</b>
Leader	2.28	2.48	0.20
Finance & Efficiency	3.04	4.12	1.08
Transformation & Customer Services	5.83	6.17	0.34
Adult Care, Health & Wellbeing	62.83	61.96	(0.86)
Children & Young People	27.53	29.71	2.18
Economic & Community Regeneration	(5.18)	(5.25)	(0.06)
Development & Neighbourhoods	18.35	18.64	0.28
Transport & Environment	(1.26)	(0.31)	0.95
<b>Total</b>	<b>113.41</b>	<b>117.52</b>	<b>4.11</b>

Note1: Some of the figures in this table are affected by rounding.

5.4 The current **year-end** forecast is an over budget position of £4.11m, which equates to *1.61%* of gross budgeted spend (excluding Schools).

### **Portfolio Commentary**

5.5 Key variances and associated actions by Member portfolio are as follows, a more detailed breakdown can be found in Appendix 1.

#### **Leader (£0.2m over budget, £0.07m adverse from last period)**

The variance is mainly due to implementation slippage to 2019/20 for the savings plans for sharing legal services that require further negotiation on the plans to share Council services. Other savings options are being progressed to address the over budget position.

#### **Finance & Efficiency (£1.08m over budget, £0.44m adverse from last period)**

Portfolio variances are mainly attributable to slippage against the Commercial Estate revised acquisition target and also increased costs associated with voids (holding costs and marketing fees), new property acquisitions are planned that will create additional part year income and generate full year income from 2019/20. The performance of commercial estate income will continue to be closely monitored.

There is also been staffing budget pressures in Property and Traded services due to reduced income from recharges and some slippage in restructuring implementation. The over budget position in print services from keeping the team to manage democratic services print requirements for the elections in May 2019 (e.g. ballot papers) has been part mitigated by improved corporate estate rental income and improved performance on corporate budgets.

**Transformation & Customer Services (£0.34m over budget, £0.04m adverse from last period)**

The over budget position is due to salary costs from slippage against savings targets in Customer Services and Strategy & Performance. Achievement of these savings will need to be managed through the delivery of the agreed service review and re-design proposals, plans are currently being developed and approved for implementation with full year savings to be realised from 2019/20.

**Adult Care, Health & Wellbeing (£0.86m under budget, £0.01m adverse from last period)**

The Adult Care, Health & Wellbeing portfolio has a forecast under budget position resulting from Council funded growth allocations now funded from additional grant, which was announced after the Council had put forward its 2018/19 budget and subsequently allocated entirely to Adult Services.

The financial position is also attributable to good progress in Social Care savings plans with monitoring indicating that costs of care packages are becoming more stable compared to previous years.

An in-year budget virement is proposed to transfer the £0.86m into Children's Social Care to fund the reported pressures in high cost placements.

**Children & Young People (£2.18m over budget, £1.28m adverse from last period)**

The over budget position and movement from last period is due to increased costs from new residential placements as a result of children being at risk of harm, as well as a number of children having to move from foster care into more expensive residential care due to the complexity of their needs. There is budget pressure from the increased use of independent fostering placements where we have not had sufficient/appropriate in-house foster carers available. We are identifying an increasing number of vulnerable young people requiring accommodation and support to ensure their safety and wellbeing where they have been sexually and/or criminally exploited.

Management action includes all requests for children to come into care are subject to service manager scrutiny. Placement with family is always considered before care placement. We regularly review whether any children in care can return home. The Placements, Contracts and Commissioning Team use a preferred provider framework and dynamic purchasing system to negotiate the best price. We are reviewing our recruitment strategy for in house foster carers to reduce the need to use more costly independent fostering agencies.

**Economic & Community Regeneration (£0.06m under budget, £0.2m favourable from last period)**

The favourable movement from last periods monitoring is due to strong performance in Heritage Services over last quarter coupled with a one-off backdated rent payment. This has helped mitigate slippage against destination management savings plans.

**Development & Neighbourhoods (£0.28m over budget, £0.24m favourable from last period)**

The over budget position is from slippage on Building Control savings targets and under recovery against Planning income targets.

There are a range of expenditure pressures in the waste budgets (Recycling centre opening hours, depot rationalisation and increased fuel costs). Some of these are being off-set by higher than anticipated income from recycling and this accounts for the positive budget movement (when compared to the last monitoring period).

At the time of setting the 18/19 budget the Waste service redesign was still in the early stages of the roll out and the budgets were based on the initial theoretical modelling. Now that the service has been operating for a sufficient period of time a recurring budget rebase has been requested for approval in appendix 3(i) of this report.

There has been an improvement in Development Management through staff savings including holding vacancies which are mitigating under achievement of income.

**Transport & Environment (£0.95m over budget, £0.01m favourable from last period)**

There is a reported pressure in Highways and Traffic Management of £0.4m due to under performance against savings targets requiring a reduction in the annual highways maintenance cost. This will need to be reviewed against activity levels to explore mitigation options. The position has improved from the last period by £0.1m from the holding of vacancies.

In addition, it is currently forecast that the challenging savings in Public and Passenger transport will not be fully achieved in 2018/19, this is alongside a base budget pressure from concessionary fares, resulting in an over budget position of £0.65m. The Portfolio total is part mitigated by a favourable variance in Parking Services from bus gate income.

## **REVENUE BALANCES, CONTINGENCY AND RESERVES**

### **5.6 Use of Reserves to Mitigate the Over Budget Position**

If the current forecast position is not reduced by year-end, the following earmarked reserves will be utilised:-

<b>Mitigation</b>	<b>Amount £'m</b>
Financial Planning and Smoothing Reserve	£1.20m
Revenue Budget Contingency Reserve	£2.38m
General Fund Un-Earmarked Reserves	£0.53m
<b>Total</b>	<b>£4.11m</b>

### **Key Reserves**

The following table shows the balances of key reserves at the beginning of the year, planned use, and expected balance at the year-end based on current forecast including the mitigations outlined in the table above:-

	<b>Unallocated Balance as at 1/4/18 £'m</b>	<b>Projected Use in Year £'m</b>	<b>Current Estimated Balance 31/3/19 £'m</b>
Revenue Budget Contingency	2.38	2.38	0.00
Financial Planning and Smoothing Reserve*	6.41	3.09	3.32
Transformation Investment Reserve *	2.38	1.74	0.64
Restructuring & Severance Reserve	2.23	0.00	2.23

Note \* Use of these reserves are in line with budget plans agreed in February 2018

5.7 The 2019/20 budget will need to factor in any requirement to replenish the Revenue Budget Contingency reserve to £1.5m in line with the approved Medium Term Financial Strategy. If the current financial position does not improve £0.53m of General Fund Un-earmarked reserves will be required as part of these mitigations. This risks General Fund Un-earmarked reserves falling below the range required to meet the Council's financial risks and would require a review of all reserves and possibly further savings to be planned for 2019/20 to replenish this reserve.

There will be a review of the Financial Planning and Smoothing Reserve to ensure that there is available funding to mitigate timing risks associated with delivering the savings proposed for the 2019/20 budget. At the moment current use is within planned levels for 2018/19.

### **Reserves and Flexible Capital Receipts**

Flexible Capital Receipts are being utilised to fund the Councils transformation activities that results in ongoing revenue savings as outlined in the 2018/19 budget proposal. A target of £14.0m was agreed as part of budget setting in February 2018. This has now been updated to reflect the re-profiled requirement as follows:-

	<b>Actual Usage 2017/18</b> £'m	<b>Estimated Usage 2018/19</b> £'m	<b>Estimated Usage 2019/20</b> £'m
Flexible Capital Receipts	3.301	5.709	4.990

At present £1.9m has been received in 2018/19 with a balance of £3.8m forecast to be achieved by 31<sup>st</sup> March 2019. This will require further action to identify and profile the receipts required. A shortfall in receipts will impact further on reserves in 2018/19.

### General Fund Un-earmarked Reserve

The General Fund Un-earmarked Reserve is retained to meet the Council's key financial risks. In removing and capping the "Invest to Save" element the reserve is retained purely to meet those risks. The risk assessment has set a range of between £11.9m and £13.1m to meet those risks. The current estimate is that as at 31/03/18 the reserve will reduce to £11.8m and will require a review of all reserves and possibly further savings plans to bring it back to within the required range ensure that it remains sufficient to meet those risks.

### SAVINGS PERFORMANCE

5.8 The 2018/19 revenue budget approved savings of £17.3m, with £7.1m of these savings to be found through service re-design and restructuring. The table below shows forecast performance against the savings targets.

<b>Cabinet Portfolio</b>	<b>RED £'000</b>	<b>AMBER £'000</b>	<b>GREEN £'000</b>	<b>TOTAL £'000</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Leader	157	0	92	249
Finance and Efficiency	329	895	2,314	3,537
Transformation and Customer Services	284	353	1,032	1,669
Adult Care, Health & Wellbeing	23	1,264	2,403	3,690
Children & Young People	307	43	1,221	1,571
Development and Neighbourhoods	159	179	1,620	1,958
Economic & Community Regeneration	25	0	2,396	2,421
Transport and Environment	532	589	1,148	2,269
<b>Total</b>	<b>1,815</b>	<b>3,323</b>	<b>12,226</b>	<b>17,364</b>

<b>% By Risk Rating</b>	10%	19%	70%	100%
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The above table shows that significant progress has been made with £12.2m forecast to be fully delivered, £3.3m of savings have further work to be delivered and £1.8m are identified as high risk and may not be achieved during 2018/19.

Savings items that have been identified as high risk in 2018/19 and will require further action, mitigation or smoothing reserve are as follows:

- **Transport moving people from A to B - £412k.** Year 3 of a 4 year programme with some savings but primarily meeting additional demand hence not cashable. There is an action to carry out a mid-year review of the project savings targets against the remaining implementation plans.
- **Corporate Travel Plan - £80k.** Options for delivery to be presented to and agreed by Senior Management Team (SMT) before implementation, delayed saving requiring smoothing reserve.
- **Commercial Estate - £630k.** Part of overall target of £1.025m linked to acquisition of investment properties has been delayed as it is fundamental to acquire the most suitable properties and complete the high level due diligence required.
- **Management arrangements and staffing - £1.2m** There is some slippage into April 2019 from identified savings of c£400k that may require use of the smoothing reserve and slippage of c£800k on plans for 2018/19 that require service mitigations. Directors are considering areas of further savings that can be delivered in 2018/19 to mitigate this pressure but some additional smoothing reserve may be required.
- **Property development company - £150k.** In year shortfall resulting from delays in property transfers from the Council. Delayed saving requiring one off use of reserves to mitigate.

5.9 The Council's financial position, along with its financial management arrangements and controls, are fundamental in 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.

5.10 Any revenue budget virements which require Cabinet approval are listed in Appendix 3(i). Technical budget adjustments are also shown in Appendix 3(i) for information purposes, as required by the Budget Management Scheme.

## **COUNCIL TAX & COUNCIL TAX SUPPORT**

5.11 The current overall forecast outturn position on the Council Tax Collection Fund is for a surplus of around £0.760m for the Council's share, this represents a 0.8% variance against target income. The reason for the surplus is mainly due to the number of chargeable dwelling being slightly higher than forecast. For 2018/19, the tax base included an adjustment of £8.9m for the estimated costs of the Local Council Tax Support Scheme and current estimates are in line with this amount. The one-off impacts of the Council Tax

collection fund projected outturn position will be built into the financial planning assumptions for the 2019/20 budget.

