

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG



Despatched: 09.11.20

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held virtually via Zoom commencing at 7.00 pm on 17 November 2020 to transact the under-mentioned business.

The meeting will be livestreamed here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6

Chief Executive

AGENDA

Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Council held on 21 July 2020. (Pages 1 - 4)
2. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.
3. Chairman's Announcements.
4. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution. (Pages 5 - 6)
5. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.
6. Matters considered by the Cabinet
 - a) 27-37 High Street, Swanley Redevelopment. (Pages 7 - 24)
 - b) Christmas Parking (Pages 25 - 30)
 - c) Budget Setting 2021/22. (Pages 31 - 90)
7. Matters considered by other standing committees:

- a) Statutory Guidance Issued by the Secretary of State for Transport to Protect Children and Vulnerable Individuals. (Pages 91 - 162)
- 8. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:
 - a) Appointment of a Deputy Electoral Registration Officer (Pages 163 - 168)
 - b) Changes to Committee membership. (Pages 169 - 170)
 - c) Draft Calendar of meetings for the municipal year 2021/22. (Pages 171 - 174)
- 9. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
- 10. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
- 11. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 175 - 180)
- 12. Quarterly report on Special Urgency decisions. (Pages 181 - 182)
- 13. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting. (Pages 183 - 186)
- 14. Supporting the Local Economy - Post Lockdown Parking Scheme (Pages 187 - 188)

EXEMPT ITEMS

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

COUNCIL

Minutes of the meeting held on 21 July 2020 commencing at 5.00 pm

Present: Cllr. Edwards-Winser (Chairman)

Cllr. Esler (Vice Chairman)

Cllrs. Abraham, Andrews, Bayley, Ball, Barnes, Barnett, Brown, Dr. Canet, Carroll, Cheeseman, Clayton, Penny Cole, Perry Cole, Coleman, Collins, G. Darrington, P. Darrington, Dickins, Dyball, Eyre, Firth, Fleming, Foster, Fothergill, Griffiths, Grint, Hogarth, Hudson, Hunter, Kitchener, Layland, Maskell, McArthur, McGarvey, McGregor, Nelson, Osborne-Jackson, Parkin, Pender, Pett, Purves, Reay, Thornton and Waterton

Apologies for absence were received from Cllrs. Clack, Harrison, London, Morris, Piper, Raikes, Roy and Williamson

60. To approve as a correct record the minutes of the meeting of the Council held on 21 April 2020.

Resolved: That the Minutes of the meeting of the Council held on 21 April 2020 be approved, and signed as a correct record.

61. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.

No additional declarations of interest, not already registered, were received.

62. Chairman's Announcements.

The Chairman stated that it had been four months since the country entered lockdown in response to the growing threat of coronavirus, and in those four months there had been some extraordinary efforts to support the most vulnerable, to help businesses and those unable to work or go to school, and to keep the council services running that residents relied on.

More than four and a half thousand people across the Sevenoaks District were asked to shield. The Government had supported almost 600 people every week with food and supplies, but the District Council and its partners: Town & Parish Councils; and an army of more than a thousand volunteers, supported many more.

The Council had spoken with 4,000 people to help them with their Covid-19 related concerns. Whilst some had contacted the Customer Solutions team, council staff were telephoning residents to ensure that they were keeping well and had all of

the support that they needed. Where there was an urgent need the Council had delivered 250 of its own urgent food parcels, before the wonderful ‘Care for our Community volunteers’ and other local organisations stepped in and provided help and assistance to fifteen hundred people.

The housing team had provided accommodation for 40 people that would otherwise have faced coronavirus without a place to live, and the team were now working hard to find move-on accommodation for when the urgent support that the council had been able to provide came to an end.

The Council’s HERO Team had supported 160 people who had been referred to them with concerns about their housing or finances as a direct result of Covid-19. There were many more examples of people being supported across Council services, and he took that moment to thank all Council staff for their efforts: from the staff at Dunbrik who had collected, what at times, had felt like mountains of rubbish and recycling as people took the opportunity of being at home to spring clean, only to find the tips temporarily closed; to those in council tax and benefits who had sought to help people pay their bills; and of course to those in business rates who had made more than £25m in Covid-19 specific grants to more than 2,000 local businesses.

He advised that as focus shifted to recovery and supporting the high street, the Council remained absolutely committed to continue with the effort it had shown in recent months.

He asked Members to join him in giving our thanks to all of those people, organisations, volunteers and key workers that had responded so brilliantly across the District in response to the unprecedented situation that Covid-19 had brought upon us.

The Chairman reported that in the absence of any face-to-face social meetings, he and the Vice Chairman had been contacting and virtually meeting with local community and charity groups to see how they were adapting to the situation, and as ever they were quite inspiring.

He advised that he had organised a virtual meeting with the Chairmen and Mayors of other Districts and Towns in Kent, and that together with the Vice Chairman, had visited in person, the “Community Cupboard” at West Kingsdown, which he had had the honour of opening last year. They had both been amazed at how this facility, which had started as a food bank opening for a couple of hours a week serving local needs, had grown into an organisation which was open all day, every day of the week, providing emergency rations for residents not only from within the District, but outside the District as well, with deliveries being undertaken by an army of Community Wardens. It had been explained that this facility was likely to expand exponentially once the furlough system drew to a close.

63. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

No questions had been received.

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64. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.

No petitions had been received.

65. Changes to memberships of Committees and appointments to other organisations.

Cllr Fleming proposed and Cllr Dickins seconded, the report which sought approval to some mid-year committee and outside organisation membership changes.

Resolved: That

- a) the changes to memberships for the remainder of the municipal year 2019/21, as set out in the Appendix to the report, be approved; and
- b) the Standards Hearing Sub Committee, and Standards Assessment Working Party membership, be agreed.

66. To note the appointments to the Cabinet made by the Leader.

The Leader of the Council advised that Councillor Piper was becoming the Deputy Portfolio Holder of Housing and Health, swapping with Councillor Maskell who he welcomed as the new Portfolio Holder. He extended his thanks to Councillor Piper for all his work in the Cabinet, as Portfolio Holder for Planning and more recently Housing & Health.

Resolved: That the appointments to the Cabinet, be noted.

67. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

68. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

69. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 30 March 2020 to 3 July 2020.

He took the opportunity to thank officers and cabinet colleagues for all their work during lockdown, and stated that local government as a whole had done a good job

over the last four months. He displayed a booklet that would be going out to those still in receipt of central government food parcels, which signposted them to services they might find useful once this ended. The booklet had also been sent out to Members.

70. Quarterly report on Special Urgency decisions.

Members considered the quarterly report on special urgency decisions.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 5.14 PM

CHAIRMAN

Item 04 - To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1

Why were no steps taken in the period 25 February to 10 August 2020 pursuant to resolution a) (Council, 25 February 2020 - Minute 41) what steps if any have been taken since 10 August 2020 pursuant to the said resolution a) and with what (if any) results, and what further steps are now proposed to be taken pursuant to it?

David Green

Question 2

Why were no steps taken in the period 25 February to 10 August 2020 pursuant to resolution b) (Council, 25 February 2020 - Minute 41), what steps if any have been taken by SDC since 10 August 2020 pursuant to the said resolution b) and with what (if any) results, what further steps are now proposed to be taken pursuant to it; and what is the amount of CIL, including interest and surcharges, outstanding to SDC as at 17 November 2020?

David Green

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Item 6 (a) - 27-37 High Street, Swanley redevelopment

The attached report was considered by the Cabinet, and the relevant minute extract is below.

Cabinet (15 October 2020, Minute 129)

The Improvement & Innovation Portfolio Holder presented the report which sought approval: to redevelop 27-37 High Street, Swanley, to provide a new business hub and 17 residential units; for the project to be established within the Capital Programme; and for the project to proceed. The Strategic Head of Property & Commercial outlined the proposals once more for the benefit of Members.

The Portfolio Holder advised that Advisory Committee had considered the same report and recommended it for approval.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that

- a) the redevelopment of 27-37 High Street, Swanley, as outlined in the report, to provide a new business hub and 17 residential units at an estimated total project cost of £5,624,039 as set out in Table 1 to the report, be approved;
- b) the project be funded by
 - i. capital receipts from the sale of units in the scheme, estimated to be c. £4,134,039;
 - ii. £1,490,000 from the Getting Building Fund (GBF) administered by the South East Local Enterprise Partnership (SELEP), noting that the SELEP Accountability Board will only make a decision on this match funding on the 20 November 2020 and thus approval to proceed with the project is conditional on SELEP finally awarding the GBF grant; and
 - iii. the £375,000 vired in August 2020 be transferred back to the Property Investment Strategy from this project.
- c) authority be delegated to the Strategic Head of Property and Commercial in consultation with the Head of Legal and Democratic Services and the Chief Officer Finance and Trading, to enter into necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules.

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27-37 HIGH STREET, SWANLEY REDEVELOPMENT

Council - 17 November 2020

Report of: Strategic Head of Property and Commercial

Status: For Decision

Also considered by:

- Improvement & Innovation Advisory Committee - 8 October 2020
- Cabinet - 15 October 2020

Key Decision: No

Executive Summary: Following the receipt of planning permission in May 2020, this report seeks approval to redevelop 27-37 High Street, Swanley, to provide a new business hub and 17 residential units.

In August 2020, Government announced that the project would be allocated a grant of £1.49m. To achieve the draw-down of this grant, Government imposed challenging terms and the Council would need to accelerate its delivery programme for this project. On 6 August 2020, Cabinet approved the virement of funds to allow the expenditure for consultancy and enabling works associated with the project. As a result, detailed design work commenced.

The Government's announcement to approve the project with a Getting Building Fund grant, has accelerated this project's delivery timetable. As this is a new capital project that is not yet accounted for in the Capital Programme 2020/21, and given the estimated project budget, Council approval is now being sought for the project to be established within the Capital Programme, and for the project to proceed.

Portfolio Holder: Cllr. Peter Fleming

Contact Officer: Detlev Munster, Ext. 7099

Adrian Rowbotham, Ext. 7153

Recommendation to Improvement and Innovation Advisory Committee: That comments on recommendations (a) to (c) below are passed to Cabinet.

Recommendation to Cabinet:

That recommendations (a) to (c) below are recommended to Council.

Recommendation to Council:

- (a) Agrees the redevelopment of 27-37 High Street, Swanley, as outlined in the report to provide a new business hub and 17 residential units at an estimated total project cost of £5,624,039 as set out in Table 1.
- (b) Approves that the project is funded by:
 - i. capital receipts from the sale of units in the scheme, estimated to be c. £4,134,039; and
 - ii. £1,490,000 from the *Getting Building Fund* (GBF) administered by the *South East Local Enterprise Partnership* (SELEP), and notes that the SELEP Accountability Board will only make a decision on this match funding on the 20 November 2020, and thus approval to proceed with the project is conditional on SELEP finally awarding the GBF grant.
 - iii. Agrees to the £375,000 vired in August 2020 to be transferred back to the Property Investment Strategy from this project.
- (c) Delegates authority to the Strategic Head of Property and Commercial in consultation with the Head of Legal Services and the Chief Officer Finance and Trading to enter into necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules.

Introduction and Background

- 1 Swanley is an urban settlement in the Northern part of the Sevenoaks District adjoining Dartford, Bexley and Bromley. Swanley is the most deprived area within the Sevenoaks District, with two of the wards (Swanley St Mary's and Swanley Christchurch) noted as having relative deprivation in the Local Plan. The town itself has excellent transport links with a motorway interchange providing junctions on the M25, M20, and A20 enabling travel both into Kent, Surrey and Central London. Swanley is within London Travel Zone 8 with Oyster travel into London in under 30 minutes. The area itself has, however, had little public or private sector investment and development in the past, but is now on the cusp of a significant regeneration opportunity, which provides the potential to create a desired place for the future.
- 2 The excellent transport links to Swanley create potential for those looking to move out from London to live here and the workhub would create opportunities for affordable flexible office space for emerging entrepreneurs and small/micro companies looking to work locally to where they live.
- 3 The case for a business hub on the ground floor of 27-37 High Street was developed as part of the Economic Development Strategy to support

- businesses in the District. A feasibility study was undertaken by a business hub specialist which confirmed the expected demand and an outline business case was prepared. Business hubs provide an environment facilitating emerging businesses to grow, develop and stimulate entrepreneurship, which supports the local economy and regeneration.
- 4 The impact of Covid-19 on working environments also suggests a greater demand for locally based work hubs and the facilities they offer (which will include high speed broadband, virtual office service, meeting spaces and a shared working area) will provide an alternative location for home based workers to flourish.
 - 5 On 3 December 2015, Cabinet granted approval for the demolition of redundant premises at the Former Swanley Working Men's Club, 18 High Street, 27-37 High Street and Bevan Place Car Park, Swanley. The intention was to redevelop the sites to generate income and capital receipts that could be reinvested and would also facilitate the regeneration of the town centre. The redevelopment of 27-37 High Street, Swanley, would therefore support the Council's Economic Development strategy and would also result in a higher performing asset in accordance with the Council's approved Property Investment Strategy.
 - 6 Community engagement exercises took place in Swanley and the surrounding areas in 2016 as part of the Master Vision for Swanley. An information event was held in 2019 to make residents aware of the Council's intentions to develop sites in Swanley including 27-37 High Street. Further public consultation was also undertaken as part of the statutory planning process.
 - 7 In 2019 architects were commissioned to develop a design and prepare a planning application for 27-37 High Street for a business hub and 17 residential units. The brief was to provide a new high quality, sustainable, mixed use development at this key gateway to the town centre, which would set high standards and help kick-start urban renewal essential to the wider development vision for Swanley.
 - 8 The scheme (reference 19/03543/FUL) was approved by the Development Control Committee on 21/05/2020.
 - 9 In August 2020, Government announced that it would support the project with a grant from the Getting Building Fund, provided the project met the terms and conditions associated with the fund. This necessitated the need to accelerate the project's delivery, and on 6 August 2020, Cabinet approved the virement of £375,000 to allow the expenditure for consultancy and enabling works associated with the project. As a result, detailed design work commenced in August 2020. In addition, the procurement process commenced for a demolition works contract and a design and build contract to construct the scheme.

The Proposed Development Scheme

- 10 The proposed scheme (see Appendix A), as per the planning permission granted, includes:
 - 17 residential units (6 x 1 bedroom/1 person, 6 x 1 bedroom/2 persons and 5 x 2 bedrooms/3 persons) at ground, first and second floor;
 - A business hub (c. 250 sq.m) at ground floor with fit-out to be determined by the operator.
 - Communal garden to the rear providing amenity space (c. 280 sq.m) for residents and the business hub.
 - Car parking including electric vehicle charging, and bike store.
- 11 The scheme is designed to Nationally Described Space Standards and has many energy saving features. All of the homes exceed national targets. They require little energy to run and use green technologies including Air Source Heat Pumps and Mechanical Ventilation Heat Recovery.
- 12 Sustainability is central to the scheme, which is located close to the town centre and within walking distance of the train station and buses. Car and cycle parking is provided to the rear for residents and business hub users. Electrical vehicle charging points are also included.
- 13 It is proposed that the Council will retain the freehold of the property and the residential units will be sold on the open market with 125-year leases.
- 14 The business hub is to be managed by a specialist operator.
- 15 The Business hub will provide a range of services to support small, micro and home-based businesses. Over 90% of the businesses within the District have fewer than 10 employees, therefore supporting this group is important to the sustainability and growth of the local economy. The business hub will include a shared working area to promote collaboration and mutual support as well private office areas for emerging firms to locate. The hub will also have meeting spaces and breakout areas. The services to be offered from the business hub will include a virtual office provision as well as business support available on-site providing assistance and links to local support services to stimulate business growth.

Procurement

- 16 Officers together with consultants have examined different procurement options to facilitate the accelerated programme required by Government. As a result, a single stage Design & Build procurement route with a pre-qualification questionnaire is recommended for the construction of the scheme. The JCT Design and Build 2016 standard form of contract is proposed. As the estimated construction works contract value is below the

Public Contracts Regulations 2015 threshold, it will not fall within the requirements of OJEU tendering procedures. However, a competitive tendering exercise will be undertaken in accordance with the Council’s Standing Orders.

- 17 Consultants have also advised to undertake the demolition works under a separate contract and this procurement process is currently running, and will be awarded subject to the approval of this Report.
- 18 It is also envisaged that the design team will be novated to the contractor at the end of RIBA stage 4.

Delivery Programme

- 19 The project’s indicative delivery programme is outlined in the table below, and is subject to change:

Stage	Date	
Approval to vire funds	August 2020	Achieved.
Appoint consulting team to complete RIBA Stage 4 technical design and prepare tender documents	August 2020	Achieved.
Issue PQQ for D&B Contract	September 2020	Achieved.
Submit business case to SELEP	September 2020	Achieved.
Commence demolition procurement	September 2020	Achieved.
Council approval and GBF approval	November 2020	
Issue ITT for D&B contract	November 2020	
Award demolition contract	November 2020	
Demolition start on site	January 2021	
Demolition completion	February 2021	
Award D&B contract	February 2021	
New build start on site	March 2021	
Procurement for a business hub operator commences	March 2021	
Business hub goes live virtually	October 2021	
New build completion	March 2022	
Business hub opens	May 2022	

- 20 This programme has been reviewed by our consultants and considered to be feasible. However, it should be noted that this represents an accelerated programme so as to comply with Government’s GBF funding requirements.

Project Costs and Funding

- 21 The table below provides a high-level outline of the project costs.

Elemental Items	Amount
Construction Cost	£4,666,598

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Consultant Fees	£372,302
Client Contingency	£231,875
CIL	£137,642
Other fees and costs	£215,622
Total	£5,624,039

- 22 The viability appraisal undertaken by Savills in 2019, notes that the project is not viable without a grant. However, the economic appraisal undertaken by SQW (2020) suggests that the economic and regeneration outcomes will be of significant benefit to Swanley, and thus merits public funding intervention.
- 23 Government considers this an important project to help with the post Covid-19 economic recovery and facilitate the regeneration of the sub-region. As a result, it has approved an allocation of £1.490m from the *Getting Building Fund* (GBF) - a new £900 million fund created to invest in local infrastructure projects to drive economic growth in the wake of the COVID-19 crisis - which is administered in the South-East by SELEP.
- 24 The remaining capital (£4.134m) is to be funded from capital receipts from the sale of units in the scheme. Rental receipts may also be used.
- 25 In August 2020, Cabinet vired £375,000 from the Property Investment Strategy. The vired funds were needed to facilitate the accelerated expenditure required to meet the Government's GBF grant conditions and timetable. The vired funds were used to undertake further on-site investigations and surveys, appoint surveyors, architects, engineers, cost consultants, economic consultants and other technical consultants to progress designs from RIBA Stage 3 to RIBA Stage 4+ and to prepare detailed construction and demolition tender documents.
- 26 The operation of the business hub has been modelled by external consultants and a feasibility study was prepared. This study suggests that the business centre is viable and will assist in supporting enterprise growth. Details of the Centre's operation will be the subject of a separate report that will be submitted to Cabinet for approval in due course.

Project Governance

- 27 A Project Team has been set up within the Council and is being supported by external consultants. In particular, the Council has appointed a specialist cost consultancy firm to act as Employers Agent and QS.
- 28 The Project Team will be adapting PRINCE2 methodologies to manage the project.
- 29 The Project Team will be reporting to the Corporate Programme Board (CPB), which will have oversight of the project. Monitoring reports

(including highlight reports/exception reports, budget monitors and the risk register) will be submitted monthly to the CPB. The CPB consists of senior officers within the Council and is chaired by the Chief Executive.

Other Options Considered and Rejected

- 30 Do nothing and reuse the site. The building that occupies the site is in poor condition and would require significant capital expenditure to meet current building and letting standards. However, the building's reuse potential is considered to be very limited and even if let out, would provide a limited yield that would not justify the cost of refurbishment.
- 31 An alternative option would be to dispose of the site with planning permission. This option has been ruled out as the planning permission is only implementable with a substantial grant. The planning approved scheme (reference 19/03543/FUL) would unlikely be built and a developer would likely seek to increase the density and value engineer the scheme eroding quality. Additionally, its disposal would limit the Council's ability to direct development in the area in a manner that would promote the town centre's regeneration.

Key Implications

Risk Assessment

- 32 A table outlining the key risks relating to this project are outlined in Appendix B.

Financial Implications

- 33 The scheme is intended to be funded from a combination of capital receipts from the sale of residential units in the scheme and the Government's 'Getting Building Fund' (GBF).
- 34 The Table below provides a summary of the scheme's funding.

Scheme Funding				
	2020/21	2021/22	2022/23	Total
	£000	£000	£000	£000
Expenditure	800	3,000	1,824	5,624
Funding:				
Getting Building Fund (GBF)	(490)	(1,000)	(0)	(1,490)
Internal borrowing	(310)	(800)	1,110	0
Capital Receipts from sale of residential units	(0)	(1,200)	(2,934)	(4,134)
Total Funding	(800)	(3,000)	(1,824)	(5,624)

Net scheme (surplus)/cost					0
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- 35 The 17 residential units will be disposed of in the open market and according to Savills, the Council’s property consultants, they are expected to generate a sales receipt of £4.134m based on 2019 values. To reduce the project’s cashflow impact on the Council, off-plan sales will be sought. As the properties will be sold on a 125-year leasehold basis, an average ground-rent of £250 per annum will be applied to each residential leasehold. This will generate an annual income for the Council of £4,250 per annum, and over a 10-year period will generate a NPV of c. £36k and c. £51k over 15 years. However, it should also be noted that the valuations for the residential units are based on 2019 values, and house price growth has not been applied. Market conditions and historic house price growth would suggest that it would not be unreasonable to assume an increase of 2% by 2022.
- 36 Until the receipts from the sales of the residential units are received, internal borrowing will be used to fund part of the scheme.
- 37 Due to the current Covid-19 pandemic, the future direction of the property market remains uncertain therefore, if the sales proceeds of the residential units are less than currently predicted any shortfall will be funded by other capital receipts or other capital funding sources available at that time, including internal borrowing.
- 38 The Council is due to receive final approval from the SELEP Accountability Board for the GBF grant on the 20 November 2020. Government has indicated that the funding is conditional on the Council delivering and spending the grant by the 31 March 2022 and achieving practical completion for the scheme soon thereafter. As noted by the programme above, this is considered achievable and the projects spend can be profiled to avoid the risk of potential claw-back.
- 39 Should GBF funding not be approved on the 20 November, the Council will need to reconsider this project’s funding approach.
- 40 If sales proceeds exceed the amount required to fund this scheme, any excess will be used to part fund the White Oak Leisure Centre scheme.
- 41 VAT will be recovered by the council under normal recovery mechanisms. On the rental properties the Council will need to consider opt to tax requirements.

Legal Implications

- 42 The Council has freehold title of the site and obtained planning consent (19/03543/FUL) for its development in May 2020. The Council will need to

obtain further statutory approvals (e.g. building control approval) and these are known to the Project Team.

- 43 The procurement of a design and build contractor, while below the Public Contract Regulations 2015 thresholds, will need to comply with the Council's Contract Procedure Rules. Legal advice will need to be sought in ensuring the final form of contract is appropriate and provides the Council with the necessary contractual safeguards.
- 44 The residential units will need to be disposed of using a 125-year leasehold structure and the freehold will remain vested with the Council. The Council will be required to set-up appropriate block management and service charge regimes that comply with the Leasehold Reform Act.
- 45 Grant funding from the GBF initiative is conditional on ensuring spend by the 31 March 2022 and in accordance with the SELEP Grant Agreement. It is noted that the SELEP Accountability Board will only meet and make a final decision on the 20 November, and hence the Council's decision to proceed with this project, as noted in this report's recommendations, is conditional on the receipt of GBF grant funding.
- 46 There are no State Aid implications associated with the proposed scheme.

Equality Assessment

- 47 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. A positive impact on end users is, however, anticipated. In particular, it is worth noting that appropriate "equalities requirements" will be specified in the various contracts to be entered into for the demolition and construction of the scheme. In addition, the scheme is designed to promote an inclusive environment, especially for users of the business centre.

Sustainability

- 48 The scheme is expected to have a positive sustainability impact as it provides housing in a town centre location, is in close proximity to public transport, promotes walking, enhances the vitality of the town centre by increasing footfall, and provides environmental features in its construction to reduce energy consumption.

Conclusion

This dynamic scheme provides new ways of living and working for Swanley residents. It presents a unique regeneration opportunity for the town centre that

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will set a new design and sustainability benchmark for future developments and catalyse further development in Swanley.