- 5.12 The collection rate for Council Tax was 66.99%, compared to the target of 67.23% at the end of October 2018. This has no material impact on the forecast Collection Fund position reported above.

## **NON DOMESTIC RATES**

- 5.13 The current year-end forecast is for the Council's overall share of Business Rate income relating to 2018/19 to be approximately £0.517m less than estimated, which will impact on the Collection Fund. The overall Collection Fund deficit position, including the element relating to the 2017/18 outturn, is forecast at £0.259m. As set out in the Budget Report, the Business Rates Reserve will be utilized to fund any residual deficit and this position will be reflected in the 2019/20 budget. The main factors impacting on Business Rates are higher than forecast empty property and small business rate reliefs, partly offset by a reduced forecast appeals provision requirement following a number of appeals against the 2010 Rating List being withdrawn. The amount of empty property relief has increased by £0.380m over the last quarter.

- 5.14 The collection rate for Business Rates was 66.58% at the end of October 2018, compared to the target of 67.87%.

- 5.15 In a recent legal case, the Court of Appeal has ruled against the Valuation Office Agency (VOA) treatment of classifying ATM/Cashpoint sites located in retail units, such as supermarkets and petrol stations, as separate property units which are currently liable for a separate business rates charge. The VOA is considering its position and whether to appeal the decision to the Supreme Court. If the ruling is implemented, business rates in respect of the ATM sites would need to be refunded and backdated to 2010. Initial estimates indicate the cost of refunds could be in the region of £600k for ATM's in Bath & North East Somerset, which would adversely impact on the Collection Fund position.

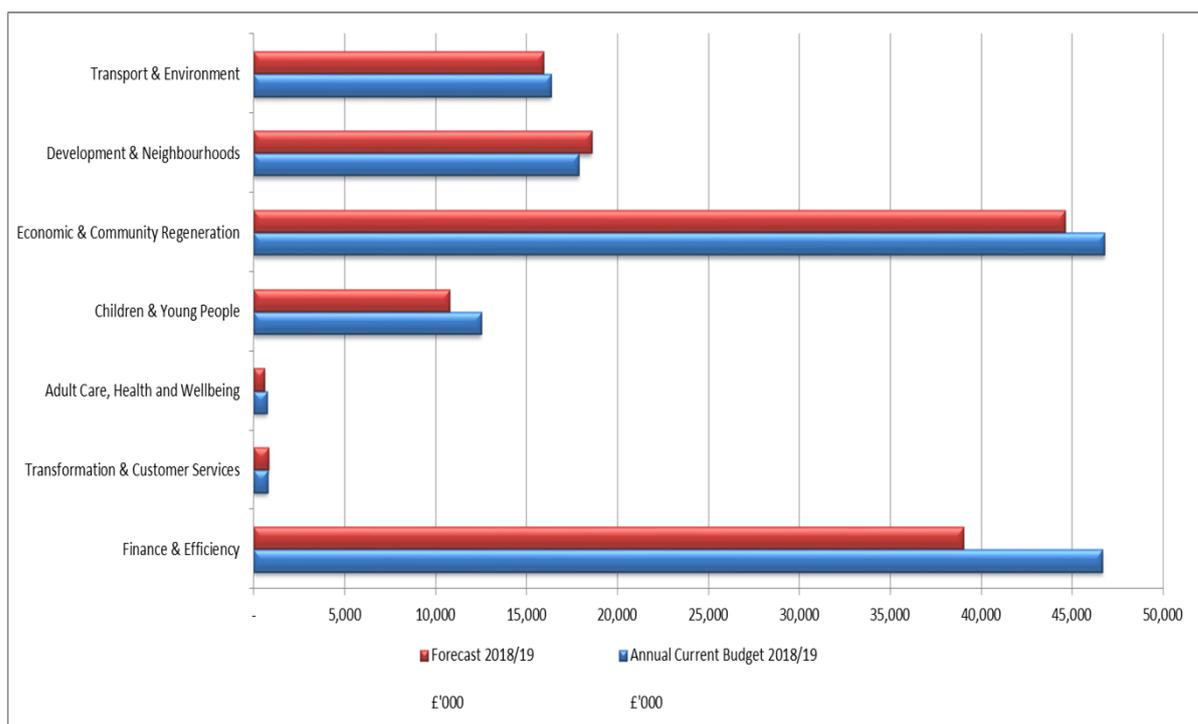
- 5.16 As previously highlighted, there continues to be a future risk relating to NHS Trusts claims that they are entitled to mandatory charitable relief from Business Rates. This claim will ultimately be subject to a legal ruling with a court hearing planned for November 2019, the Local Government Association is co-ordinating legal support on behalf of Local Authorities. Whilst the Council's view remains that the relief is not applicable in this case, if this position were to change, the granting of such a relief would present a significant challenge to the ongoing financial viability of the Council.

## **CAPITAL BUDGET**

- 5.17 The current position for the 2018/19 Capital budget of £140m (excluding contingency) is for a forecast spend of £128.6m, which is £11.4m less than the budget. The full breakdown of the Capital Programme by Portfolio can be found in Appendix 4(ii) with key scheme commentary in Appendix 2.

Portfolio Summary Monitor	Annual Current Budget 2018/19	Forecast 2018/19	In-Year Variance 2018/19
	£'000	£'000	£'000
Finance & Efficiency	44.8	37.1	7.7
Transformation & Customer Services	0.8	0.8	( 0.0)
Adult Care, Health and Wellbeing	0.8	0.6	0.1
Children & Young People	12.5	10.8	1.7
Economic & Community Regeneration	46.8	44.6	2.2
Development & Neighbourhoods	17.9	18.6	( 0.7)
Transport & Environment	16.4	15.9	0.4
<b>Grand Total</b>	<b>140.0</b>	<b>128.6</b>	<b>11.4</b>

The graph below illustrates the value and forecast against budget for all in year capital budgets by Cabinet Portfolio:



## Capital Commentary

Key variances on the programme include:

- Finance & Efficiency** - £7.7m less than budget, predominantly related to £7m against the planned drawdown of ADL Loan support being reduced in the current year reflecting fewer transfers, with a further £287k on projects highlighted within the programme review underway as either complete with

underspends to be released and £291k on the timetable of planned use for flexible use of capital receipts.

- **Adult Care, Health and Wellbeing** - £139k less than budget relating to reduced staffing requirement on liquid logic transformation programme.
- **Children's Services** - £1.7m less than budget, predominantly £1.5m on Basic Need funding relating to school building investment and programmes not coming on line as early as anticipated. Where appropriate budget adjustment may be required to realign funding back to provisional approval pending reallocation, otherwise there will be slippage to ensure the budget remains available for the planned works in the new financial year. In addition there is £234k delay on early years and education improvement project relating to supplier delivery issues.
- **Economic & Community Regeneration** - £2.2m less than budget. This is the combined position from a projected overspend against the current budget on Bath Quays South, where a further budget decision is expected shortly amounting to £4.1m and £5m in-year underspend on the Archway Centre project, where spend profile has been projected for 2019/20+ reflecting delay from the York Street works. In addition there is c.£1m under spend against in-year budget from a variety of projects including affordable housing (£252k), DFGs (£100k) and public realm programmes (£523k) where reprofiling is required to reflect the timetable of delivery now anticipated and realignment on programmes.
- **Development & Neighbourhoods** - £694k forecast more than budget, predominantly relating to reprofiling required following progression of the Keynsham contract against leisure projects totalling £944k, which is managed through the Leisure model. This is off-set by £250k forecast under budget on parks projects, where capacity to deliver is resulting in programmes having to be re-profiled.
- **Transport & Environment** - £415k forecast under budget variance, relating to £250k of variance on projects identified for removal or postponement on the programme review currently underway and £173k of reprofiling on parking projects.

## 5.18 Capital Programme Review

The current 5 year capital programme comprises in excess of 150 individual projects amounting to a current total of c£400million, to ensure that the programme is prioritised and aligned to current delivery expectation an in-year review has been completed.

The review has been targeted to:-

- Reduce the borrowing requirement, with the objective of easing the cost of borrowing to aid with the current financial pressures faced by the Council.

- Reduce the number of projects in programme to ease staffing capacity issues and improve delivery of the remaining programme, particularly in the context of reducing staff numbers.
- Prioritise the programme in the context of Council objectives and community impact.

The programme reduction proposed removes or defers a total of 35 projects amounting to £19.1m; proposed schemes are listed in appendix 4(iii).

These are funded in a variety of ways, where the funding is ring-fenced grant funding this will be reallocated and brought back forward for reconsideration in the future.

The balance of these projects funded by corporately supported borrowing amounts to £12.14m. This will represent a reduction in terms revenue capital financing costs, on approval the impact will be reflected in future revenue monitoring.

The table below outlines scheme value by Portfolio:

	Budget £'000	Funding	
		CSB Element £'000	Other £'000
Children & Young People	858		858
Development & Neighbourhoods	231	55	176
Economic & Community Regeneration	1,395	572	823
Finance & Efficiency	1,291	450	841
Transport & Environment	15,321	11,065	4,256
<b>Grand Total</b>	<b>19,096</b>	<b>12,142</b>	<b>6,954</b>

## BUDGET RISKS

5.19 The key risks to the budget were outlined in the Councils 2018/19 Budget Report, in compliance with the Council's decision making risk management guidance. These have been reviewed with current risks identified in the table below:

Risk	Likelihood	Potential Impact	Risk Management Update
Further demands on service continue to escalate beyond current estimates	Likely	High	This has now become an issue especially within Children's Services requiring immediate recovery actions. Reserves are sufficient to manage in-year pressures but will need replenishing in 2019/20 if utilised.

<b>Risk</b>	<b>Likelihood</b>	<b>Potential Impact</b>	<b>Risk Management Update</b>
Interest rates increase	Likely	Medium	Interest rates rose by 0.25% in August 2018. A measured approach to our borrowing requirements has been made with £30m borrowed at the end of 2017/18. A reserve is available for borrowing to manage market risk and has also been factored into the longer-term MTFS.
The authority is currently underwriting part of £2.1m (over three years) in revenue costs from 2020/21 for the Metrowest Project. There also remains a risk of revenue reversion if the scheme does not go ahead	Possible	High	It is proposed that a programme approach is adopted, which will remove the potential revenue reversion risk. In order to try to avoid any future revenue operational costs, discussions are taking place to include the project within the new franchise process.
Volatility and uncertainty around business rates	Likely	High	Current monitoring shows that business rates income is expected to be £0.294m less than budget, and that the specific reserve is sufficient to manage in-year volatility. However, the retail sector may impact on income and we are closely monitoring any arrears, empty properties, CVAs, and liquidations.
The Business Rates 100% pilot ceases	Possible	High	It has been confirmed that the 100% pilot will continue for 2019/20, but there will need to be discussions regarding retention in 2020/21 as the 75% retention scheme would add an estimated £3.6m pressure which has been incorporated into future years financial planning.
Anticipated savings not delivered or cannot be delivered because of external challenge	Possible	High	Ensured equalities impact assessments were completed and robust. Monitoring delivery plans and continuing to assess on a regular basis. Ensured Budget Contingency Reserve sufficient to meet in-year issues.
Reduction in staffing impacts on service delivery	Possible	High	Plans are in place to minimise the impact in key front line delivery areas. Ensuring regular communication is made to minimise the impact on staff morale.