Appendices

Appendix A - Plans and Visuals

Appendix B - Outline Risk Assessment

Background Papers

- [Cabinet Report 3 December 2015](#)
 - [Cabinet Report 06 August 2020](#)
 - [Sevenoaks District Council \(2019\): Emerging Local Plan](#) (as submitted with evidence base to Planning Inspectorate)
 - [Planning Permission 19/03543/FUL](#)
 - Appleyard & Trew LLP (March 2020): 27-37 High Street Swanley, Procurement Report
 - SQW (2020): 27-37 High Street Project Business Case (RESTRICTED)
 - WorkHub Network (2017): Swanley Workhub Viability and Demand Study. (RESTRICTED)
 - Savills (2019): Viability Assessment (RESTRICTED)
- Project Risk Register (RESTRICTED)

Sarah Robson

Deputy Chief Executive & Chief Officer - People and Places

Appendix A: Proposed Plans and Visuals

High Street frontage



Residential Unit Mix

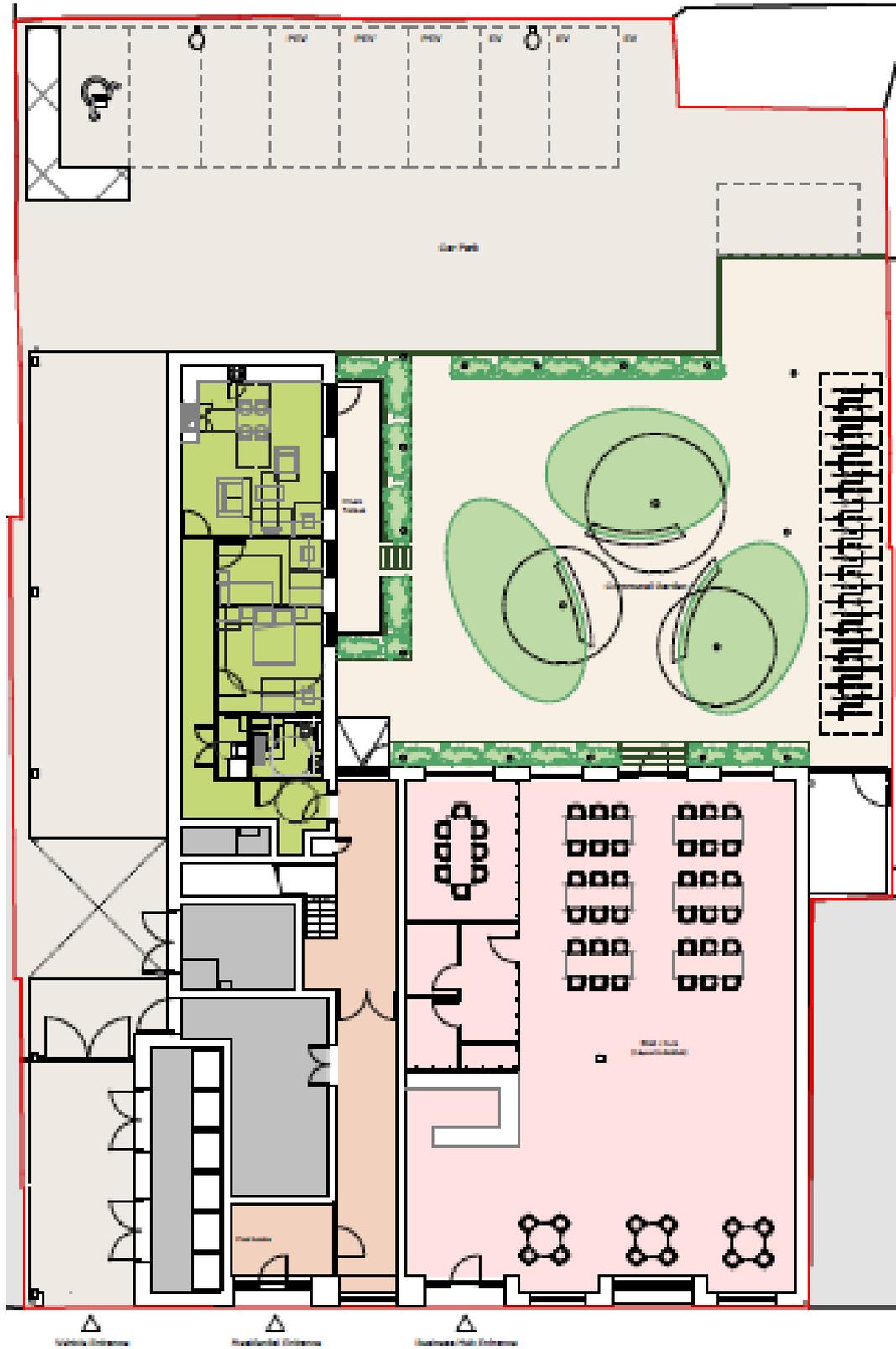
	1B / 1P	1B / 2P	2B / 3P
00	0	0	1
01	1	5	2
02	5	1	2
TOTAL DWELLINGS	6	6	5
DWELLINGS	17		

Units / Ha	118.55
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Hab Rooms / Ha	271.97
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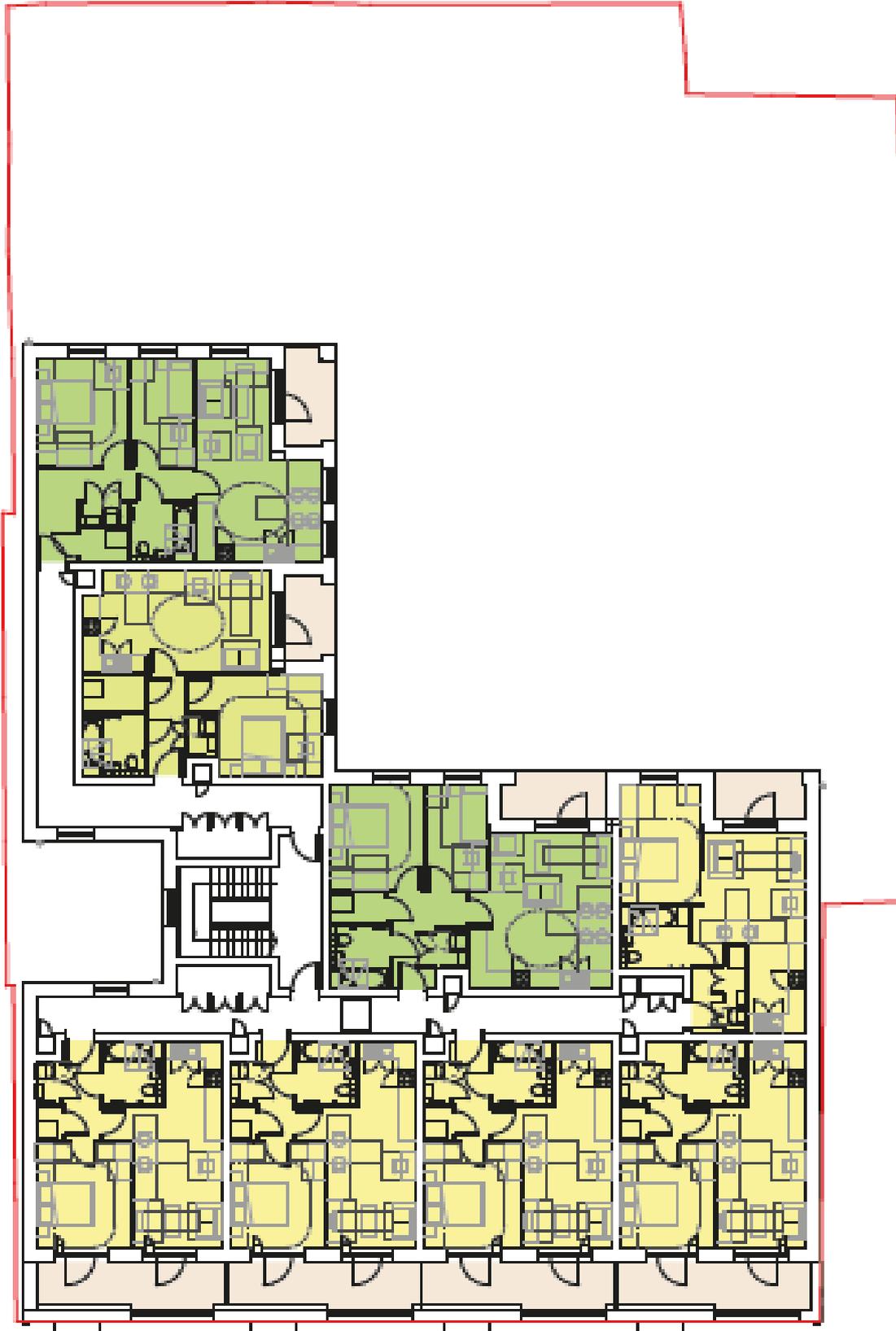
Ground floor plan



First floor plan



Second floor plan



Appendix B - Outline Risk Assessment

The table below summarises the projects risk register and outlines the key project risks considered relevant for this report.

TYPE	DESCRIPTION	MITIGATION
Finance	GBF grant does not receive final approval.	Early engagement with SELEP and Independent Technical Advisor taking place to ensure full business case meets the required standard. Experienced external consultant appointed to prepare detailed business case.
Finance	Capital receipts from the sale of the residential units are not achieved.	Residential units are appropriately designed and to be finished for the target market. Intention is to also commence marketing of units as soon as possible to receive achieve off-plan sales. This will allow us to gauge and track market interest. In unlikely event that sales are not achieved, Council will consider issuing AST (place on market for rent) through an appropriate vehicle and delay capital receipts.
Finance	Change in interest rates resulting in a higher cost of capital	Interest rates are at an all-time low and market swap rates suggest that favourable terms can still be locked in.
Developer	SDC acting as developer is exposed to more risk than in previous capital projects where it has transferred risk by procurement via frameworks and developers.	Ensure adequate resourcing, programming, contingencies and robust project management in place.
Economic/Health	Impact of Covid-19 pandemic, (tender pricing, risk pricing, programme fixing, contractual amendments, availability of labour, availability of materials, onerous sub-contractor conditions), causes additional cost and/or delay to the programme.	Include Covid19 question in PQQ. Provide detailed tender information to assist on risk assessment and mitigation. Close monitoring of Covid-19 as the situation develops.
Construction	Capital costs exceed budget due to factors including: construction market tender disinterest, tender risk cover pricing, tender period over Christmas, covid-19 costs.	Given the accelerated procurement programme, a single stage design and build procurement route offers the best balance between cost certainty, programme certainty and quality. Works tendered on RIBA stage 4 information gives tenderers confidence the design is thorough and coordinated. Realistic client contingencies in place for

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		unforeseen. Robust change control process in place. Contract includes administration by Employers Agent.
Construction	Delays in scheme approval lead to increased costs due to construction inflation.	Robust information submitted to allow SDC Committees/Cabinet/Council to make timely decisions. Project Contract sum based on programme.
Construction	Problems during ground works (contamination/obstructions/soil type) exceed allowances based on RIBA stage 3 surveys, cause delay and extra costs.	Detailed ground investigation survey undertaken prior to RIBA Stage 4 to inform foundation and drainage design and provide more detailed tender information. Realistic contractor and client contingencies in place for unforeseens. Contractor allowed £10k for asbestos removal in addition to contingency sum.
Operational	An operator cannot be procured.	An open tender will be held prior to the scheme achieving practical completion. Soft market testing has revealed interest in the provision of business hub services. However, if this interest does not materialise, the Council will consider using the existing business support network in Kent, and failing this, the Council may consider operating this directly through its Economic Development Team.
Operational	Take-up of the business hub falls below expectation.	Market research undertaken and the impacts associated with Covid-19 suggest that the business case for a business hub is robust. The service will also be on flexible terms and virtual services will also be provided. Meeting space at the venue will also be hired out to supplement income.

Item 6 (b) - Christmas Parking 2020

The attached report was considered by the Cabinet, and the relevant minute extract is below.

Cabinet (15 October 2020, Minute 131)

The Cleaner & Greener Portfolio Holder presented the report which proposed free parking in Sevenoaks town and Westerham on the two weekends leading up to Christmas in December 2020.

The Parking Manager set out that vehicles would still be required to observe a maximum parking time and regular monitoring would take place to ensure this is complied with. The maximum stay in Blighs Car Park on the two weekends would also be reduced from 4 hours to 3 hours. The cost in terms of the loss of income would be met from supplementary estimates.

There would be no additional parking need for a Christmas lights switch-on this year.

The Portfolio Holder advised that Advisory Committee had considered the same report and recommended it for approval.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the proposal for free parking in Sevenoaks town and Westerham on Saturday 12 December 2020, Sunday 13 December 2020, Saturday 19 December 2020 and Sunday 20 December 2020 be agreed; and
- b) it be recommended to Council that the cost of in terms of loss of income for free parking be met from Supplementary Estimates.

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CHRISTMAS PARKING 2020

Council - 17 November 2020

Report of: Deputy Chief Executive and Chief Officer, Finance & Trading

Status: For Consideration

Also considered by:

- Cleaner and Greener Advisory Committee - 13 October 2020
- Cabinet - 15 October 2020

Key Decision: No

Executive Summary: This report requests that the Committee considers free concessionary parking on select dates at Christmas 2020.

This reports support the Key Aim of: The effective management of Council resources and supporting and developing the local economy.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: John Strachan, Ext. 7310

Recommendation to Cleaner and Greener Advisory Committee: That the recommendation to Cabinet below be considered.

Recommendation to Cabinet: that

- (a) Subject to consideration of any views of the Advisory Committee, free parking be provided for two weekends leading up to Christmas, as detailed in paragraph 2 of the report; and
- (b) Subject to recommendation (a) above, it be recommended to Council that the cost in terms of loss of income for free parking be met from the Supplementary Estimates

Recommendation to Council: That the Council considers the views of the Committee, and the cost in terms of lost income for any free parking agreed above, be funded from Supplementary Estimates.

Reason for recommendation: To help encourage shoppers and other visitors to Sevenoaks and Westerham, in the busy shopping period leading up to Christmas 2020.