<b>Risk</b>	<b>Likelihood</b>	<b>Potential Impact</b>	<b>Risk Management Update</b>
Capital projects not delivered resulting in revenue reversion costs or liabilities from underwriting agreements	Possible	High	The Council has a number of projects within this category. These risks will continue to be monitored and reported. Ensure that revenue reserves are sufficient to meet these risks. The new capital programme methodology looks to de-risk projects wherever possible.
Capital receipts in the areas identified are insufficient to meet target	Likely	High	Currently only £1.9m receipts have been received. Actions are being undertaken to ensure sufficient to meet in year requirements.
Adult Social Care and Children's Service spend continue to have an adverse impact on the 18/19 budget	Likely	High	Implement enhanced level of operational and financial monitoring in 2018/19. Children's Services experiencing higher than expected demand in 2018/19 and work is underway to mitigate this. Need to continue to highlight the demand pressures to central Government regarding Adult Social Care and Children's Services
Changes to Government Policy that affects future funding	Likely	High	Key issues will be for funding from 2020/21 with changes expected through Fairer Funding, New Homes Bonus, and Business Rates. There is no clarity currently for any of these funding streams.
Economic downturn impacts on commercial income	Possible	High	Portfolio has been diversified to manage some of this risk but some of the current shortfall is due to issues within the retail sector.
Brexit risks	Likely	Medium	This will be dependent on the outcome of negotiations with the EU. Need to monitor any economic impact as could affect commercial, heritage and other key income streams, business rates, council tax, and council tax support.
Funding pressures through partner organisations	Possible	Medium	Ensure good communication links with partner organisations
The additional income from Heritage may not be sustained	Possible	Medium	Numbers of visitors and income slightly higher than projected – continue to monitor income levels over the next few months.

## 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 Finance & Efficiency, 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.

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<b>Background papers</b>	<i>Budget Management Scheme</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

Apr - October 2018 Revenue Monitoring Portfolio by Cashlimit - Appendix 1

									Director Narrative			
Portfolio Number and Description		Cashlimit Number and Description		Current Budget £000	Forecast £000	Previous months Published Outturn £000	Change from previous months Variance £000	Outturn Variance Over / (Under) £000	Month Variance Narrative	Month Recovery Plan	Outturn Narrative	Outturn Recovery Plan
<b>Detailed Analysis of Budgets for the Leader</b>												
P04	Leader	1053	Council Solicitor & Democratic Services	2,283	2,483	130	70	200			The variance is related to the phased implementation of the savings from the sharing of Legal services, planned implementation 2019/20.	The service is taking a variety of steps to find further savings and anticipates that these will ensure the budget is balanced by year end.
P04	Leader Total			2,283	2,483	130	70	200				
<b>Detailed Analysis of Budgets for Finance and Efficiency</b>												
P10	Finance and Efficiency	1032	Information Technology	4,435	4,326	0	(109)	(109)	Forecast revised to reflect in year savings identified within Infrastructure and Commercial budgets. There will need to be a further review into whether these savings can be sustained into 2019-20. A further risk relates to income receivable from the Sirona contract (£45,000)		Forecast revised to reflect in year savings identified within Infrastructure and Commercial budgets. There will need to be a further review into whether these savings can be sustained into 2019-20. A further risk relates to income receivable from the Sirona contract (£45,000)	
P10	Finance and Efficiency	1037	Property Services	2,032	2,276	50	194	244	Forecast now includes robust forecast from income generating staff and delayed staffing savings		Additional security staff at the Guildhall. This is an insurance requirement. There is also a shortfall in recoveries from projects due to an inability to fill key staff vacancies and income generating staff being diverted to non recoverable activities.	Vacancy management within other areas and recruitment to key posts
P10	Finance and Efficiency	1038	Corporate Estate Including R&M	2,479	2,315	0	(164)	(164)	Income not previously forecast		Additional rental income	
P10	Finance and Efficiency	1039	Traded Services	216	409	58	136	193	Forecast updated in light of Catering closure		Shortfall in income within Print Services due to decreasing demand, but desire to keep team to manage democratic services print requirements for the elections in May 2019 (e.g. ballot papers). Under recovery of income in Catering prior to service closure in August 2018.	Review long term print requirements in light of the Digital Print/Post project
P10	Finance and Efficiency	1040	Finance	2,017	2,017	0	0	0			Service underspend and additional forecast income (£71,600) required to offset known delay in achievement management savings	
P10	Finance and Efficiency	1042	Risk & Assurance Services	1,024	1,019	(28)	23	(4)			One West forecast balanced to budget; service forecast underspend (£75,300) planned to be transferred to Audit Partnership Reserve. Procurement underspend (£4,500) resulted from minor salary saving. Forecast reflects applying Centralised Stationery saving to offset pressure in achieving Agency levy	
P10	Finance and Efficiency	1047	Human Resources	1,122	1,139	(69)	86	17			Favourable forecast due to some temporary staffing vacancies (about to be filled) and reduction in staffing contracted hours". HR and Finance are working together to rebase the budget to reflect recent HR restructure	
P10	Finance and Efficiency	1054	Hsg / Council Tax Benefits Subsidy	(195)	(195)						On budget	
P10	Finance and Efficiency	1055	Capital Financing / Interest	5,468	4,973		(495)	(495)			Forecast underspend mainly relates to the re-phasing of capital spend as reported in the 2017/18 outturn report, leading to lower than forecast borrowing cost and minimum revenue provision (MRP) requirement.	
P10	Finance and Efficiency	1056	Unfunded Pensions	1,679	1,589	(90)		(90)			Forecast underspend based on current cost profile	
P10	Finance and Efficiency	1057	Corporate Budgets including Capital, Audit and Bank Charges	(5,270)	(5,429)	(139)	(20)	(159)			Main variances relate to underspends on pension deficit contributions (£150k) reflecting transfer of academies and bank charges (£25k), partly offset by a pressure on E-transaction costs (£40k) due to increased volumes and removal of charges for payments by credit card following changes to legislation.	
P10	Finance and Efficiency	1058	Magistrates	17	11	(6)		(6)			Reduced contribution to historic Magistrates Court Costs debt charges	
P10	Finance and Efficiency	1059	Coroners	305	305						On budget	
P10	Finance and Efficiency	1060	Environment Agency	231	231						On budget	

P10	Finance and Efficiency	1061	West of England Combined Authority Levy	3,873	4,011	138		138			Increase in Levy charge to reflect actual 2017/18 outturn costs of concessionary fares	
P10	Finance and Efficiency	1074	Property Rechargeable Works		59		59	59	Accounting error not previously forecast		Accounting error at 2017-18 year end. Debtors schedule entered but no income due	
P10	Finance and Efficiency	1081	Commercial Estate	(16,388)	(15,145)	574	668	1,243	Timing of new acquisitions later than anticipated plus shortfall in current estate updated at Q2		Timing of new acquisitions. In addition, there is also a minor shortfall in existing commercial estate. Also increased costs associated with voids (holding costs and marketing fees).	Continue to identify secure long term, low risk investment opportunities.
P10	Finance and Efficiency	1095	Strategic Director - Resources	432	418		(14)	(14)				
P10	Finance and Efficiency	1096	Corporate Items	(309)	(309)						Process now in place for holding posts however we need to adapt a simple way of capturing the corresponding savings	
P10	Finance and Efficiency	1097	People Services	323	298	(17)	(8)	(25)			Current underspend due to managed salary saving	
P10	Finance and Efficiency	1112	Housing Delivery Vehicle	(450)	(198)	166	85	252			ADL transfers are behind projection, however Terrace Walk has now transferred to ADL and further transfers are being proactively progressed by the Council. ACL is also behind projection due to slippage on planning decision for Englishcombe Lane	2019/20 is expected to see a significant positive contribution as sales at Riverside View commence
P10 Finance and Efficiency Total				3,039	4,120	639	442	1,081				

#### Detailed Analysis of Budgets for Adult Care Health and Wellbeing

P11	Adult Care Health and Wellbeing	1027	CRC & Community Equipment contracts	6,557	6,628	71		71			Additional forecast payment re Extra Care contract	
P11	Adult Care Health and Wellbeing	1036	Adults Substance Misuse (DAT)	535	535						On budget	
P11	Adult Care Health and Wellbeing	1071	Management Information & Support System	45	41	(2)	(2)	(4)			Salary saving	
P11	Adult Care Health and Wellbeing	1073	Adults & Older People-Mental Health Commissioning	9,907	10,036			129	Staff vacancies of £100k are mitigating the above budget spend across both adults of working age and older people mental health commissioning. The forecast assumes these staffing vacancies will be filled.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.	Staff vacancies of £100k are mitigating the above budget spend across both adults of working age and older people mental health commissioning. The forecast assumes these staffing vacancies will be filled.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.
P11	Adult Care Health and Wellbeing	1083	Supporting People & Communities Commissioning	1,175	1,095	(29)	(51)	(80)	Changes in Community Meals provision		Salary savings and changes in Community Meal provision.	
P11	Adult Care Health and Wellbeing	1086	Adult Care Commissioning	1,660	671	(988)		9			This is as a result of a favourable variance of £500k due to the improvement in the 2017/18 year end outturn from £3m to £2.5m over budget where £3m in growth was applied to rebase the Adult Social Care budgets for 2018/19. In addition the £456k Adult Social Care support grant is being utilised as a funding source for the growth in the 2018/19 Social Care Budgets resulting in a contingency budget being held to off-set any further in year pressures in purchased care.	
P11	Adult Care Health and Wellbeing	1088	Older People & Physically Disabled Purchasing	13,244	12,900		(344)	(344)	The forecast underspend has arisen due to an agreed allocation of additional budget from the Better Care Fund relating to Protection of Social Care (£560k). This has been partially offset by an £100k increase since last forecast due to an overall rise in the number of packages.		The forecast underspend has arisen due to an agreed allocation of additional budget from the Better Care Fund relating to Protection of Social Care (£560k). This has been partially offset by an £100k increase since last forecast due to an overall rise in the number of packages.	
P11	Adult Care Health and Wellbeing	1090	CRC's and Extra Care	(1,733)	(1,733)						On budget	
P11	Adult Care Health and Wellbeing	1091	Learning Disabilities Commissioning	16,952	17,138			186	Total over budget position of the pool is £243k, of which the council's element is £186k. Identifying trend of increased costs of meeting the needs of people with Autism Spectrum Conditions, and considering implications for contributions from the CCG and Council. Costs affected by increase in sleep in costs related to payment of the national living wage.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.	Total over budget position of the pool is £243k, of which the council's element is £186k. Identifying trend of increased costs of meeting the needs of people with Autism Spectrum Conditions, and considering implications for contributions from the CCG and Council. Costs affected by increase in sleep in costs related to payment of the national living wage.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.
P11	Adult Care Health and Wellbeing	1093	Physical Disability, Hearing & Vision	4,601	4,793			193	Above budget position due to two high cost packages for people with complex needs of £130k and £70k.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.	Above budget position due to two high cost packages for people with complex needs of £130k and £70k.	Continued cost monitoring and challenge of new and current packages. Use of Adult Support Social Care Grant to mitigate in year.
P11	Adult Care Health and Wellbeing	1094	Public Health	(118)	(118)						No variances identified; service fully identified and delivered all in year management savings. Balance within cashlimit (£24,600) transferred to earmarked Public Health Reserve	
P11	Adult Care Health and Wellbeing	1110	Better Care Fund	8,565	8,565						On budget	