Introduction and Background

- 1 In previous years the Council has helped encourage shoppers and visitors to Sevenoaks and Westerham by giving free parking in car parks and on street parking bays on two Saturdays in the run up to Christmas.

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- 2 Free parking is proposed in all Sevenoaks town car parks on the two Saturdays leading up to Christmas in December 2019 and free parking in Blighs car park which is the only charged car park on the two Sundays before Christmas.

Location	Date
Sevenoaks	Saturday and Sunday 12 and 13 December 2020
	Saturday and Sunday 19 and 20 December 2020
Westerham	Saturday 12 December 2020 (Sundays free)
	Saturday 19 December 2020 (Sundays free)

- 3 To help maintain parking turnover in Blighs over the two weekends, the maximum stay in Blighs will be reduced from 4 to 3 hours.
- 4 Relaxing parking charges on weekends has no impact on Swanley, or at Knockholt Station as charges only apply Monday to Friday.
- 5 This is regarded as being of particular importance in light of similar initiatives operated in other towns in neighbouring Districts.
- 6 Vehicles parking for free are still required to observe maximum periods of stay in car parks and on street.
- 7 Regular monitoring will endeavour to ensure compliance with the maximum stay periods in car parks and on-street, to ensure that space is not monopolised by all-day parking by shop workers.
- 8 Weekend free parking will be promoted for shop workers in the Council Offices staff car park accessed from Gordon Road.
- 9 As in previous years Senico Community Leisure whose parking areas form a part of the Suffolk Way car park have participated in these events, they will be invited to participate again.

Background Information

- 10 The estimated shortfall in income over the two days is estimated at £16,500 based on budgeted income levels.

Other Information

- 11 Members are advised that, as in previous years, the Cleaner and Greener Portfolio Holder has allowed free evening parking for Christmas Light and late night shopping events.

- 12 We understand that this year Sevenoaks Town Council and Westerham Town Council are not planning to hold a Christmas Light events this year, Sevenoaks District Council is exploring direct with local businesses in Sevenoaks and Westerham, whether an evening event with associated free parking would be desirable.

Key Implications

Financial

Shortfall in parking income of £16,500 to be met from Supplementary Estimates.

Legal Implications and Risk Assessment Statement.

Management of “overstay” parking is difficult when there is no requirement for a ticket to be purchased and displayed.

Equality Impacts

There is a low risk that the proposals in this report would have any implications under the Equality Act.

Community Impact and Outcomes

Free Christmas parking is a local initiative popular with residents, visitors to the district, businesses and traders, and supportive of local economic vibrancy.

Appendices

None

Background Papers

None

Adrian Rowbotham

Deputy Chief Executive and Chief Officer - Finance & Trading

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Item 6 (c) - Budget Setting 2021/22

The attached report was considered by the Cabinet on 5 November 2020, and the relevant minute extract was therefore not available prior to printing of these papers and will follow when available.

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BUDGET SETTING 2021/22

Council - 17 November 2020

Report of: Deputy Chief Executive and Chief Officer - Finance & Trading

Status: For Decision

Also considered by: Cabinet - 5 November 2020

Key Decision: No

Executive Summary:

The Council has an excellent track record in identifying, planning for and addressing financial challenges. In light of the challenging financial position facing all authorities ten years ago, for 2011/12 the Council produced a 10-year budget together with a savings plan for the first time. This will be the eleventh year this method has been used and provides the Council with a stable basis for future years.

The 2021/22 Budget Setting process has been more challenging than recent years due to the ongoing financial impact of the COVID-19 pandemic. The process has also been shortened to enable savings to be implemented prior to April 2022.

This report sets out the proposed budget for 2021/22. The Council Tax for 2021/22 will be set at the Council meeting on 23 February 2021

Based on the changes detailed in this report, **this Council will once again have a balanced 10-year budget.**

The report proposes a net expenditure budget of £16.879m in 2021/22 (£15.581m in 2020/21).

Portfolio Holder: Cllr. Matthew Dickins

Contact Officers: Adrian Rowbotham, Ext 7153, Alan Mitchell, Ext 7483

Recommendation to Cabinet:

- (a) Consider and respond to comments and recommendations of the Advisory Committees regarding the growth and savings/additional income proposals (SCIAs) listed in Appendix D and detailed in Appendix E.
- (b) Look at the further growth and savings/additional income suggestions put forward by the Advisory Committees listed in Appendix F and decide one of the following options for each suggestion:
 - (i) Support the suggestion and request that it is incorporated into the current budget cycle.
 - (ii) Ask that the Portfolio Holder has further discussions with the Chief Officer.
 - (iii) Do not take any further.
- (c) If recommendations (a) and/or (b) above result in changes to the 10-year budget, propose further changes that will result in a balanced 10-year budget position.
- (d) That recommendations (a) to (d) below be recommended to Council.

Recommendation to Council:

- (a) The Summary of Council Expenditure and Council Tax for 2021/22 set out in Appendix G be approved.
- (b) Approve the 10-year budget 2021/22 to 2030/31 which is the guiding framework for the detailed approval of future years' budgets set out in Appendix B to the report, including the growth and savings proposals set out in Appendix D to the report, and that where possible any variations during and between years be met from the Budget Stabilisation Reserve.
- (c) Approve the Capital Programme 2021/24 and funding method set out in Appendix H(i) and Capital Strategy 2021/22 set out in Appendix H(iii).
- (d) Approve the changes to reserves and provisions set out in Appendix J.

Introduction and Background

- 1 The Council's financial strategy over the past sixteen years has worked towards increasing financial sustainability and it has been successful through the use of a number of strategies including:
 - implementing efficiency initiatives;
 - significantly reducing the back-office function;

- improving value for money;
 - maximising external income;
 - the movement of resources away from low priority services; and
 - an emphasis on statutory rather than non-statutory services.
- 2 Over this period the Council has focused on delivering high quality services based on Members' priorities and consultation with residents and stakeholders.
- 3 In setting its budget for 2011/12 onwards, the Council recognised the need to address both the short-term reduction in Government funding as well as the longer-term need to reduce its reliance on reserves. The outcome was a 10-year budget, together with a four-year savings plan, that ensured the Council's finances were placed on a stable footing but that also allowed for flexibility between budget years.
- 4 With the Revenue Support Grant provided by Government ceasing from 2017/18 it is important that the council remains financially self-sufficient by having a financial strategy that is focused on local solutions. These solutions include:
- continuing to deliver financial savings and service efficiencies;
 - growing the council tax base; and
 - generating more income.
- 5 At the Cabinet meeting on 17 September 2020, Members considered a report setting out the Council's financial prospects for 2021/22 and beyond. That report set out the major financial pressures the Council is likely to face, together with a proposed strategy for setting a balanced and sustainable budget for 2021/22 and beyond.
- 6 At the above meeting, Cabinet agreed to shorten the budget process this year so that the Council's budget is set at the November Council meeting instead of the February Council meeting. This should enable any changes to be implemented earlier and the period of uncertainty for staff minimised. The budget timetable is set out in **Appendix A**.
- 7 As part of the budget process officers put forward their Service Dashboards to the Advisory Committees between October and November, which set out a summary of current and future challenges and risks. The Advisory Committees recommended new growth and savings items which are being considered at the Cabinet meeting on 5 November 2020.
- 8 A Budget Update report was presented to Cabinet on 15 October 2020.

Financial Self-Sufficiency

- 9 The Council's Corporate Plan 2013-2018 set out an ambition for the Council to become financially self-sufficient which was achieved in 2016/17. The

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current Council Plan aims to continue with this approach. This means that the Council no longer requires direct funding from Government, through Revenue Support Grant or New Homes Bonus, to deliver its services.

- 10 This approach was adopted in response to the financial challenges the Country was faced with in bringing its public spending down to ensure it was able to live within its means. In practice this has seen Government funding to local authorities dramatically reduced since 2010/11 with Sevenoaks District Council receiving no Revenue Support Grant from 2017/18.
- 11 The decision to become financially self-sufficient is intended to give the Council greater control over its services, reducing the potential for decision making to be influenced by the level of funding provided by government to local authorities.
- 12 The Council's decision to seek to become financially self-sufficient was subject to scrutiny by the Local Government Associations Peer Challenge of the District Council during December 2013. In their closing letter to the Council they concluded that they 'fully support that aspiration and given the existing and anticipated squeeze upon public finances this makes much sense'.
- 13 With the Council receiving no Revenue Support Grant from 2017/18 and New Homes Bonus reducing from 2018/19, this approach remains appropriate. The attached 10-year budget assumes no Revenue Support Grant or New Homes Bonus. Any funding received from these sources will be put into the Financial Plan Reserve which can be used to support the 10-year budget by funding invest to save initiatives and support for the Property Investment Strategy. One of the aims of the Property Investment Strategy is to achieve an income yield of 3%+ above the Council's average treasury management return (currently 0.5%) when not borrowing or internally borrowing, and 3%+ above the borrowing rate (currently 2.6% for 30 years) when externally borrowing, based on an average over ten years. Therefore, using funding for this purpose will result in additional year on year income that is not impacted by Government decisions.
- 14 Cabinet are keen to remain financially self-sufficient which has served the Council well and ensured it is one of the most financially stable local authorities in the country. Last year a new target was set to replace reliance on Business Rates income over the coming years. However, due to the impact of Covid-19 and the greater uncertainty as Government reviews have been deferred, this will not be addressed during this budget process but remains a future aim. This ambition will allow this Council to move ahead in the knowledge that this council has the financial resources to provide the services that the district's residents need into the future.

Covid-19 Impact

- 15 There is no doubt that nationally, local government has played a critical role in dealing with Covid-19, which, despite some support from the government, has left local authorities in very difficult financial positions. At Sevenoaks,

Members were keen at the outset to ensure that we did everything in our powers to support our communities and businesses. Based on the feedback, this has clearly been the right strategy as we have been able to cushion the impact for those affected.

- 16 Setting an early budget will assist further in facing our challenges with a Covid-19 environment, it will also place the Council in a much stronger position for both the medium and longer term.
- 17 A Covid-19 Financial Impact report was presented to Finance & Investment Advisory Committee (FIAC) and Cabinet in July.
- 18 This report highlighted the financial impact in 2019/20 and expected impact in 2020/21. Cabinet approved that the Council should address the financial impact of the Covid-19 response and recovery through the thorough 10-year budget setting process. This will enable Members to continue to make decisions in a structured way with the long-term requirements of the district in mind.
- 19 The 2020/21 financial position remains uncertain and regular Financial Results reports are continuing to be presented to FIAC and Cabinet. The position regarding Government support continues to evolve. Any remaining unfavourable variance in 2020/21 is due to be funded from the Budget Stabilisation Reserve following the review of reserves which is included at **Appendix J**.
- 20 Specific Covid-19 financial impacts affecting the 10-year budget period are listed in **Appendix D** with further details below:
- 21 **Council Tax Collection Fund deficit in 2020/21** - the latest forecast shows a collection rate of 97.6% (revised from 96.2% in September) instead of the 99.4% assumption. A deficit is normally recovered in the following year, but the Government has announced that any deficit in 2020/21 can be spread over the following three years instead. The Sevenoaks District Council proportion of the forecast deficit is £204,000.
- 22 **Council Tax Collection rate reductions 2021/22 and 2022/23** - the previous collection rate assumption for all years was 99.4%. The assumption for 2021/22 will reduce to 97.9% and 2022/23 will reduce to 98.4%. These changes impact the 10-year budget by £296,000.
- 23 **Reduced income: Car Parking** - this income stream continues to be affected by people changing their working practices and shopping habits. It is currently forecast that car parking income will be 25% below budgeted levels in 2021/22 with the position improving by 5% each year. The impact on the 10-year budget is forecast to be £3.08m.
- 24 **Reduced income: Licensing** - the demand for licences has reduced during the pandemic and it is forecast that this will continue to affect income levels by £15,000 in 2021/22 before returning to normal levels.

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- 25 **Interest Receipts** - as mentioned above, the Council's reserves will be re-prioritised and some used to fund the unfunded 2020/21 Covid-19 financial impact and also support the 10-year budget position. This will result in a lower amount being available to invest and therefore interest receipts are expected to reduce. The previous assumptions for interest receipts was £300,000 per annum but this has now been reduced to £188,000.
- 26 **Covid-secure workplace**- increased cleaning of offices and vehicles as well as providing additional PPE, has been required to ensure the Council has a Covid-secure workplace.. It is expected that this will continue to a certain extent going forward to ensure that the council supports the staff to carry out their duties. £18,000 per year is currently included for this.
- 27 **IT costs relating to working from home and new starters** - to maintain a Covid-secure workplace the capacity of the Councils offices has been reduced to a maximum of 80 people. Throughout the pandemic, and until Government guidance on Covid-secure measures changes, a substantial number of staff are required to work from home on a regular basis. It is expected that this will continue in to 2021. Some additional IT equipment is required to enable this to happen effectively and £5,000 per year is currently included for this.