P11	Adult Care Health and Wellbeing	1111	Safeguarding, MCA and DOLS support	1,236	1,202	(7)	(27)	(34)		Salary savings in excess of achieved management savings; LSAB balanced as delivered on multi agency basis	
P11	Adult Care Health and Wellbeing	1114	Community Equipment	203	211		8	8	Total over budget position of the pool £28k, of which the council's element is £8k. The above budget position is due to community equipment purchases and hand rails purchases.	Total over budget position of the pool £28k, of which the council's element is £8k. The above budget position is due to community equipment purchases and hand rails purchases.	Continued challenge of new equipment purchases, and ongoing review of required stock levels.
P11	Adult Care Health and Wellbeing Total			62,827	61,964	(965)	102	(863)			

#### Detailed Analysis of Budgets for Children & Young People

P12	Children & Young People	1076	Children, Young People & Families	14,276	16,032	679	1,078	1,757	<p>A re-base is needed for Direct Payments (payments following an assessment of the needs of a family with a disabled child) and Inter-agency fees (paid when we place children with adopters who have been assessed by other adoption agencies and received when other adoption agencies place children with adopters that we have assessed) as these budgets have not increased with demand. Client budgets are payments made to families for a wide range of reasons for example when a family member looks after a child in an emergency situation as an alternative to care. There has been an increase in the various assessed / identified needs.</p> <p>A staffing overspend has been declared due to meeting the additional costs of covering maternity leave in key roles because vulnerable children would not be visited and supported if they were left vacant. In this year we have struggled to fill vacant social worker roles due to a highly competitive market locally and nationally.</p>	<p>There is a need for a detailed analysis on Client budgets to identify whether all costs have been correctly attributed and to take steps to control the overspend. The Direct Payment and Inter-Agency budget needs to be rebased following an analysis of demand.</p>	<p>The overspend on our key budgets is largely due to an increase in spend on care placements. This relates to: the cost of parent and child placements ordered by the court; several new entrants to care as a result of children being at risk of harm; as well as a number of children having to move from foster care into more expensive residential care due to the complexity of their needs. There is budget pressure from the increased use of independent fostering placements where we have not had sufficient/appropriate in-house foster carers available. We are identifying an increasing number of vulnerable young people requiring accommodation and support to ensure their safety and wellbeing where they have been sexually and/or criminally exploited.</p>	<p>All requests for children to come into care are subject to service manager scrutiny. Placement with family is always considered before care placement. We regularly review whether any children in care can return home. The Placements, Contracts and Commissioning Team use a preferred provider framework and dynamic purchasing system to negotiate the best price. We are reviewing our recruitment strategy for in house foster carers to reduce the need to use more costly independent fostering agencies.</p>
P12	Children & Young People	1077	Learning & Inclusion	3,354	3,354					On budget		
P12	Children & Young People	1078	Health, Commissioning & Planning	8,124	8,474	220	130	350		The home to school travel budget is under pressure as it is having to meet increasing demand in relation to both SEND transport, and pupil numbers. Despite a rising child population and significant increase in children who have SEND, the school transport budget and changes in transport provision through channel shift has not been able to mitigate the increase in demand.	We are continuing to scrutinise the costs of Home To School Transport, to understand the apparent pressures in this area despite a number of positive initiatives developed under the Getting from A to B strategy.	
P12	Children & Young People	1079	Schools Budgets	(1,243)	(1,243)					On budget		
P12	Children & Young People	1116	Integrated Commissioning - CYP	2,279	2,351		72	72	There has been a significant increase in the number of children who require specialist equipment over the past 3-4 years: their presenting needs have also become more complex and the equipment required is specialist and expensive. There has been an increasing overspend on this budget for the past 3 years . We have reported a cost pressure on this budget for a number of years and we have been unable to re-base the budget in that period.	There has been a significant increase in the number of children who require specialist equipment over the past 3-4 years: their presenting needs have also become more complex and the equipment required is specialist and expensive. There has been an increasing overspend on this budget for the past 3 years . We have reported a cost pressure on this budget for a number of years and we have been unable to re-base the budget in that period.		
P12	Children & Young People	1117	Safeguarding - CYP	741	741		(0)	(0)		Cash limit overall balances as LSCB operates on a multi agency pooled basis; any surplus is retained within this arrangement		
P12	Children & Young People Total			27,531	29,710	900	1,279	2,179				

#### Detailed Analysis of Budgets for Development & Neighbourhoods

P15	Development & Neighbourhoods	1005	Building Control & Land Charges	50	131		81	81	Previously reporting to budget therefore movement as per Year to Date narrative for all areas	Unachievable savings target of £68k aligned with Water Monitoring, with £13k other minor variances to be managed in the ongoing budget process	
P15	Development & Neighbourhoods	1008	Place Overheads						No change	All budgets vired out, residual costs covered by reserves	

P15	Development & Neighbourhoods	1013	Public Protection & Health Improvement - Regulatory & Active Lifestyles	1,438	1,429		(10)	(10)	Previously on target therefore change in all areas as per Year to Date narrative		£10k fav through short term staffing vacancies following restructure	
P15	Development & Neighbourhoods	1019	Public Protection & Health Improvement - Leisure	660	660				No change		On budget	
P15	Development & Neighbourhoods	1089	Community Safety	41	43		2	2			On budget	
P15	Development & Neighbourhoods	1101	Neighbourhoods & Environment - Waste & Fleet Services	14,047	14,116	283	(214)	69	Tonnage variations reported to within +/- £250k tolerance. Accurate year end tonnage forecast not possible until February as monthly variations differ widely each year.	On budget within +/-£250k tolerance. All non essential spend on hold.	There are a range of expenditure pressures in the waste budgets (Recycling centre opening hours, depot rationalisation and increased fuel costs). Some of these are being off-set by higher than anticipated income from recycling and this accounts for the positive budget movement (when compared to the last monitoring period). Tonnage variations are monitored within a range of +/-£250k	Monitoring of over achievement of income targets across Neighbourhood services. All non-essential spend to be stopped. N.B. waste income streams fluctuate and are monitored within a tolerance of £250k.
P15	Development & Neighbourhoods	1102	Neighbourhoods & Environment - Parks & Bereavement Services	1,086	1,086	(1)	1		On budget		On budget	
P15	Development & Neighbourhoods	1106	Development Management	1,030	1,172	242	(100)	142	Income has slightly improved from previous forecast and short term staffing savings following restructure have offset the income deficit		Application fee income has not met the ambitiously high fee income target resulting in this shortfall. Discretionary & CIL admin income for the current year has continued to be strong but this has been offset by legal costs related to three judicial reviews which were lodged. Staffing is favourable in current year following restructure and holding of vacancies & not backfilling maternity, this isn't sustainable.	
P15	Development & Neighbourhoods Total			18,351	18,636	525	(240)	285				
<b>Detailed Analysis of Budgets for Economic &amp; Community Regeneration</b>												
P16	Economic & Community Regeneration	1018	Heritage	(7,782)	(7,958)	( )	(176)	(176)	Strong performance over last quarter coupled with one-off backdated rent at 4 Circus is leading to forecast		Strong performance over last quarter coupled with one-off backdated rent at 4 Circus is leading to forecast overachievement.	
P16	Economic & Community Regeneration	1029	Housing	1,085	1,048	(20)	(16)	(37)	Improved variance as a result of improved B&B expenditure recovery rate & ongoing staff vacancies		Budget line underspends have positively offset overspends. In particular there have been notable underspends on B&B budget due to improved recovery rate, ongoing staff vacancies and the supported lodgings scheme.	
P16	Economic & Community Regeneration	1052	Regeneration	245	322	72	5	77	Small increases in various costs throughout the Regeneration department.		One-off in year borrowing costs following review of regeneration capital programme.	
P16	Economic & Community Regeneration	1108	Economy and Culture	1,117	1,188	81	(10)	71	Residual budgets for Arts Development have been identified as surplus to requirements so will not be used this financial year.		This relates to unachieved income targets from previous years from the Christmas market which has not been permitted to increase in length	The mitigation will be to explore further commercial opportunities for Visit Bath, which will generate income for them and enable the Council to further reduce the destination management commission contract sum.
P16	Economic & Community Regeneration	1109	World Heritage	153	153						On budget	
P16	Economic & Community Regeneration Total			(5,183)	(5,247)	133	(197)	(64)				
<b>Detailed Analysis of Budgets for Transformation &amp; Customer Services</b>												
P17	Transformation & Customer Services	1014	Customer Services	2,431	2,521	144	(54)	90			CCTV Income target not achieved, and slight underachievement of management savings	Opportunities to recover shortfall are being considered across the Directors wider portfolio
P17	Transformation & Customer Services	1015	Libraries & Information	1,461	1,469	(5)	13	8	Movement of £12K due to unforeseen pressures of £7k increase in electricity costs and Archive storage of £5K			
P17	Transformation & Customer Services	1045	Strategy & Performance	2,023	2,246	159	64	223			The service has inherited a series of savings targets where the plans, many of which required changes in practice to be made elsewhere in the organisation such as Corporate travel, communications and marketing and business intelligence. The targets were based on activity and spend in 2016/17 with some knowledge of changes in 2017/18.. As the savings have been made to deliver the 2018/19 budget across the Council have come through a number of these assumed savings have been taken in other services to meet their service targets and left a shortfall for P&CS.	A number of these are being picked up now in the work on Centralisation. The service is actively looking at alternatives savings and restricting spend but has limited scope to offset all this amount
P17	Transformation & Customer Services	1115	Registrars Service	(86)	(65)		21	21				
P17	Transformation & Customer Services Total			5,828	6,170	298	44	342				