Updates on Assumptions

- 28 **Government Support: Revenue Support Grant (RSG)** (£nil received in 2020/21) - This formula-based grant has significantly reduced since 2010/11 as the emphasis of Government Support has changed, in fact this council received no RSG in 2017/18 and is not expected to receive any in future years. The attached 10-year budget assumes no RSG, if any amounts are received in future years, they will be put into the Financial Plan Reserve to support the 10-year budget including 'invest to save' initiatives and support for the Property Investment Strategy.
- 29 Negative RSG (i.e. where councils pay government) has previously been proposed by government. It has not been implemented but remains a threat going forward.
- 30 **New Homes Bonus (NHB)** (£0.6m received in 2020/21 but not used to fund the revenue budget) - the Government started this new funding stream in 2011/12 from funds top sliced from RSG with the intention that local authorities would be rewarded for new homes being built over a six-year period. The basis of NHB was changed with effect from 2017/18. Previously it was based on cumulative figures for 6 years, but this was reduced to 5 years from 2017/18 and 4 years from 2018/19. In addition, NHB is only received on tax base growth above 0.4% instead of on all growth (known as the deadweight).
- 31 In the same way as RSG, the attached 10-year budget assumes no NHB resulting in there being no reliance on this funding source to support the revenue budget. Any funding received will be put into the Financial Plan Reserve for the same purpose as noted above.

- 32 It is expected that NHB will soon end.
- 33 **Council Tax** (£11.3m) - the Provisional Local Government Finance Settlement has not yet been announced. It is expected to include the Council Tax referendum limit for 2021/22. The referendum limit for 2020/21 was set at an increase of 2% or £5 for a Band D property if higher (2.3% for SDC).
- 34 The current 10-year budget assumes an increase of 2% and would result in Band D Council Tax increasing from £219.96 to £224.36. If the referendum limit is set at the same level as 2020/21, the following potential increase would be possible but there is currently no suggestion from Government as to what the referendum limit might be.

2021/22 Council Tax	Current Assumption	Potential Assumption
% increase	2.00%	2.30%
£ increase (Band D pa)	£4.40	£4.95
£ (Band D pa)	£224.36	£224.91

- 35 Due to the uncertainty of future Council Tax increase referendum limits, if maximum increases are not taken there will be an ongoing detrimental impact on the ability to increase Council Tax in future years.
- 36 It is recommended that the 2021/22 Council Tax is increased by the maximum referendum limit with any amount above the 2% currently assumed to be placed in the Budget Stabilisation Reserve to support the ongoing financial sustainability of the Council
- 37 The Council Tax Base is currently assumed to increase from 51,207.88 (based on a 99.4% collection rate) to 51,218.33 (based on a 97.9% collection rate). The actual Council Tax Base and other tax setting issues will be reported to Cabinet in January and Council in February. If the actual tax base is lower than assumed, the financial impact will be offset by a Council Tax increase above 2% if allowable. If the actual tax base is higher than assumed, the extra income will be placed in the Budget Stabilisation Reserve.
- 38 The tax base increases each year due to the general increase in the number of residential properties and future developments as well as the continuing work to check the validity of Council Tax discounts awarded. The assumption going forward reflects the increases achieved in recent years and the ongoing work. The increased tax base results in additional Council Tax income which is assumed to be greater than the incremental cost of servicing the additional properties although it should be recognised that there are likely to be step changes in costs for some services in the future

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such as refuse collection. The Local Plan may also affect future Council Tax assumptions.

- 39 **Business Rates Retention** (£2.2m) - The basis for allocating Government Support from 2013/14 changed to the Business Rates Retention Scheme. This scheme initially allows billing authorities, such as this council, to keep 40% of Business Rates received. However, tariffs and top-ups are applied to ensure that the funding received by each local authority is not significantly different to pre 2013/14 amounts. This Council was originally due to collect £39m of Business Rates in 2020/21 but due to the grants and discounts offered by Government to businesses as part of the COVID-19 pandemic, this has reduced to £22m.
- 40 A Business Rates Pool operates in Kent and Medway which generally results in councils retaining more Business Rates than if they were not in the pool. To maximise the benefit of the pool across the county, this council and others are not part of the pool but benefit as if they were in the pool.
- 41 Due to the large number of business rates appeals being outstanding with the Valuation Office Agency (VOA) and the limited opportunities to increase the number of businesses in the district, the assumption in the 10-year budget remains at the safety-net level, which is the amount of business rates the council is assured of retaining in the current scheme if it were not in a pool.
- 42 Due to the COVID-19 pandemic, the Government has delayed carrying out the 'Fair Funding Review' and 'Business Rates Retention Reform'. There is a risk that this council may no longer retain any Business Rates in the future. This would result in a funding gap that would need to be replaced by additional income or further savings.
- 43 **Interest receipts** (£0.3m) - Returns are continuing to be significantly lower than they were a few years ago due to low interest rates and the Council's Investment Strategy taking a low risk approach. Whilst returns exceeded Budget last year, inflation continues to outpace investment returns, leading to the gradual erosion of capital in real terms.
- 44 The interest receipt assumption has been reduced from £300,000 to £188,000 per annum to reflect the lower amounts available to invest and the downward direction of interest rates.
- 45 The Treasury Management Strategy is continuing to be reviewed with a different risk approach anticipated. A separate report on the Strategy will be presented to FIAC and Cabinet.
- 46 **Property Investment Strategy** - The strategy was approved by Council on 22 July 2014 with the intention of building on an approach of property-based investment in order to deliver increased revenue income. This was set against a background of reducing Government Support and continued low rates of return through existing treasury management arrangements.

- 47 To date six assets have been purchased or built by the Council and four by Quercus 7 at a cost of £31m. Therefore £20m of the £50m approved by Council remains unspent.
- 48 The income assumptions have not been amended this year as a Property Investment Strategy Update report will be presented to FIAC in January, then Cabinet and Council in February which will provide details on the investments to date and assumptions going forward.
- 49 **Pay costs** (£16.6m) - Discussions between the National Employers for Local Government Services and the unions regarding the national pay award for 2020/21 concluded with an increase of 2.75% being agreed which was above the 2% increase assumed in the previous 10-year budget.
- 50 Discussions on the 2021/22 pay award have not yet commenced.
- 51 The assumption in the attached 10-year budget is a 2% increase in all years.
- 52 The Council's latest Council Plan was launched in 2018. In order to ensure the effective delivery of the Council Plan, some services are being redesigned so that they are better aligned to customer needs and with a much stronger emphasis on wrapping services around the customer.
- 53 In order to achieve this, the Customer Solutions Centre is in operation. The Customer Solutions Centre is resourced with a wider skill set in order to deal with more interactions at first point of contact and in parallel more effective processing is being investigated. It is anticipated that the cost of these changes will continue to be met within approved budgets and therefore a SCIA has not been proposed.
- 54 Having identified the scale of the financial challenge facing the Council in setting a balanced budget early in this year, and having considered the likely impact on how customers' needs of the Council are likely to change following Covid-19 the Chief Executive has been undertaking a review of the organisational structure.
- 55 The review is seeking to contribute sizeable financial savings towards addressing the budget gap, with a focus on managerial level roles so as to not impact frontline staff or non-pay resources available for the delivery of services. Although the financial gap is one factor in bringing forward this review, the structure must also be sufficiently lean and agile to address the future challenges the Council may face. These include, but are not limited to, new and emerging service pressures, protecting the organisational culture and service levels to customers, and increased economic hardship for local businesses, voluntary and charity groups, and residents.
- 56 **Superannuation fund** - the last pension fund triennial valuation, which was the fourth by the actuaries Barnett Waddingham, took place in November 2019.

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- 57 The funding level increased from 75.5% to 86.6% since the previous valuation in 2016 and the deficit recovery period for the fund has reduced from 17 years to 13 years. The 10-year budget includes the contribution amounts set by the actuaries up to 2022/23 and includes an additional £100,000 from 2023/24 when the next triennial valuation will come into effect.
- 58 **Non-pay costs** - The budget assumes non-pay costs will increase by an average of 2.25% in all years. In practice, items such as rates and energy costs often rise at a higher rate, so other non-pay items have been allowed a much lower inflation increase. Inflation is currently at 0.5% (CPI) and 1.1% RPI (as at September 2020).
- 59 **Annual Savings** - an annual New Savings/Additional Income assumption of £100,000 is included for all years in the 10-year budget.
- 60 **Exiting the EU** - The Council continues to closely monitor the potential implications on the District and is engaged in contingency planning arrangements co-ordinated by the Kent Resilience Forum.

Collection Fund Surplus/Deficit Calculation

- 61 Rules governing the operation of the collection fund require the Council to make an estimate on 15 January (or the next working day) each year of the fund's likely surplus or deficit at the end of the current financial year, in respect of council tax transactions. The amount so estimated is to be shared between the District Council, County Council, Fire and Police in proportion to their precepts on the collection fund. Each authority's share is to be taken into account by the authority in calculating its council tax for the year following the year in which the surplus or deficit has been estimated.
- 62 The Collection Fund position will be included in the Council Tax Setting report to Cabinet and Council in February.

Current Budget Position

- 63 The 10-year budget (**Appendix B**) shows a fully funded 10-year position. By continuing to use the 10-year budget strategy, this council remains in a strong position going forward.
- 64 **Appendix D** shows the changes in the 10-year Budget since it was last approved by Council in February 2020.
- 65 **Progress on the savings plan** - 2021/22 is the eleventh year of using the 10-year budget. Prior to the current budget setting process, 171 savings items have been identified totalling £7.7m. The majority of these savings have already been achieved and Portfolio Holders, Chief Officers, Heads of Service and Service Managers have worked closely to deliver these savings.

- 66 **Changes since the 10-year budget started** - The table below shows how the Net Service Expenditure has changed since 2010/11. This shows that the budget has reduced by £4.8m (29%) in real terms.

Net Service Expenditure	£000
2010/11 (budget)	16,711
2020/21 (2010/11 budget +2% inflation per year)	20,371
2020/21 (budget)	15,581
Difference	4,790

Capital Programme

- 67 A report setting out the proposed 2021/24 Capital Programme, with supporting documentation in a standard format for individual scheme bids was presented to the Finance and Investment Advisory Committee (FIAC) on 21 October 2020.
- 68 Scheme bid documents were received for all new schemes which included the proposed funding methods.
- 69 Unspent budgets in the current year's programme (2020/21) can be carried forward to 2021/22, subject to Cabinet approval, when the outturn is known.
- 70 **Appendix H(i)** summarises the position if all schemes are approved and indicates the funding method proposed. **Appendix H(ii)** contains the bids for each capital scheme.
- 71 The Capital Strategy 2021/22 was also presented to FIAC and is included at **Appendix H(iii)**.
- 72 Council will be informed at the meeting of any changes recommended by Cabinet. Council are requested to approve the 2021/24 Capital Programme and the Capital Strategy 2021/22.

Integration with other budget reports on the Cabinet Agenda

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- 73 Separate reports on the Treasury Management Strategy and Property Investment Strategy will be presented to Cabinet and Council.
- 74 The attached revenue budgets take into account the recommendations and revenue implications set out in the Capital Programme.

Opinion under Section 25 of the Local Government Act 2003 (LGA 2003)

- 75 Under the LGA 2003 the Statutory Finance Officer (Deputy Chief Executive and Chief Officer - Finance and Trading) is required to give Members an opinion on the robustness of the budget estimates and the adequacy of reserves.
- 76 In terms of the robustness of the budget, the following sources of assurance were taken into account:
- The Strategic Business and Financial Planning process used for the 2021/22 budget.
 - The Financial Strategy, including a 10-year Budget, clear financial objectives and sensitivity analysis.
 - Growth and savings suggestions proposed.
 - The strong financial control structure and effective performance management within the Council, confirmed by feedback from external auditors.
 - Clear budget responsibilities at individual officer level.
 - Effective monitoring regime giving early notification of potential financial issues through the use of the Finance and Investment Advisory Committee.
 - Effective Internal/External audit system, with risk-based audits, reporting through the Audit Committee.
 - Set aside of earmarked funds for potential liabilities in the medium term.
 - Effective strategic and operational risk management.
- 77 The budget complies with the principles and standards within the CIPFA (Chartered Institute of Public Finance and Accountancy) Financial Management Code.
- 78 As is the case every year, inevitably there are a number of risk factors within the 2021/22 budget proposals; these are set out in some detail in **Appendix K**. This Appendix was also considered by the Finance and Investment Advisory Committee on 21 October 2020. Some of the more significant items are set out below.

a) Pay costs

Pay costs are budgeted on 100% basis, with a 2% inflationary pay award assumption in 2021/22 included and with a separate vacancy saving target. With controls over the appointment of any staff and monitoring of staff numbers as well as costs, pay costs are subject to a high level of control. However, the national pay award for 2021/22 has not yet been agreed.

b) Income

In-depth monitoring of income budgets will continue throughout the year and will be given regular consideration by the Finance and Investment Advisory Committee. This includes considering the current and potential impact of the COVID-19 pandemic on certain income streams.

c) Pensions funding

The next actuarial valuation will take effect from 2023/24 and an increase assumption has been included in the 10-year budget from then.

d) Retained Business Rates

The Government intends to review how business rates income is distributed but the timeline keeps being put back therefore it remains uncertain what the impact on this Council will be.

e) COVID-19

There remains uncertainty around the ongoing impacts of COVID-19 on the Council, but the proposed budget takes into account the information currently available.

f) Investments

The Treasury Management Strategy will be kept under review and brought back to Members for consideration as necessary during the year. The proposed Strategy for 2021/22 will be reported separately.

g) Capital investment

Property Investment Strategy income is included in the 10-year budget. Members are assured that any property acquisitions will be supported by a thorough business case and approved by the relevant Portfolio Holders.

h) Changes in service demand

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The 10-year budget has no allowance for growth until 2027/28 as it is anticipated that where possible this will be met through additional savings or the Budget Stabilisation Reserve.