Detailed Analysis of Budgets for Transport & Environment												
P18	Transport & Environment	1006	Highways & Traffic Management	6,920	7,328	505	(96)	408	Fav movement due largely due to short-term staffing vacancies		There are two unachieved savings targets £145k carried forward from 2017/18 and current year target of £125k. There are also budget pressures in this service area as a result of around service growth including increased energy costs, deferred restructuring and the need to use consultants in hard to recruit areas (transport planning).	Officers will work with the Cabinet Member for Transport and Environment to agree a package of mitigation measures to be delivered through the course of financial year based on a review of the current planned expenditure. The package is likely to include some vacancy management, cancellation of planned work, a reduction in service standards and operational changes to the way the service is delivered.
P18	Transport & Environment	1103	Transport & Parking Services - Parking	(7,549)	(7,652)	(71)	(32)	(102)	Improved bus lane income		Revised income targets are challenging and whether price increase yields target amount remains to be seen, at this stage levels are holding up and early indications are that budgets will be achieved.	Officers will monitor the actual income against the forecasted income targets since implementation of the new parking charges on the 13th August. Any areas income shortfalls will be highlighted for consideration for further investigation and analysis.
P18	Transport & Environment	1104	Transport & Parking Services - Public & Passenger Transport	(635)	10	531	115	645	Full A-B residual in-year target now shown as unachievable, further £14k of minor variances			The Getting from A to B Strategic review savings target was set as a stretch target over a 4 year period. Some savings have been offset against growth in Children's and SEND Services reducing overspends within these areas, some opportunities to make savings lost due to the formation of WECA removing budget responsibility and Political decisions to continue to support some subsidised bus routes rather than remove them. Further opportunity to recover savings against the target are challenging but Officers will continue to work with the Cabinet Members and Officers in relevant areas to redesign and reduce services and costs where appropriate.
P18	Transport & Environment Total			(1,265)	(313)	965	(13)	952				
<b>Council Total</b>				<b>113,411</b>	<b>117,523</b>	<b>2,625</b>	<b>1,487</b>	<b>4,112</b>				

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**FINANCE BUDGET MONITORING MONTHLY DASHBOARD - April to October 2018**

**CAPITAL APPENDIX 2 - KEY SCHEME VARIANCE ANALYSIS**

RISK RATING	PROJECT NAME	NARRATIVE	PROV' BUDGET TOTAL £'000	FULL BUDGET TOTAL £'000	IN-YEAR BUDGET 2018/19 £'000	IN-YEAR SPEND 2018/19 £'000	CURRENT FORECAST £'000	IN-YEAR VARIANCE FORECAST TO BUDGET £'000 Under/(Over) Spend
<b>Children &amp; Young People</b>								
Fully Approved	Basic Need School Improvement/Expansion (incl Feasibility)	<p>Various schemes are moving forward, including:</p> <p>Castle Primary - Phase 4 new build classrooms and associated outside landscaping and playground as the final phase of work to expand the school from 210 to 420 places, to complete external works by mid November 2018, no impact on the school or costs.</p> <p>Whitchurch Primary expansion to a 315 place school. A new 4 classroom block to complete for 2019. Currently on target to complete for September 2019.</p> <p>St Nicholas Primary expansion to a 420 place school. A new 4 classroom block and internal remodelling to complete for September 2019. Currently on target to complete for the September 2019 intake.</p> <p>Longvernal Primary – Phase 2 of a remodelling scheme to accommodate a bulge class in 2017 (Phase 1) and address the issue of undersized classrooms. Currently on target to complete April 2019.</p> <p>Twerton Infants and Swainswick Primary – Replace poor condition temporary buildings. Twerton, new building is complete and occupied, canopy outstanding and due to be finished mid November. Swainswick to complete April 2019, delayed due to site restrictions, no impact on school or costs.</p> <p>Westfield Primary – Disability access works to toilet and create an outside ramped access to playground. Now complete.</p>	-	22,563	9,677	4,710	8,243	1,505
<b>Finance &amp; Efficiency</b>								
Fully Approved	Digital by Choice	Current Digital projects include 1) the redesign of the Council's website to better serve the public and provide an improved platform for increased online transactions, 2) the implementation of a corporate Print&Post contract to achieve savings on current print&post spend and shift to digital channels, 3) New/improved online capability for Building Control applications, 4) Commencement of Council-wide Online Payments project, to provide online payment options where they don't currently exist and improve those where they do.	-	500	324	264	324	( 0)
	Commercial Acquisitions - Future Revenue Regeneration	An additional budget was approved to pursue further acquisitions by Council in support of the Investment Strategy annexed to the February Council budget. To date two properties have been acquired.	-	321	321	-	-	-
	Capital Disposals ADL	Terrace Walk transferred. Englishcombe lane planning approval delayed pending resolution of ecology concerns.	-	1,756	1,756	515	1,756	-
	Cleveland Pools Grant	Spend to date includes grant to CPT, plus legal costs linked to lease works. The 2018/2019 budget is to support the Trust with a second application for grant funding to the HLF involving three staged payments of £25k. The bid was submitted in August with the outcome anticipated in December 2018.	-	275	107	52	107	-
	Corporate Capital Planned Maintenance & Measurement Survey	Budget responsibility transferred to Graham Lewis as part of the restructure. Review of in year plan in progress.	-	3,800	3,018	1,074	3,018	-
<b>Transport &amp; Environment</b>								
Fully Approved	Highways Maintenance Block	Major Carriageway Maintenance Challenge Funding project on A4 Keynsham Bypass 100% complete. Carriageway Resurfacing and Surface Treatment sites now 75% completed, remaining sites all programmed and schemes progressing for completion in November 2018. One resurfacing scheme Park Road in Keynsham delayed into February 2019 due to planned utility work. All other remaining projects are progressing within their individual programmes with intention of completion within the financial year.	-	7,570	7,570	6,478	7,570	-
	Transport Improvement Programme	A39/A368 (Benches Garage/Marksbury junction) Works are progressing on site and are due for completion by the end of November 2018.  Brougham Hayes Junction was completed in October 2018.  Mulberry Park/North Road pedestrian/cycle improvement scheme design is complete – works package handed over to BANES design team for implementation.	-	4,726	3,848	1,742	3,848	( 14)
	York Street Beam Remediation	The first phase is the need to remediate the beams that support the road structure. These works started in July 2018, the second phase will follow on towards the end of January 2019. This will entail the complete reconstruction of the York Street road structure along this section from Swallow Street to Abbey Street.	-	589	510	528	510	-
	GULW (OLEV)	An Inter Authority agreement is being drafted which will set out the maintenance and revenue liabilities, for the public charging points. This will be informed by a business case and needs to be approved before the installation of infrastructure.  Western Power are currently assessing the upstream power capacity as there may be a need to upgrade parts of their network due to the increase in demand. This will inform the delivery programme, the aim being to start installation early in the 2019/20 financial year.	-	936	207	20	207	( 1)
<b>Economic &amp; Community Regeneration</b>								
Fully Approved	Archway Centre - Development Works	The Archway Project will deliver a World Heritage Centre and Roman Baths 'Clare Learning Centre'. The main contractor tenders have been received and are currently undergoing detailed financial and quality evaluation. The York Street roadworks which have pushed the majority of the capital works into 2019/20. Further delays to the York St works may result in further slippage to our timescale. HLF are sympathetic to our position and there's no risk to their commitment to the project.	-	5,317	5,130	166	5,030	5,030
	Affordable Housing	Platform for Life - plans underway for final property; The Lodge - Chew Stoke - completion due 2018/2019; Enleigh Extra Care completion due 2019/2020; HOLD - final property identified; St Chad's completion due 2019/2020 2018/2019 S106 income received to date - MoD Enleigh - £918,617 and MoD Warminster Road - £133,559	-	4,768	786	( 35)	534	252

RISK RATING	PROJECT NAME	NARRATIVE	PROV' BUDGET TOTAL	FULL BUDGET TOTAL	IN-YEAR BUDGET 2018/19	IN-YEAR SPEND 2018/19	CURRENT FORECAST	IN-YEAR VARIANCE FORECAST TO BUDGET £'000 Under/(Over) Spend
			£'000	£'000	£'000	£'000	£'000	£'000
Fully Approved	Bath Quays	<p>Bath Quays South: The increased budget cost is due to the forced change to the office delivery strategy from single occupancy to a multi let building, the complexities in delivering workable technical solutions to complex elements of the project including the bridge, construction market conditions, prolongation and cost price inflation. The team is working with the professional team to secure project cost certainty.</p> <p>Bath Quays Bridge and Infrastructure: Project has now secured full funding via external grant sources. Negotiations continue with preferred contractors to enter into the contracts to build Bath Quays Bridge. The Council is taking steps to avoid cost inflation including placing early orders for steelwork.</p> <p>Bath Quays North: The OJEU (Official Journal of the European Union) procurement process to select a development partner for the Bath Quays North site continues on schedule. Three bidders were selected to progress to the next stage (Competitive Dialogue). Final tenders are due Nov 2018.</p> <p>Budget will be reviewed and reprofiled to reflect delivery timetable going forward.</p>	-	32,337	32,337	9,872	36,437	( 4,100)
	Cattlemarket Disposal	Cattlemarket will not be disposed until 22/23 as there is a need to maintain parking within the city. The budget will be transferred to Property Services to fund the disposal of Corn Market in 18/19.		22	22	-	22	( 0)
<b>Development &amp; Neighbourhoods</b>								
Fully Approved	Parks S106 Programme	The S 106 schemes are not time limited and most need consultation to scope and deliver. Capacity issues and the focus on delivering revenue savings within the parks dept. are being prioritised so spend on s 106 funded schemes will be rephased into next year.	-	552	552	143	390	128
	Waste Programme	The overall Waste & Environment Services depots project is progressing, with one land acquisition completed in August and the other to progress in the Autumn. A full business case on the whole programme is being brought together for relevant approval and budgetary adjustment, through the budget-setting process.	-	13,433	5,545	4,243	5,545	( 1)

2018/19 Revenue Virements for Approval

REF NO	REASON / EXPLANATION	CABINET MEMBER	TRANSFER FROM	Income (£'s)	Expenditure (£'s)	CABINET MEMBER	TRANSFER TO	Income (£'s)	Expenditure (£'s)	DESCRIPTION	ONGOING EFFECTS
			CASHLIM				CASHLIM				

The following virements are reported for approval under the Budget Management Scheme rules.

LOG 18#01	Adult Services / Children's Services Budget Re-Basing.	Adult Care, Health & Wellbeing	Adult Services		860,000	Children & Young People	Children, Young People & Families		860,000	Transfer to Children's Services part of the Council funded growth into ASC now funded from additional grant, which was announced after the Council had put forward its 2018/19 budget and subsequently allocated entirely to Adult Services. This virement is to fund the reported in-year pressures in high cost Children's Social Care placements, whilst leaving a forecast on-budget position in Adult Services.	Budget virement is on-going.
LOG 18#02	Waste Disposal & Kerbside Recycling Re-Basing	Development & Neighbourhoods	Neighbourhoods & Environment - Waste & Fleet Services	8,989	491,011	Development & Neighbourhoods	Neighbourhoods & Environment - Waste & Fleet Services		500,000	The virement request is to rebase budgets between Waste Disposal budgets and Kerbside Recycling Collections budget reflecting the introduction of the new waste collection service in November 2017. At the time of setting the 18/19 budget the service redesign was still in the early stages of the roll out and the budgets were based on the initial theoretical modelling. Now that the service has been operating for a sufficient period of time, the correct budget adjustments can be made.	Budget virement is on-going.
<b>OVERALL TOTALS</b>				<b>8,989</b>	<b>1,351,011</b>			<b>0</b>	<b>1,360,000</b>		
					<b>1,360,000</b>				<b>1,360,000</b>		

**2018/19 Revenue Virements for Information**

REF NO	REASON / EXPLANATION	CABINET MEMBER	TRANSFER FROM	Income (£'s)	Expenditure (£'s)	CABINET MEMBER	TRANSFER TO	Income (£'s)	Expenditure (£'s)	DESCRIPTION	ONGOING EFFECTS
			CASHLIM				CASHLIM				