- 79 Members will recognise that budget risk cannot be avoided completely. However, the structures already in place and the actions being put in place should ensure that next year's overall revenue spend figure is achieved, particularly through the Council's flexible approach to budgeting allowing the risk areas to be compensated by those that are underspent or over achieve on income.

Adequacy of Reserves

- 80 Ensuring the adequacy and sustainability of the Council's reserves continues to be a key part of the budget process. Individual balances have been reviewed as part of writing this report and the detailed work is set out in **Appendix J**. This review should ensure that all provisions and earmarked reserves are adequate for their purposes.
- 81 It is recommended that the Council hold a minimum General Fund reserve balance of 10% of its net Revenue Budget, for emergencies.
- 82 The strong formal advice of the Deputy Chief Executive and Chief Officer - Finance and Trading to the Council is that every effort must be made to achieve the agreed savings in order to ensure financial sustainability and preserve the level of reserves for future commitments. The Council should avoid the General Fund Reserve balance reducing below 10% of its Net Service Expenditure (for 2021/22 this equates to £1.7m).
- 83 At the time of writing this report, the Deputy Chief Executive and Chief Officer - Finance and Trading (Section 151 officer) was satisfied with the robustness of the estimates and adequacy of reserves.

Council Tax Setting report to Cabinet and Council in February 2021

- 84 Due to the shorter budget setting process and earlier budget approval as agreed by Cabinet, a separate Council Tax Setting report will be presented to Cabinet and Council in February 2021.
- 85 This report will include the following:
- 10-year Budget (Balance Sheet)
 - Summary of service analysis in Budget Book format
 - Analysis of pay costs
 - Local Council Tax Reduction Scheme 2021/22
 - Latest information on precepting authorities (only in Council report)

- Town and Parish Council precepts and council tax rates (only in Council report)
- Council tax setting recommendations (only in Council report)
- Council tax rates across the district (only in Council report)

Key Implications

Financial

All financial implications are covered elsewhere in this report.

Legal Implications and Risk Assessment Statement.

There are no legal implications.

For the effective management of our resources and in order to achieve a sustainable budget it is essential that all service cost changes and risks are identified and considered. The budget risk analysis is included as **Appendix K**.

Current and future challenges together with risks were included in the Service Dashboards presented to the Advisory Committees and each Service Change Impact Assessment (SCIA) included the likely impacts including a risk analysis.

An effective integrated policy and priority driven long-term financial and business process is required for the Council to deliver on its priorities and maintain a sustainable budget. It is also essential that continuous improvements are identified and implemented in order to take account of the changing climate within which the Council operates and to meet the expectations of both Government and the public on the quality of service demanded from this Council.

The risks associated with the 10-year budget approach include uncertainty around the level of shortfall and the timing of key announcements such as future changes to Business Rates Retention. The risk will be mitigated by continuing to review assumptions and estimates and by updating Members throughout the process.

The Council has in place a number of specific reserves and provisions to address identified risks.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from

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different groups, and (iii) foster good relations between people from different groups.

Individual equalities assessments have been completed for all Service Change Impact Assessments (SCIAs) to ensure the decision-making process is fair and transparent.

Community Impact and Outcomes

In making any budget proposals, Members need to consider the impact on customers, service quality and staff well-being, to ensure that the budget supports the Council's aspirations for customer-focused services.

Conclusions

The budget process has been more challenging than usual for a council that already provides value for money services to a high standard. The 10-year budget shows a fully funded position over the whole period which keeps this council in a strong position going forward.

The future financial prospects for the public sector remain difficult however, this budget ensures the Council remains in a financially sustainable position.

Appendices

Appendix A - Budget timetable

Appendix B - 10-year budget - Revenue

Appendix C - Summary of the Council's agreed savings and growth items

Appendix D - Summary of changes to the 10-year Budget

Appendix E - Service Change Impact Assessment forms (SCIAs) for the new growth and savings/additional income items (**Cabinet only**)

Appendix F - Further growth and savings suggestions made by the Advisory Committees (**Cabinet only**)

Appendix G - Summary of Council Expenditure and Council Tax

Appendix H (i) - Capital Programme 2021-24 (also being considered by Finance and Investment Advisory Committee on 21 October 2020)

Appendix H (ii) - Capital Programme bids (also being considered by Finance and Investment Advisory Committee on 21 October 2020)

Appendix H (iii) - Capital Strategy 2021/22

Appendix J - Reserves

Appendix K - Risk analysis (also being considered by Finance and Investment Advisory Committee on 21 October 2020)

Background Papers

Budget and Council Tax Setting 2020/21 - Cabinet 4 February 2020

Financial Prospects and Budget Strategy 2021/22 and Beyond - Cabinet 17 September 2020

Budget 2021/22: Service Dashboards and Service Change Impact Assessments (SCIAs) - [Housing and Health AC 29 September 2020](#), [People and Places AC 6 October 2020](#), [Improvement and Innovation AC 8 October 2020](#), [Cleaner and Greener AC 13 October 2020](#), [Development and Conservation Advisory Committee 20 October 2020](#), [Finance and Investment Advisory Committee 21 October 2020](#)

Adrian Rowbotham

Deputy Chief Executive and Chief Officer - Finance & Trading

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2021/22 Budget Setting Timetable

Stage 1: Financial Prospects and Budget Strategy 2021/22 and Beyond	
8 September	Finance & Investment AC
17 September	Cabinet

Stage 2a: Review of Service Dashboards and Service change Impact Assessments (SCIAs)	
29 September	Housing & Health AC
6 October	People & Places AC
8 October	Improvement & Innovation AC
13 October	Cleaner & Greener AC
20 October	Development & Conservation AC
21 October	Finance & Investment AC

Stage 2b: Budget Update	
15 October	Cabinet

Stage 3: Budget Setting Meeting (Recommendations to Council)	
5 November	Cabinet

Stage 4: Budget Setting Meeting	
17 November	Council

Stage 5: Council Tax Setting	
11 February	Cabinet

Stage 6: Council Tax Setting	
23 February	Council

Note: The Scrutiny Committee may 'call in' items concerning the budget setting process.

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Ten Year Budget - Revenue

Appendix B

	Budget 2020/21	Plan 2021/22	Plan 2022/23	Plan 2023/24	Plan 2024/25	Plan 2025/26	Plan 2026/27	Plan 2027/28	Plan 2028/29	Plan 2029/30	Plan 2030/31
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Expenditure											
Net Service Expenditure c/f	15,251	15,581	16,879	16,633	16,967	17,171	17,380	17,643	18,173	18,712	19,258
Inflation	666	616	496	503	509	515	522	529	539	547	556
Superannuation Fund deficit	0	0	0	100	0	0	50	0	0	0	0
Net savings (approved in previous years)	(358)	(6)	0	37	0	(1)	0	1	0	(1)	(1)
New growth	160	1,547	(434)	(206)	(206)	(205)	(209)	100	100	100	100
New savings/Income	(138)	(859)	(308)	(100)							
Net Service Expenditure b/f	15,581	16,879	16,633	16,967	17,171	17,380	17,643	18,173	18,712	19,258	19,813
Financing Sources											
Govt Support: Revenue Support Grant	0	0	0	0	0	0	0	0	0	0	0
New Homes Bonus	0	0	0	0	0	0	0	0	0	0	0
Council Tax	(11,264)	(11,491)	(11,912)	(12,408)	(12,793)	(13,189)	(13,596)	(13,988)	(14,391)	(14,804)	(15,228)
Business Rates Retention	(2,139)	(2,182)	(2,226)	(2,271)	(2,316)	(2,362)	(2,409)	(2,457)	(2,506)	(2,556)	(2,607)
Collection Fund Deficit/(Surplus)	0	68	68	68	0	0	0	0	0	0	0
Interest Receipts	(300)	(188)	(188)	(188)	(188)	(188)	(188)	(188)	(188)	(188)	(188)
Property Investment Strategy Income	(1,428)	(1,468)	(1,508)	(1,558)	(1,558)	(1,558)	(1,655)	(1,655)	(1,655)	(1,696)	(1,696)
Contributions to/(from) Reserves	(378)	(365)	(175)	(161)	(604)	194	208	221	236	249	148
Total Financing	(15,509)	(15,626)	(15,941)	(16,518)	(17,459)	(17,103)	(17,640)	(18,067)	(18,504)	(18,995)	(19,571)
Budget Gap (surplus)/deficit	72	1,253	692	449	(289)	277	3	106	208	263	242
Contribution to/(from) Stabilisation Reserve	(72)	(1,253)	(692)	(449)	289	(277)	(3)	(106)	(208)	(263)	(242)
Unfunded Budget Gap (surplus)/deficit	0	0	0	0	0	0	0	0	0	0	0

Assumptions

Revenue Support Grant:	nil all years
Business Rates Retention:	Business Rates Retention safety-net plus 2% per year
Council Tax:	2% in all years
Council Tax Base:	Increase of 580 Band D equivalent properties from 21/22, 480 from 27/28
Interest Receipts:	£188,000 in all years
Property Investment Strategy:	£1.468m in 21/22, £1.508m in 22/23, £1.558m from 23/24, £1.655m from 26/27, £1.696m from 29/30
Pay award:	2% in all years
Other costs:	2.25% in all years
Income:	2.5% in all years except for off-street car parks which are an average of 3.5% per annum from 19/20 - 23/24. Note 21/22 Car Parking inflation deferred for one year

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Summary of the Council's Agreed Savings/Additional Income and Growth Items

Appendix C

SCIA Year	No.	Description	2011/12 - 2020/21 £000	2021/22 £000	Later Years £000	Total £000
		Cleaner and Greener Advisory Committee				
2016/17	8	Playgrounds: reduction in asset maintenance (reversal of temporary saving item)		7		
2016/17	9	Public Conveniences: reduction in asset maintenance (reversal of temporary saving item)		8		
2019/20	7	Car Parking: Enforcement for Tandridge DC (reversal of temporary saving item)		30		
2020/21	8	Postal costs: changes to postal arrangements		(20)		
		Development and Conservation Advisory Committee				
2020/21	3	Development Management: additional income and cost recovery in Strategic Planning		(25)		
		Finance and Investment Advisory Committee				
2020/21	10	Insurance contract renewal (reversal of temporary savings item)			87	
		Housing and Health Advisory Committee				
		No savings or growth agreed from 2021/22 onwards				
		Improvement and Innovation Advisory Committee				
2020/21	1	Apprenticeship Levy (reversal of temporary growth item)			(50)	
2020/21	13	Electric Car Project (reversal of temporary growth item)		(5)		
		People and Places Advisory Committee				
		No savings or growth agreed from 2021/22 onwards				
		Minor movements between years		(1)		
		Total Savings/additional income	(7,706)	(1)	87	(7,620)
		Total Growth	2,200	(5)	(50)	2,145
		Net Savings	(5,506)	(6)	37	(5,475)

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Summary of Changes to the 10-year Budget

Appendix D

Items included in the Financial Prospects report to Cabinet on 17/09/20

Description	Year	Ongoing	2021/22 Impact £000	10-year Budget Impact £000
2021/22 savings target included in 10-year budget (savings not yet identified)			100	1,000
Covid-19 Impacts:				
Council Tax Collection Fund deficit in 20/21 spread over 21/22-23/24 (updated estimate below)	2021/22		121	363
Council Tax Collection rate reductions: 21/22 from 99.4% to 97.9%, 22/23 from 99.4% to 98.4%, later years remain at 99.4%	2021/22		175	296
Reduced income - Car Parking: assumed 25% reduction in 21/22, 20% in 22/23, 15% in 23/24, 10% in 24/25, 5% in 25/26	2021/22		1,027	3,080
Reduced income - Licensing: 21/22 only	2021/22		15	15
Interest Receipts: 37.5% reduction as lower balances to invest due to use of reserves to fund Covid-19 deficit	2021/22		112	1,120
Increased expenditure - FM: cleaning and PPE for staff	2021/22		18	180
Increased expenditure - IT: costs relating to working from home	2021/22		5	35
Sub Total			1,473	5,089
Other Service Area Changes:				
Sub Total			0	0
Base Changes:				
Rolled on to 2030/31 and base figures updated to 2020/21 budget			12	711
Sub Total			12	711
Assumption Changes:				
Pay Award: 20/21 increased from 2% to 2.75%, later years remain at 2%			132	1,455
Sub Total			132	1,455
Total 10-year Budget change gap/(surplus)			1,717	8,255

i.e: £826,000 per annum

Further Proposed Changes

SCIA Year	Advisory Committee No.	Description	Year	Ongoing	2021/22 Impact £000	10-year Budget Impact £000
Growth:						
2021/22	1	CGAC Direct Services: Vehicle fleet	2021/22	Y	50	500
2021/22	2	CGAC Car Parking income inflation 21/22: deferred for one year	2021/22	N	118	118
2021/22	3	CGAC Env. Health: Kennel costs and fees	2021/22	Y	18	180
2021/22	13	FIAC Property Investment Strategy: M & Co administration	2021/22	N	96	96
2021/22	14	FIAC Revenues & Benefits: Reduced funding from reserves	2021/22	Y	60	600
2021/22	20	HHAC Homelessness	2021/22	Y	100	1,000
2021/22	21	IIAC Customer Solutions: extended provision (7am to 7pm)	2021/22	Y	40	400
Sub Total					482	2,894
Savings:						
2021/22	4	CGAC CCTV: BT transmission link updated contract	2021/22	Y	(4)	(40)
2021/22	5	CGAC Street Markets: Additional income from new contracts	2021/22	Y	(30)	(300)
2021/22	6	CGAC Direct Services: Commercial Trade Waste - Increased income	2021/22	Y	(110)	(1,100)
2021/22	7	CGAC Direct Services: Workshop MOT's - Increased income	2021/22	Y	(5)	(50)
2021/22	8	CGAC Direct Services: Cess Pool Service - Increased income	2021/22	Y	(12)	(120)
2021/22	9	CGAC Direct Services: Garden Waste Service - Increased income	2021/22	Y	(50)	(500)
2021/22	10	CGAC Direct Services: New Commercial Services	2022/23	Y	0	(900)
2021/22	25	CGAC Car Parking: Tandridge DC enforcement contract	2021/22	Y	(40)	(400)
2021/22	11	DCAC Development Mgt: Additional planning income	2021/22	Y	(36)	(360)
2021/22	12	DCAC Planning Policy: Deletion of Monitoring Technician post (currently vacant)	2021/22	Y	(18)	(180)
2021/22	15	FIAC Various services: Reduction in office expenses	2021/22	Y	(20)	(200)
2021/22	16	FIAC Asset Maintenance: Reduction	2021/22	Y	(100)	(1,000)
2021/22	17	FIAC Internal Audit: ongoing impact of 2019 staff restructure	2022/23	Y	0	(72)

Summary of Changes to the 10-year Budget

Appendix D

SCIA Year	Advisory Committee No.	Description	Year	Ongoing	2021/22 Impact £000	10-year Budget Impact £000
Savings (continued)						
2021/22	18	FIAC Council Tax: Increasing the Empty Homes Premium to statutory limits	2021/22	Y	(4)	(45)
2021/22	19	FIAC Council Tax: Removing the Empty and Unfurnished Property discount (currently one month)	2021/22	Y	(44)	(489)
2021/22	22	IIAC Review efficiency of partnerships	2022/23	Y	0	(900)
2021/22	23	IIAC IT: Consolidate eform packages	2021/22	Y	(11)	(110)
2021/22	24	IIAC Property: New fees and charges	2021/22	Y	(2)	(20)
2021/22	n/a	Electoral Services: Remove Election Outreach Canvasser post (currently vacant)	2021/22	Y	(33)	(330)
2021/22	n/a	Electoral Services: Reduction in costs due to canvass reform	2021/22	Y	(14)	(140)
Sub Total					(533)	(7,256)
Covid-19 Updated Impacts:						
		Council Tax Collection Fund deficit in 20/21 spread over 21/22-23/24 (updated from above). Updated estimated impact of £68,000 in 21/22 and £204,000 over the 10-year budget period			(53)	(159)
		Remaining balance to be funded by a combination of a Management restructure and review of reserves			(374)	(3,740)
Total 10-year Budget change gap/(surplus)					1,239	(6)

i.e: £nil per annum

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Summary of Council Expenditure

	2020/21 Budget £000	2021/22 Budget £000
Net Service Expenditure	15,581	16,879
Revenue Support Grant	0	0
Retained Business Rates	(2,139)	(2,182)
New Homes Bonus	0	0
Council Tax Requirement - Sevenoaks DC	(11,264)	(11,491)
Collection Fund deficit/(surplus)	0	68
Grant & Council Tax income	<u>(13,403)</u>	<u>(13,605)</u>
Net Expenditure after Grant & Council Tax, before interest	2,178	3,274
Less: Interest and Investment income	(300)	(188)
Less: Property Investment Strategy Income	<u>(1,428)</u>	<u>(1,468)</u>
Amount to be met from Reserves	450	1,618
Contributions (to) / from reserves		
Earmarked Reserves		
Capital	(148)	(148)
Budget Stabilisation	72	1,253
Pension fund valuation	59	46
Financial Plan	501	501
Net Zero Transition Reserve	(34)	(34)
Planned contribution from General Fund Reserve	<u>0</u>	<u>0</u>
	<u>450</u>	<u>1,618</u>
	2019/20	2020/21
Taxbase	50,772	51,208
	£	£
Council Tax @ Band D	215.01	219.96

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Capital Programme 2021-24

Scheme	Funding Source	Bid Form							Total over programme period £000
					2020/21	2021/22	2022/23	2023/24	
			Total approved scheme £000	Previous years spend £000	Forecast £000	Budget £000	Budget £000	Budget £000	
People & Places									
White Oak Leisure Centre	Capital Receipts & External funding,	Previous approval	19,870	857	7,091	10,352	1,452	100	19,852
White Oak Leisure centre - Orchards Academy	External borrowing	Previous approval	130		30	100			130
Burlington Mews	Capital Receipts	Previous approval				79	8	8	95
27-37 Swanley High Street (meeting Point)	Capital Receipts & External funding	Separate report 1 & separate report			800	3,000	1,824		5,624
White Oak Residential	Capital Receipts				50	50			100
Bevan Place	Mixed	1			20	330			350
Edenbridge	Mixed	1			20	330			350
Sevenoaks Town Centre Regeneration	Mixed	1			30	320			350
Hollybush	Mixed	1					350		350
Spitals Cross	Mixed	1					50		50
Otford Road Park & Ride	Mixed	1					200		200
Westerham	Mixed	1					50		50
Kemsing	Mixed	1						350	350
Lullingstone	Mixed	1				20	30		50
Other Feasibility & Due Dilliegnce costs	Mixed	1				100	150	-	250
Finance and Trading									
Commercial vehicle replacements	Vehicle Renewal Res.	2	-	-	549	563	563	563	2,238
Disabled Facilities Grants (gross)	Better Care Fund	3	-	-	1,100	1,100	1,100	1,100	4,400
Property Investment Strategy	Prop. Inv. Strategy	Previous approval	50,300	29,505	5,000	5,000	5,000	5,795	50,300
TOTAL					14,690	21,344	10,777	7,916	85,089

Funding Sources

Capital Receipts	7,021	4,041	3,284	108
Financial Plan Reserve & Cap Receipts				
Vehicle Renewal Reserve	549	563	563	563
Property Investment Strategy ***	5,000	5,000	5,000	5,795
Better Care Fund (KCC)	1,100	1,100	1,100	1,100
Internal Borrowing				
Mixed funding depending on scheme funding	120	1,150	830	350
External Borrowing		8,000		
Grant Funding	900	1,490		
	14,690	21,344	10,777	7,916

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Capital Programme 2021/24

Scheme Bid Document - Scheme: Capital Programme Feasibility Studies

Description: SDC has an ambitious capital development agenda. The agenda’s programme is not only aimed at regenerating parts of the District, but also generating future income streams for the Council and delivering on the District’s housing needs.

This bid is to provide seed funding to explore options and undertake necessary feasibility work to enable the Council to make informed strategic investment decisions. Typical work that this fund will be used for includes amongst others: Concept designs, feasibility studies, utility surveys, legal searches, feasibility studies, development and financial appraisals, planning studies. On average it will support the product development of circa 5 schemes a year before these individual schemes received Cabinet/Council approval. Should the schemes be progressed, these upfront costs could be incorporated into the budgets of the respective projects.

Service : Property and Commercial

Portfolio Holder/Chief Officer : Cllr Peter Fleming; Detlev Munster

Financials :

CAPITAL COSTS	TOTAL	2021/22	2022/23	2023/24
	£000	£000	£000	£000
Gross scheme cost	2,330	1,150	830	350
External Contributions (list)				

Net scheme cost	2,330	1,150	830	350
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ONGOING REVENUE IMPLICATIONS

(excluding loss of interest)

Running costs

Income streams

Net cost

Funding Source : The funding sources will be dependant on the funding for each scheme. Aborted schemes will not be capitalised and any costs will be need to funded from existing revenue budgets

Other Resource Implications :	
Staffing	Funding will be used to capitalise allowable salaries within the Property team. These are the salaries of those officers that are directly involved with the delivery of the projects.
Asset Values	Funding will be used towards projects that will add value to the Council's property portfolio which should appreciate in value over time.

Justification:

This funding will be used towards capital projects that support the Council's Property Investment Strategy, the Council Plan, Corporate Plan and Economic Development Strategy, and the West Kent Partnership Economic Priorities for Growth.

The assessment of options and the preparation of development appraisals and feasibility studies are a necessity to ensure that the Council is able to make an informed decision, before it commits future significant funds of money. Undertaking such due diligence is a requirement under the Prudential Code, IFRS16, and the Council's Risk Management Strategy, and complies with S123 of the LGA.

Capital Programme 2021/24

Scheme Bid Document - Scheme: Vehicle Replacement Programme

Description: Purchase of replacement commercial fleet vehicles that have reached the end of their fully depreciated operational life.

Service : Direct Services

Portfolio Holder/Chief Officer : Councillor Margot McArthur/Adrian Rowbotham

Financials :

CAPITAL COSTS	TOTAL	2021/22	2022/23	2023/24
	£000	£000	£000	£000
Gross scheme cost	1,689	563	563	563
External Contributions (list)				

Net scheme cost	1,689	563	563	563
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ONGOING REVENUE IMPLICATIONS

(excluding loss of interest)

Contribution to Vehicle replacement Reserve		61	61	61
Income streams				
Net cost		61	61	61

Funding Source: Funding is via the vehicle replacement fund which is financed by fixed transport charges, the sale of old vehicles and by an annual revenue contribution. Fixed transport charges include an annual replacement fund contribution as well as individual depreciation charges levied on each fleet purchase over predetermined periods.

Other Resource Implications :	
Staffing	Managed by Direct Services fleet management.
Asset Values	Approximately £9 million

Justification:

To maintain services, mainly statutory. Supports all the Council's priorities

Capital Programme 2021/24

Scheme Bid Document - Scheme: Disabled Facility Grant

Description: Money provided by the Better Care Fund for the provision of both mandatory and discretionary activities to ensure those eligible for assistance remain residing in their own home along with the new requirement to fund initiatives to better integrate housing with social care and Health Services, through preventive and responsive services.

Service : Private Sector Housing

Portfolio Holder/Chief Officer : Cllr Maskell / Sarah Robson

Financials :

CAPITAL COSTS	Period	2021/22	2022/23	2023/24
	TOTAL			
	£000	£000	£000	£000
Gross scheme cost	3,300	1,100	1,100	1,100
External Contributions (list)				
Better Care Fund, via KCC	(3,300)	(1,100)	(1,100)	(1,100)
Net scheme cost	0	0	0	0

ONGOING REVENUE IMPLICATIONS

(excluding loss of interest)

Running costs

Income streams

Net cost	0	0	0
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Funding Source : Scheme will be fully funded from the Better Care Fund.

Other Resource Implications :	
Staffing	Managed with existing staffing establishment
Asset Values	Assets not in Council ownership

Justification:

It is a statutory duty to provide DFGs to older and or disabled residents. The Council's DFG service is eligible for Ministry of Housing, Communities and Local Government (MHCLG) funding. Larger grants are managed by Home Improvement Agency (HIA).

From 2015 the Better Care Fund for Kent has been administered by KCC (ring fenced for

and passed onto each District).