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 18#31	Substitute Transport Levy	Finance & Efficiency	West of England Combined Authority Levy		400,000	Transport & Environment	Transport & Parking Services - Public & Passenger Transport		400,000	Allocation from West of England Combined Authority from Gainshare Investment Fund.	Budget virement is one-off.
INFO 18#32	Economy & Growth Savings Allocation	Economic & Community Regeneration	Economy & Culture		117,734	Economic & Community Regeneration	Regeneration		342,055	Economy & Growth Director's distribution of centrally allocated savings target.	Budget virement is on-going.
			Heritage		158,000						
			Housing		66,321						
Page 100 INFO 18#33	Development Savings Achieved	Development & Neighbourhoods	Development Management		42,271	Development & Neighbourhoods	Building Control & Land Charges		12,000	Realignment of Development budgets following achieved savings.	Budget virement is on-going.
			Public Protection & Health Improvement - Regulatory & Active Lifestyles		2,717	Economic & Community Regeneration	Regeneration	27,475			
			Public Protection & Health Improvement - Leisure		2,349	Finance & Efficiency	Corporate Budgets incl. Capital, Audit & Bank Charges	7,862			
INFO 18#34	IT Services Centralisation	Development & Neighbourhoods	Neighbourhoods & Environment - Waste & Fleet Services		12,501	Finance & Efficiency	Information Technology		12,501	Transfer of service IT budgets in line with IT Services centralisation.	Budget virement is on-going.
INFO 18#35	Executive Support Centralisation	Adult Care, Health & Wellbeing	Adult Services		33,714	Transformation & Customer Services	Strategy & Performance		61,424	Centralisation of budgets relating to Executive Support staff.	Budget virement is on-going.
		Finance & Efficiency	Corporate Director		27,710						

**2018/19 Revenue Virements for Information**

REF NO	REASON / EXPLANATION	CABINET MEMBER	TRANSFER FROM	Income	Expenditure	CABINET MEMBER	TRANSFER TO	Income	Expenditure	DESCRIPTION	ONGOING EFFECTS
			CASHLIM	(£'s)	(£'s)	CASHLIM	(£'s)	(£'s)			
INFO 18#36	Leisure Budget Realignment	Development & Neighbourhoods	Public Protection & Health Improvement - Regulatory & Active Lifestyles		7,133	Development & Neighbourhoods	Public Protection & Health Improvement - Leisure		7,133	Transfer of management of element of Leisure budget between Public Protection & Health Improvement teams.	Budget virement is on-going.
INFO 18#37	Supported People / Housing Internal Recharge Income	Adult Care, Health & Wellbeing	Adult Services		112,970	Economic & Community Regeneration	Housing		112,970	This is replacing the need for the annual internal contribution journal between Supporting People & Housing budgets, by replacing it with a permanent budget virement.	Budget virement is on-going.
INFO 18#38	Development Management Centralisation	Development & Neighbourhoods	Building Control & Land Charges		82,136	Development & Neighbourhoods	Public Protection & Health Improvement - Leisure		82,136	Transfer of budget for Building Control Manager costs to central budget for all of the Development Management Team.	Budget virement is on-going.
INFO 18#39	Registrars Service	Transformation & Customer Services	Customer Services	86,414		Transformation & Customer Services	Registrars Service	86,414		Creation of separate Registrars Service cash limit following the change in Directors, from Partnership & Corporate Services to Legal & Democratic Services.	Budget virement is on-going.
INFO 18#40	Environmental & Design Team	Development & Neighbourhoods	Development Management		72,875	Economic & Community Regeneration	Regeneration		72,875	Transfer of responsibility for Environmental & Design team from Development to Regeneration.	Budget virement is on-going.
INFO 18#41	Creation of New Cash Limits in Children & Young People	Children & Young People	Children, Young People & Families		204,843	Children & Young People	Integrated Commissioning - CYP		2,278,775	Transfer of management of budgets following the creation of Integrated Commissioning & Safeguarding Cash Limits as a result of the Council's restructure of Directors.	Budget virement is on-going.
			Inclusion & Prevention		2,815,405		Safeguarding - CYP		741,473		
<b>OVERALL TOTALS</b>				<b>86,414</b>	<b>4,158,679</b>			<b>86,414</b>	<b>4,158,679</b>		
					<b>4,245,093</b>				<b>4,245,093</b>		

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**Portfolio Cash Limits 2018/19 - Revenue Budgets**
**Appendix 3(ii)**

CABINET PORTFOLIO	Service	Sep'18 Cash Limits	Technical Adjustments, below BMS limits or already agreed - shown for information	Total Virements for Approval	Dec'18 Revised Cash Limits
		£'000	£'000	£'000	£'000
<b>Leader</b>	Council Solicitor & Democratic Services	2,283			2,283
	<b>PORTFOLIO SUB TOTAL</b>	<b>2,283</b>			<b>2,283</b>
<b>Finance &amp; Efficiency</b>	Finance	2,017			2,017
	People Services	323			323
	Risk & Assurance Services	1,024			1,024
	Information Technology	4,422	13		4,435
	Human Resources	1,122			1,122
	Property Services	2,032			2,032
	Corporate Estate Including R&M	2,479			2,479
	Commercial Estate	(16,388)			(16,388)
	Housing Delivery Vehicle	(450)			(450)
	Traded Services	216			216
	Corporate Director	466	(34)		432
	Corporate items (incl Council Restructuring saving)	(309)			(309)
	Hsg / Council Tax Benefits Subsidy	(195)			(195)
	Capital Financing / Interest	5,468			5,468
	Unfunded Pensions	1,679			1,679
	Corporate Budgets incl. Capital, Audit & Bank Charges	(488)	8		(480)
	New Homes Bonus Grant	(4,790)			(4,790)
	Magistrates	17			17
	Coroners	305			305
Environment Agency	231			231	
West of England Combined Authority Levy	4,273	(400)		3,873	
	<b>PORTFOLIO SUB TOTAL</b>	<b>3,452</b>	<b>(413)</b>		<b>3,039</b>
<b>Transformation &amp; Customer Services</b>	Libraries & Information	1,461			1,461
	Customer Services	2,380	86		2,466
	Registrars Service		(86)		(86)
	Strategy & Performance	1,961	61		2,023
	<b>PORTFOLIO SUB TOTAL</b>	<b>5,802</b>	<b>61</b>		<b>5,863</b>
<b>Adult Care, Health &amp; Wellbeing</b>	Adult Services	62,575	(166)	(860)	61,549
	Adult Substance Misuse (Drug Action Team)	535			535
	Public Health	(118)			(118)
	<b>PORTFOLIO SUB TOTAL</b>	<b>62,993</b>	<b>(166)</b>	<b>(860)</b>	<b>61,967</b>
<b>Children &amp; Young People</b>	Children, Young People & Families	14,480	(205)	860	15,136
	Integrated Commissioning - CYP		2,279		2,279
	Safeguarding - CYP		741		741
	Inclusion & Prevention	15,573	(2,815)		12,757
	Education Transformation	(106,039)			(106,039)
	Schools Budget	103,518			103,518
	<b>PORTFOLIO SUB TOTAL</b>	<b>27,531</b>		<b>860</b>	<b>28,391</b>
<b>Development &amp; Neighbourhoods</b>	Development Management	1,063	(33)		1,030
	Building Control & Land Charges	120	(70)		50
	Public Protection & Health Improvement - Regulatory & Active Lifestyles	1,448	(10)		1,438
	Public Protection & Health Improvement - Leisure	652	7		660
	Neighbourhoods & Environment - Waste & Fleet Services	14,062	(15)		14,047
	Neighbourhoods & Environment - Parks & Bereavement Services	1,086			1,086
	Community Safety	41			41
	<b>PORTFOLIO SUB TOTAL</b>	<b>18,472</b>	<b>(121)</b>		<b>18,351</b>
<b>Economic &amp; Community Regeneration</b>	Economy & Culture	1,235	(118)		1,117
	World Heritage	153			153
	Heritage	(7,624)	(158)		(7,782)
	Housing	1,013	72		1,085
	Regeneration	(198)	442		245
	<b>PORTFOLIO SUB TOTAL</b>	<b>(5,421)</b>	<b>238</b>		<b>(5,183)</b>

Portfolio Cash Limits 2018/19 - Revenue Budgets

Appendix 3(ii)

CABINET PORTFOLIO	Service	Sep'18 Cash Limits	Technical Adjustments, below BMS limits or already agreed - shown for information	Total Virements for Approval	Dec'18 Revised Cash Limits
		£'000	£'000	£'000	£'000
Transport & Environment	Highways & Traffic Management	6,920			6,920
	Transport & Parking Services - Parking	(7,549)			(7,549)
	Transport & Parking Services - Public & Passenger Transport	(1,035)	400		(635)
	<b>PORTFOLIO SUB TOTAL</b>	<b>(1,665)</b>	<b>400</b>		<b>(1,265)</b>
	<b>NET BUDGET</b>	<b>113,446</b>			<b>113,446</b>
<b>Sources of Funding</b>					

Council Tax	86,732			86,732
Retained Business Rates*	27,680			27,680
Collection Fund Deficit (-) or Surplus (+)	(1,773)			(1,773)
Balances	807			807
<b>Total</b>	<b>113,446</b>			<b>113,446</b>

Capital Virements - Additions & Reductions 2018/2019

Appendix 4 (i)

REF NO	REASON / EXPLANATION	TRANSFER / FUNDING FROM	Income (£'s)	Expenditure (£'s)	TRANSFER TO	Income (£'s)	Expenditure (£'s)	Notes
CAP17#024-2018	Measurement Surveying	Service Supported Borrowing	75,000		Resources - Property and Facilities		75,000	1666 ODD approval to fund the insourcing of measurement and topographic surveying to effect efficiency savings.
CAP17#025-2018	Digital B&NES	Grant	430,000		Place - Community Regeneration		430,000	1669 ODD approval to fund Digital B&NES (The Bath and Markets Town Wi-Fi network).
CAP17#026-2018	GULW (Go Ultra Low West)	Grant	40,000		Place - Environmental Services		40,000	E3059 SMD approval to fund the implementation of the GULW works package.
CAP17#027-2018	Radstock Healthy Living Centre	Capital receipts/Grant	1,668,068		Place - Community Regeneration		1,668,068	E3012 SMD approval to fund the delivery of a new healthy living centre for Radstock at Waterloo Road.
CAP17#028-2018	Bath City Forum	CIL	-106,000		Resource - Strategy and Performance		-106,000	Reversal of the virement relating to E3047 SMD approval to fund the Bath City Forum relating to the first tranche of the projects funded through the Neighbourhoods CIL project funding for Bath.
CAP17#029-2018	Bath City Forum	CIL	-80,900		Resource - Strategy and Performance		-80,900	Reversal of the virement relating to E3067 SMD approval to fund the Bath City Forum relating to the second tranche of the projects funded through the Neighbourhoods CIL project funding for Bath.
CAP17#030-2018	Heritage Infrastructure Development	Service Supported Borrowing	78,749		Place - Tourism, Leisure and Culture		78,749	Technical Adjustment - agreed by Director of Finance. Correction of 2017/2018 Outturn re-phasing relating to the Kings Bath Conservation scheme.
CAP17#031-2018	Waste and ES depots	CIL	200,000		Place - Environmental Services		200,000	Technical Adjustment - agreed by Director of Finance. To fund the Waste Relocation at the Bath Recycling Centre.
CAP17#032-2018	Waste Operations - Relocation	Service Supported Borrowing/Section 106	500,000		Place - Environmental Services		500,000	Technical Adjustment - agreed by Director of Finance. To finalise the purchases of land, by exchange of contracts and completion formalities.
CAP17#033-2018	Large Planned Patching Programme	Grant	107,059		Place - Environmental Services		107,059	Technical Adjustment - agreed by Director of Finance. To reallocate the Pothole Action Fund Grant.
CAP17#034-2018	People & Communities Service Schemes	Grant/Revenue Contribution	-936,251		People & Communities - Education Transformation/Children & Young People		-936,251	Technical Adjustment - agreed by Director of Finance. Re-allocation of 17-18 Carry Forward approved by Cabinet in July 2018.
CAP17#035-2018	Parks Capital Schemes	Corporate Supported Borrowing/Section 106	7,420		Place - Environmental Services		7,420	Technical Adjustment - agreed by Director of Finance. Re-allocation of 17-18 Carry Forward approved by Cabinet in July 2018.
CAP17#036-2018	Bath Western Riverside	Corporate Supported Borrowing	150,000		Place - Community Regeneration		150,000	1671 ODD approval to fund the project team to progress the Home's England Marginal Viability Fund grant and the wider scheme business case.
CAP17#037-2018	Parkside Children Centre and Family Intervention Team Relocation	Service Supported Borrowing	718,000		People and Communities - Major Projects		718,000	1055 ODD approval to fund the refurbishment of accommodation in Charlotte Street.
CAP17#038-2018	Keynsham High Street Public Realm / One Way	Corporate Supported Borrowing/CIL	220,000		Place - Community Regeneration		220,000	1677 ODD approval to fund the development of a preferred public realm design for Keynsham town centre retail streets, including a permanent one way system.
CAP17#039-2018	Parade Gardens Cafe Acquisition	Invest to Earn Reserve via Revenue	88,125		Place - Neighbourhoods		88,125	1676 ODD approval to fund the acquisition of the café/kiosk at Parade Gardens.
CAP17#040-2018	Vehicle Replacement: Neighbourhoods / Public Protection / Waste	Service Supported Borrowing	1,161,145		Place - Environmental Services		1,161,145	1668 ODD approval to fund Neighbourhood Services - Vehicle Replacement Programme.

CAP17#041-2018	Housing Delivery Vehicle	Capital receipts	1,679,744		Resources - Property and Facilities		1,679,744	1659 ODD approval to fund the costs of refurbishments and obtaining of planning permission and listed building consents to Council properties prior to transfer to ADL/ACL.
CAP17#042-2018	Acquisition of property 1	Capital receipts	6,100,000		Resources - Property and Facilities		6,100,000	E3087 SMD approval to fund the acquisition of two investment properties.
CAP17#043-2018	Acquisition of property 2	Capital receipts	6,070,000		Resources - Property and Facilities		6,070,000	E3087 SMD approval to fund the acquisition of two investment properties.
CAP17#044-2018	Healthy Pupils	Grant	65,189		People & Communities - Schools Capital and Organisation		65,189	1680 ODD approval to fund the Healthy Pupil Capital Fund (HPCF).
CAP17#045-2018	Litter Bin and Bench Replacement	Service Supported Borrowing	47,000		Place - Environmental Services		47,000	1681 ODD approval to fund the replacement of old bin and bench stock.
CAP17#046-2018	Midsomer Norton - Public Realm	Corporate Supported Borrowing/CL	200,000		Place - Community Regeneration		200,000	1682 ODD approval to fund the Midsomer Norton Wayfinding and Public Realm.
CAP17#047-2018	Longvernal Primary - Internal Remodelling	Section 106	90,000		People & Communities -Strategic Planning Service		90,000	Technical Adjustment - agreed by Director of Finance. To increase the funding for Longvernal Primary Internal Modelling.
CAP17#048-2018	St Saviour's Junior School - 2017 Bulge Class.	Grant		-17,100	People & Communities -Strategic Planning Service		-17,100	Technical Adjustment - agreed by Director of Finance. To realign the funding for St.Saviours Junior School 2017 Bulge Class.
CAP17#049-2018	Bath Quays	Service Supported Borrowing		-5,276,000	Place - Community Regeneration		-5,276,000	Technical Adjustment - agreed by Director of Finance. To correct the budget position of Bath Quays.
<b>OVERALL TOTALS</b>								
			<b>18,572,348</b>	<b>-5,293,100</b>			<b>-5,293,100</b>	<b>18,572,348</b>
				<b>13,279,248</b>				<b>13,279,248</b>

Capital Virements - Additions & Reductions Future Years

Appendix 3 (i)

REF NO	REASON / EXPLANATION	TRANSFER / FUNDING FROM	Income (£'s)	Expenditure (£'s)	TRANSFER TO	Income (£'s)	Expenditure (£'s)	Notes
CAP18#009-FY	GULW (Go Ultra Low West)	Grant	40,000		Place - Environmental Services		40,000	E3059 SMD approval to fund the implementation of the GULW works package.
<b>OVERALL TOTALS</b>								
			<b>40,000</b>	<b>0</b>		<b>0</b>	<b>40,000</b>	
				<b>40,000</b>			<b>40,000</b>	

	2018/19		
	Budget at September 2018 Cabinet	Approvals to October 2018	Budget at December 2018 Cabinet
	£'000	£'000	£'000
<b>CAPITAL SCHEME</b>			
<b><u>Finance &amp; Efficiency</u></b>			
Workplaces Programme Delivery	219	-214	5
Keynsham Regeneration & New Build	330	505	835
Corporate Estate Planned Maintenance	2,943	0	2,943
Disposals Programme (Minor)	-122	133	12
Commercial Estate Investment Fund 16/17	298	-1	296
Commercial Estate Investment 17/18	127	12,044	12,172
Saw Close Development	40	-40	0
Equality Act Works	274	0	274
Roseberry Place	28	4	32
1 - 3 James Street West	99	-99	0
7 - 9 Lower Borough Walls	1	-1	0
Desktop As a Service - VDI Technology	287	0	287
IT Asset Refresh (Servers and Network)	104	0	104
IT Asset Refresh	502	0	502
Corporate Capital Contingency	1,944	-49	1,895
Bathampton Farmhouse	40	0	40
Cleveland Pools	107	0	107
Housing Delivery Vehicle	322	1,591	1,912
Property Company Investment	18,020	0	18,020
Acquisitions - Future Revenue Generation	194	127	321
Agresso System Development & 5.6 Upgrade	98	0	98
Income systems upgrade & associated works	45	-30	15
Community Resource Centre Capital investment	533	-533	0
Flexible Use of Capital Receipts	6,376	-291	6,085
City Centre Protection Measures	194	0	194
Key Disposal - Keynsham K2 Charlton Road	-2	2	0
Bath Area Forum – CIL funded Schemes	187	-187	0
Digital Programme	324	0	324
Civica Income Management System Developments	-30	30	0
Measurement Surveying	0	75	75
BTP Transitional Funding	0	150	150
	<b>33,479</b>	<b>13,217</b>	<b>46,696</b>
<b><u>Transformation &amp; Customer Services</u></b>			
LAA Performance Reward Grant	87	-87	0
Energy at Home	2	0	2
Warmth & Health Homes Programme	27	0	27
Modern Libraries & Workplaces	681	0	681
Communications Hub (Microwave Link)	0	89	89
	<b>796</b>	<b>2</b>	<b>799</b>
<b><u>Adult Care, Health &amp; Wellbeing</u></b>			
Adult Social Care Database replacement	223	0	223
Community Resource Centre Capital Investment	0	533	533
	<b>223</b>	<b>533</b>	<b>756</b>

	2018/19		
	Budget at September 2018 Cabinet	Approvals to October 2018	Budget at December 2018 Cabinet
	£'000	£'000	£'000
<b>CAPITAL SCHEME</b>			
<b><u>Children &amp; Young People</u></b>			
Schools Capital Maintenance Programme	206	44	250
Schools Capital Maintenance 18/19	500	-406	94
Schools Devolved Capital	823	-698	125
Weston All Saints Primary - Basic Need	66	-1	65
Salford Primary - Basic Need	144	-0	144
Building adaptations to provide short breaks for Disabled Children	20	-0	20
Basic Needs Feasibility / Option Appraisal	1,217	90	1,307
Schools LA Contribution to Capital / Private Capital / Seed Challenge / Travel Plans	45	0	45
Paulton Junior School - Basic Need	89	0	89
Youth Projects	19	0	19
Children's Services Capital Schemes Managed by Property Services	196	-163	34
Client Data System for Children's Social Services	2	-0	1
Bishop Sutton Primary School - Basic Need	152	-4	148
Schools Minor Works and DDA Schemes	193	0	193
Westfield Primary School - Basic Need	113	0	113
Children's Centre Capital Schemes	6	718	724
Oldfield Park Junior School - Basic Need	62	0	62
St Marys Writhlington BN Feasibility Study	53	0	53
Ensleigh - New Primary School Feasibility Study	201	-0	201
MOD Foxhill Mulberry Park - New School Feasibility Study	4	0	4
Bathampton School Basic Needs	10	0	10
Keynsham East New School Feasibility Study - Cost	20	0	20
Farmborough Primary - Basic Need	94	0	94
St Michaels Junior School Replace temporary building	-6	6	0
Riverside Youth Hub Development	66	0	66
St Keyna Basic Need Feasibility Study	-4	4	0
Somerdale New School Feasibility Costs	4	0	4
St Gregs, St Marks 6th Form	-1	1	0
Bathwick St Mary New School Expansion	9	0	9
Ubley Primary Basic Needs	87	0	87
St Saviour's Junior - Bulge Year Feasibility Study	124	-17	107
Children's Education Management System	684	0	684
Whitchurch Primary expansion	1,287	0	1,287
Swainwick Primary School	669	0	669
Castle Primary expansion (Phase 4)	1,652	0	1,652
St Nicholas' Primary expansion	2,437	0	2,437
Schools Capital Maintenance Grant 17/18 - Emergency Works	187	250	437
Schools Capital Maintenance Grant 17/18 - Minor works and DDA	597	0	597
Special Education Needs & Disability (SEND) Education Provision Loan	500	0	500
First Steps Moorlands Redevelopment - Section 106 contribution	79	0	79
Newbridge Primary - Window Replacement Feasibility	0	10	10
Fire Safety and Emergency Lighting Feasibility Study	0	20	20
Healthy Pupils Capital Fund	0	65	65
	12,606	-80	12,526

	2018/19		
	Budget at September 2018 Cabinet	Approvals to October 2018	Budget at December 2018 Cabinet
	£'000	£'000	£'000
<b>CAPITAL SCHEME</b>			
<b><u>Economic &amp; Community Regeneration</u></b>			
Visitor & Till Management System	0	0	0
Heritage Infrastructure Development	0	79	79
BWR - Council Project Team	40	0	40
BWR - Affordable Housing	-1	-0	-1
BWR - Infrastructure	955	0	955
NRR Infrastructure	122	0	122
London Road Regeneration	-49	49	0
Enterprise Area - Flood Mitigation Phase 1	1,797	-1,037	760
BWR - Relocation of Gas Holders	2,056	0	2,056
Disabled Facilities Grant	1,209	0	1,209
River Corridor & ROSPA safety works	239	0	239
Digital B&NES	-85	430	345
Somer Valley Business Centre	22	0	22
Affordable Housing	786	0	786
PRMP Northumberland Place	10	0	10
PRMP Pattern Book	41	0	41
City Information Scheme Corporate Project	20	0	20
Bath Quays South	25,656	-2,460	23,196
Bath Quays North	5,224	-812	4,412
Cattlemarket/Cornmarket	22	0	22
Radstock and Westfield Implementation Plan	40	0	40
South Road Car Park	143	0	143
Roman Baths Archway Centre	5,130	0	5,130
Saw Close Development Works	640	0	640
Heritage: Victoria Art Gallery Air Conditioning	138	0	138
Bath Quays Bridge & Linking Infrastructure	5,112	-1,585	3,527
Innovation Quay - Economic Development Funding Enabling Infrastructure	-112	112	0
BTP transitional funding	150	-150	0
Pioneer Office Investment Block (quays) – LGF Funded	-72	506	434
New Enterprise Zone – Infrastructure Plan	220	-100	120
Radstock Healthy Living Centre	0	1,755	1,755
Keynsham High Street - Public Realm	0	220	220
Midsomer Norton Public Realm	0	200	200
Feasibility & Match for new Grant Programmes	0	150	150
	49,452	-2,643	46,809

	2018/19		
	Budget at September 2018 Cabinet	Approvals to October 2018	Budget at December 2018 Cabinet
	£'000	£'000	£'000
<b>CAPITAL SCHEME</b>			
<b><u>Development &amp; Neighbourhoods</u></b>			
Vehicle Replacement: Neighbourhoods	96	-96	0
Beechen Cliff Woodland & Other Open Spaces Improvements	84	0	84
Neighbourhoods - Bin and Bench Replacement	21	0	21
Alice Park - Skate Park	126	0	126
Play Equipment	138	8	145
Waste Re-provision feasibility work	266	-250	16
Environmental Protection Vehicles	26	0	26
Cleansing Vehicles	-16	16	0
Sydney Gardens	350	0	350
Bath Leisure Centre Refurbishment	2,134	0	2,134
Parade Gardens Infrastructure for Business Development	12	0	12
Leisure - Council Client / Contingency	1,549	0	1,549
Bath Recreation Ground Trust - Leisure	731	0	731
Parks Service Schemes	178	0	178
Waste Project - relocation of cleansing	157	200	357
Keynsham Leisure Centre - Land Assembly	0	0	0
Waste Operations - Relocation	4,405	830	5,235
Environmental Neighbourhood Services Vehicle Replacement Programme	702	1,226	1,928
Parks s106 Capital projects: Bloomfield Green Open	281	-0	281
Parks Equipment	41	0	42
Parks Action Response Work	106	0	106
Leisure facility modernisation - Keynsham Sports Centre	4,395	0	4,395
Leisure Bath - Car Park	12	42	54
Repair ponds at Royal Victoria Park	5	-0	4
Odd Down Playing Fields Development	42	-42	0
Great Dell Walkway	0	0	0
Litter Bin Replacement Programme	0	47	47
Parade Gardens Café Acquisition	0	88	88
	15,841	2,068	17,909

	2018/19		
	Budget at September 2018 Cabinet	Approvals to October 2018	Budget at December 2018 Cabinet
	£'000	£'000	£'000
<b>CAPITAL SCHEME</b>			
<b><u>Transport &amp; Environment</u></b>			
Bath Transport Package - Main Scheme	1,842	0	1,842
Batheaston Bridge	-7	7	0
Transport Improvement Programme	3,813	-5	3,808
Victoria Bridge	28	0	28
Bus Lane Camera Replacement	67	0	67
Highways Maintenance Programme	7,463	107	7,570
Passenger Transport Vehicles	85	0	85
Parking - Vehicle Replacement Programme	100	24	124
Salford Station - reopening feasibility work	250	0	250
Kennet & Avon Tow Path & Cycle Parking	9	0	9
Street Lighting - LED Replacement Programme	565	0	565
Keynsham Town Centre one way system	13	0	13
Bath Cycle Action Plan - Bath Quays Scheme	15	0	15
CCAFS Cycle Parking	0	-1	-1
Kingsmead Square Improvements	7	0	7
Dorchester Street, Traffic Review	96	0	96
Somerdale Bridge, Keynsham – Initial Options Study	11	0	11
London Road Modification	172	0	172
York Street Infrastructure works	510	0	510
Office for Low Emission Vehicles (OLEV) Bid	223	-48	174
A37 to A362 Improvements to access Somer Valley Enterprise Zone	268	100	368
Hicks Gate Roundabout Improvement	459	0	459
Pay & Display Machines - New Coin Acceptance	39	0	39
Parking - Radio System Replacement	28	0	28
Parking enforcement Hand Held Computer Terminal replacement	50	0	50
Body Worn Video Cameras for Civil Enforcement Officers	25	0	25
Highways Schemes (CIL)	50	0	50
	16,179	183	16,362
<b>TOTAL CAPITAL SCHEME BUDGET</b>	<b>128,576</b>	<b>13,279</b>	<b>141,856</b>
<b><u>Sources of Funding (£'000)</u></b>			
EU/Government Grant	32,275	-310	31,965
Revenue	173	99	272
Other Council Support including Borrowing and Capital Receipts	87,139	13,058	100,197
s106 Contribution	2,501	90	2,590
CIL Contribution	1,545	343	1,888
Other 3rd Party	4,943	0	4,943
<b>Total Sources of Funding (£'000)</b>	<b>128,576</b>	<b>13,279</b>	<b>141,856</b>

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**CAPITAL PROGRAMME REVIEW**

**Schemes Proposed for Removal by Portfolio**

Portfolio	Project Name	Budget Available £'000	CSB Element £'000	Narrative
<b>Children &amp; Young People</b>	Bathampton Primary, replacement of temporary accommodation	750		This project has been superseded by an alternative solution.
	Children's Centre Capital Schemes	6		This project has completed, the proposed reduction represents an underspend.
	Client Data System for Children's Social Services	2		This project has completed, the proposed reduction represents an underspend.
	Clutton Primary – reinstate classroom space	100		This project has been superseded by an alternative solution.
<b>Children &amp; Young People Total</b>		<b>858</b>		
<b>Development &amp; Neighbourhoods</b>	Midsomer Norton Town Park	175		This project is not planned for delivery by BANES, but by Midsomer Norton Town Council. S106 funding will be passported for this project.
	Parks Automated Gates	17	17	This project is no longer required.
	Repair ponds at Royal Victoria Park	1		This project has completed, the proposed reduction represents an underspend.
	RVP Nursery Improvements	38	38	This project is deferred for reconsideration during the budget setting process.
<b>Development &amp; Neighbourhoods Total</b>		<b>231</b>	<b>55</b>	
<b>Economic &amp; Community Regeneration</b>	5G Technologies	67		This projects objectives have been amalgamated into the wider digital BANES programme.
	Heritage Infrastructure Development	79		This project has completed, the proposed reduction represents an underspend.
	Roman Baths & Pump Room electrical distribution	45		This project has completed, the proposed reduction represents an underspend.

Portfolio	Project Name	Budget Available £'000	CSB Element £'000	Narrative
<b>Economic &amp; Community Regeneration</b>	Somer Valley Business Centres	1,020	572	This project is under review as there is a wider assessment of need in the Somer Valley Enterprise Zone now being considered, which is included elsewhere in the existing capital programme. Funding will be sought from WECA to support projects within the Enterprise Zone coming forward.
	South Road Car Park	134		There has been no market uptake to support this project and it is therefore not able to be progressed.
	Whitchurch Public Realm (CIL)	50		Further work is required to scope the requirement for this project and will depend on development in the area. Project and CIL funding to be deferred and brought back in a future year.
<b>Economic &amp; Community Regeneration Total</b>		<b>1,395</b>	<b>572</b>	
<b>Finance &amp; Efficiency</b>	Acquisitions - Future Revenue Generation	194		This is budget rephased from prior years' acquisition programme for which the project has completed, the proposed reduction represents an underspend.
	Civica Income Management System Developments	60		This project is deferred for reconsideration during the budget setting process.
	Corporate Estate – Remediation Works	250	250	This project is no longer required as it is accommodated within the Corporate Planned Maintenance programme.
	Desktop As a Service - VDI Technology	287		This project has completed, the proposed reduction represents an underspend.
	Equality Act Works	200	200	This project is no longer required as it is accommodated within the Corporate Planned Maintenance programme.
	Print Services - Equipment Investment	300		Agreed for removal during 2018/19 Budget Setting.
<b>Finance &amp; Efficiency Total</b>		<b>1,291</b>	<b>450</b>	
<b>Transport &amp; Environment</b>	A36 Lower Bristol Road Bus Lane	3,000		Progression of bus related projects will be done in discussion with WECA going forward.
	Body Worn Video Cameras for Civil Enforcement Officers	55		This project has completed, the proposed reduction represents an underspend.
	Bus Lane Camera Replacement	27		This project has completed, the proposed reduction represents an underspend.
	Great Western Mainline Electrification	1,500	1,500	This project is no longer required as the Network Rail works around electrification have been delayed for the foreseeable future.
	Kennet & Avon Tow Path & Cycle Parking	9		This project has completed, the proposed reduction represents an underspend.

Portfolio	Project Name	Budget Available £'000	CSB Element £'000	Narrative
<b>Transport &amp; Environment</b>	Parking - Pay & Display Replacement Programme	400		This projects is a duplication as the objectives are covered elsewhere in the programme.
	Parking - Radio System Replacement	21		This project has completed, the proposed reduction represents an underspend.
	Parking - Vehicle Replacement Programme	110		This projects is a duplication as the objectives are covered elsewhere in the programme.
	Parking enforcement Hand Held Computer Terminal replacement	30		This project has completed, the proposed reduction represents an underspend.
	Pay & Display Machines - New Coin Acceptance	26		This project has completed, the proposed reduction represents an underspend.
	Saltford Station - reopening feasibility work	250	250	This project is deferred pending the completion of works under the Metro West programme. Progression of transport related projects will be done in discussion with WECA going forward.
	Strategic Transportation	9,215	9,215	This project is no longer required. Alternative projects are being brought forward on an individual basis as appropriate. Progression of transport related projects will be done in discussion with WECA going forward.
	Terrace Walk	100	100	This projects is a duplication as the objectives are covered elsewhere in the programme.
	Transport Strategic Review Items	550		This projects is a duplication as the objectives are covered elsewhere in the programme.
	Victoria Bridge	28		This project has completed, the proposed reduction represents an underspend.
<b>Transport &amp; Environment Total</b>		<b>15,321</b>	<b>11,065</b>	
<b>Grand Total</b>		<b>19,096</b>	<b>12,142</b>	

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