The Capital Strategy 2021/22

Purpose of the Capital Strategy

- 1 The Capital Strategy sets out how the Council will manage the investment and financing of capital resources to contribute towards the achievement of its key objectives and priorities. This includes the appraisal process for determining investment decisions and the process for identifying and prioritising funding requirements.
- 2 The Capital Strategy is a framework by which capital expenditure decisions are made. It is required under the Prudential Code as a measure of good governance.
- 3 The objectives of the Capital Strategy are to:
 - Prioritise and deploy capital resources in advancement of corporate objectives;
 - Support service plans;
 - Look for opportunities for cross-cutting and joined up investment;
 - Invest in assets that reflect the visions and aspirations of local people in service delivery; and
 - Manage investment and the Council's property and other assets effectively and efficiently.
- 4 The strategy considers all aspects of the Council's capital expenditure and forms part of the Council's integrated revenue, capital and balance sheet planning.
- 5 The strategy covers capital expenditure, capital financing and asset management and is one of the Council's key strategies. It also gives an overview of how risk is managed and the implications for future financial sustainability. It also provides a set of objectives and a framework, within the CIPFA Codes and statutory legislation, by which new capital projects are evaluated and investment decisions made, whilst ensuring that funding is targeted towards meeting corporate priorities.
- 6 The Capital Strategy:
 - States the Council's processes for project initiation, deciding on the prioritisation of capital projects and monitoring and evaluating schemes;

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- Takes account of significant revenue implications;
- Provides a framework for the management and monitoring of the capital programme;
- Identifies funding streams and provides a basis to inform bidding for additional capital resources (e.g. government initiatives); and
- Informs the corporate review of existing properties.

Project Initiation

- 7 Capital projects are subject to a robust justification process, bringing together a clear business case with sufficient detailed costings to ensure that transparent decisions can be taken. Proposals are given independent oversight and review of the project in terms of validation arrangements, estimated figures and project milestones. Business cases are prepared in accordance with good project management principles.
- 8 A formal process is drawn up to ensure that projects are subject to thorough oversight for the duration of the scheme. Project management sits with the initiating team or department and there are clearly defined areas of responsibility for each task within the project.
- 9 For larger projects where feasibility is less certain, more robust business cases are prepared before bids for funds are made. This includes undertaking all preparatory work to fully understand the requirements of a project before a budget is sought. There must be a clear link between budgets and service plans.

Prioritisation of capital projects

- 10 Capital projects will be assessed for:
 - Strategic fit - corporate objectives are being met by the expenditure;
 - Identified need - e.g. essential repairs and maintenance of existing assets;
 - Achievability - this may include alternatives to direct expenditure by the Council such as partnerships with others;
 - Affordability - to ensure that total capital expenditure remains within sustainable limits;
 - Practicality and deliverability;
 - Revenue generation achieved from the investment; and
 - Non-monetary impacts such as future economic growth, social well-being or environmental improvement.

Monitoring and evaluating schemes

- 11 For all capital investment the appropriate level of due diligence will be undertaken, with the extent and depth reflecting the level of risk being considered. Due diligence will include:
- Identification of the risk to both the capital sums invested and the returns;
 - Understanding the potential impact on the financial sustainability of the Council if the risks come to fruition;
 - Identifying assets being held for security against any potential debt or charges on assets; and
 - Seeking independent and expert advice where necessary.
- 12 The Deputy Chief Executive and Chief Officer Finance & Trading will ensure that Members are adequately informed and understand the risks of capital investment.
- 13 Project proposals will be put to Council for formal approval together with funding requirements and, if successful, will form the Council's capital programme which is its plan of capital investment for future years. This ensures that the Council's overall capital strategy, governance procedures and risk appetite are fully understood by all Members.

Revenue implications

- 14 The revenue implications of capital investment must always be considered in investment decisions and the prioritisation of projects. These include costs and savings implications. Costs to consider include:
- Cost of borrowing (including Minimum Revenue Provision);
 - Loss of investment income if reserves or useable capital receipts are deployed; and
 - Running costs associated with the asset (e.g. employee salaries, heat and light, administrative support costs and future maintenance).

Savings, including benefits, to identify include:

- Any positive impact of investment and economic growth on the Council's council tax base and business rates income; and
- Capital projects that generate income, revenue savings or efficiencies.

Funding the Capital Strategy

- 15 Proposals for capital projects must identify the funding requirements for the timescale of the project including any revenue implications. Funding must be appropriate for the project and will come from:
- Reserves;
 - Capital receipts - from the sale of assets or finance lease receipts;
 - Government grants - such as disabled facilities grant funding;
 - Third party grants and contributions;
 - Community Infrastructure Levy;
 - Revenue contributions;
 - Other developer contributions; and
 - External borrowing.
- 16 The Secretary of State believes that individual local authorities are best placed to decide which projects will be most effective for their area. The key criteria to use when deciding whether expenditure can be funded by the increased flexible use of capital receipts is that it is forecast to generate ongoing savings.

Borrowing

- 17 The Council's approach to borrowing is set out in its Treasury Management Strategy Statement. The Council may consider internal or external borrowing. Prior to undertaking any external borrowing, affordability, the maturity profile of existing debt, interest rate and refinancing risk and the borrowing source should be given due consideration.
- 18 Local authorities are required to set aside some of their revenues as provision for debt each year of an amount considered to be 'prudent' (the Minimum Revenue Provision or MRP). Prudent provision should ensure that debt is repaid over a period that is reasonably commensurate with that over which the capital expenditure provides benefit.

Commercial activities and investment property

- 19 CIPFA defines investment property as property held solely to earn rentals or for capital appreciation or both. Returns from property ownership can be both income driven (through the receipt of rent) and by way of appreciation of the underlying asset value (capital growth). The combination of these is a consideration in assessing the attractiveness of a property for acquisition.

- 20 With reductions in funding that the Council has faced, it is having to look at commercial activities and property investment to supplement its income and support service delivery. However, to minimise risk of potential loss of income in the longer term, it needs to ensure that any investment opportunities are based upon sound decision making that considers the future likelihood of investment income reducing. Property investment is not without risk as property values can fall as well as rise and changing economic conditions could cause tenants to leave properties remaining vacant.
- 21 The detail is contained in the Council's Property Investment Strategy which documents the Council's requirements, but when making commercial investment decisions the Council will follow the following principles:
- Commercial investments will only be made to enhance the Council's asset portfolio and will be linked to delivery of the Ten Year Budget;
 - Consideration will be given to the economic development potential of any investment decision;
 - Expert advice will be sought to ensure that any investment decision is based upon sound market intelligence, forecasts for future investment returns and yields that offer sound investment return without risking the capital invested;
 - Any borrowing linked to investment opportunities is secured upon the potential guaranteed element of the investment return so that any liability can be met from the activity undertaken; and
 - Investment opportunities will always ensure that the Council's investment is protected as far as possible either through increases in capital value or from guaranteed revenue income.
- 22 The Property Investment Strategy makes it clear that the Council will continue to invest prudently on a commercial basis and to take advantage of opportunities as they present themselves, supported by a robust governance process. However, proportionality in respect of overall resources will remain an important factor.

Consideration of risk

- 23 The capital programme and property investment strategy form an important part of the Council's strategy for delivering its overall priorities. Accordingly, it is vital that the associated risks are managed actively. The Council has a comprehensive risk management framework, through which risk in relation to capital investment is monitored. Risk registers are maintained at corporate and budgetary levels and are reviewed and updated on a regular basis by the Risk Management Group and the Audit Committee.
- 24 As far as the capital programme is concerned, risks at the corporate level could be generic, relating to a number of capital projects, although it is

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possible that a single capital project could pose a corporate risk. At the budgetary level, risks in this area would relate to the funding of the capital programme and over/underspending on individual capital projects.

- 25 As far as the property investment strategy is concerned, the risks associated with this activity are detailed in paragraphs 20 and 21 above and are the subject of a specific section within the Strategic Risk Register.

Knowledge and skills

- 26 The Council has professionally qualified staff across a range of disciplines, including finance, legal and property that follow continuous professional development (CPD) and maintain knowledge and skills through attendance on courses and through regular technical updates from appropriate bodies.
- 27 The Council utilises the knowledge and skills of these officers when considering capital investment decisions and, where necessary, it also relies on the expert knowledge of specialist external advisors. Some of these advisors are contracted long term or are appointed on an ad-hoc basis where necessary. Link Asset Services, provide treasury management advice, including investments, borrowing and capital financing.
- 28 External professional advice will always be sought when considering any major commercial property investment decision.

Statement of Reserves and Provisions

1. This appendix sets out details of the reserves and provisions held by the council. These balances have been subject to a detailed review as part of the budget process. **The items in bold show the changes that are being recommended.**
2. One of the requirements of the Financial Planning Strategy is to have flexible use of the Budget Stabilisation Reserve. The fund incorporates any annual under-spends and absorbs any annual over-spends. **It is recommended that any variance in the 2021/22 budget is put into this reserve or absorbed by this reserve.**
3. It is proposed that the Net Service Expenditure budget is increased from £15.6m in 2020/21 to £16.9m in 2021/22. **It is recommended that the General Fund Reserve is increased from £1.5m to £1.7m to remain as a 10% working balance**
4. Due to the financial impact of the COVID-19 pandemic it has been recognised that where possible, funds should be moved from various reserves to the Budget Stabilisation Reserve to fund any adverse variance in 2020/21 and support the ongoing 10-year budget. **It is recommended that the reserves listed below are reduced with £789,000 transferred to the Budget Stabilisation Reserve and £200,000 transferred to the General Fund Reserve (see 3 above).**
 - £148,000 - Sewerage
 - £31,000 - Carry Forward Items
 - £500,000 - Asset Maintenance
 - £100,000 - IT Asset Maintenance
 - £100,000 - Action and Development
 - £110,000 - Others

The table below sets out the reserves and provisions held at 1 April 2020

	01/04/20	Purpose (some further details are included in the Statement of Accounts)
Provisions	£000	
Business Rates Appeals	3,064	The Council has to provide for its share of the costs arising from successful appeals by business ratepayers.
Accumulated Absences	152	Absorbs the difference that would otherwise arise on the General Fund Balance from accruing for compensated absences (e.g. annual leave) earned but not taken in the year. Opposite entry in Unusable Reserves.
Municipal Mutual Insurance (MMI)	257	A solvent run-off of MMI is now unlikely which may result in Councils being liable to clawback of monies paid out.
Sub Total	3,473	
Capital Receipts		
Capital Receipts	1,739	Balance from previous asset sales and mortgage repayments. Can be used to fund future capital expenditure.
Earmarked Reserves		
Action and Development	396	To fund ad hoc and unplanned expenditure (including emergencies and flooding).
Asset Maintenance	1,000	To fund emergency works to assets.
Budget Stabilisation	7,999	To support decisions required to continue to produce a balanced budget in future years.
Business Rates Retention	720	To manage the volatility in yearly cash flows in the Collection Fund caused by the complexities in the Business Rates Retention Scheme.
Capital Financing	160	Annual contributions from revenue to fund some capital projects.
Carry Forward Items	958	For specific items agreed by Cabinet, e.g. if a project has slipped between years.
Community Infrastructure Levy Administration	184	To be spent on the administration of the levy.
Corporate Project Support	302	To fund invest to save projects and external expertise required to investigate proposed projects.
Financial Plan	1,715	To support the 10-year budget and Property Investment Strategy.
Homelessness Prevention	119	To assist in the delivery of the Homelessness Reduction Act.

Housing and Commercial Growth Fund	566	To fund projects as part of the West Kent Partnership within the district
Housing Benefit Subsidy	360	Provides a cushion against large movements in reclaimable sums in any year.
IT Asset Maintenance	725	To fund future IT asset maintenance costs.
Local Plan	285	To help support the Local Plan.
New Homes Bonus (NHB)	406	NHB is being kept separate and used to fund the Property Investment strategy.
Pension Fund Valuation	500	To contribute towards downturns in future pension fund actuarial valuations.
People and Places	324	External funding received for ongoing and future projects.
Planning Services	129	To fund ongoing and future projects.
Property Investment Strategy Maintenance	134	To fund future maintenance and void periods
Re-organisation	312	To fund actions taken to achieve annual budget savings.
Sewerage	206	Transferred from a provision for potential liabilities relating to earlier sewerage installations.
Vehicle Insurance	248	Own vehicle damage for the commercial vehicle fleet. Contributions are made from the trading accounts.
Vehicle Renewal	663	Vehicle replacement for the commercial vehicle fleet. Contributions are made from the trading accounts each year
Others	600	Includes District Elections, Rent Deposit Guarantee, Local Strategic Partnership, Electoral Registration etc.
Sub Total	19,011	
General Fund	1,500	Acts as a working balance to meet unexpected issues during the year, for which a minimum of 10% of net service expenditure recommended. It also meets any planned deficits on the revenue account.
TOTAL	25,723	

Definitions:

Provisions - funds to provide for liabilities or losses which are known obligations but are uncertain as to amounts or dates. Expenditure can be charged direct against the Provision without being reflected in the Revenue Account.

Capital Receipts - money obtained on the sale of assets (normally land and buildings) and the repayment of grants and advances (e.g. mortgage repayments). Such receipts can only be used to repay debt, or to finance capital investment.

Earmarked Reserve - amounts set aside for purposes falling outside the definition of Provisions. Expenditure should not be charged direct to reserves but shown in the Revenue Account with the transfer to or from the reserve distinguished from service expenditure.

Unallocated Reserve - the General Fund balance. This amount is not set-aside for a specific purpose.

Financial Risks Budget 2021/22

The Financial Risks are detailed below. The impact and likelihood of each risk are first assessed gross (without existing controls in place) and then re-assessed following the identification of key controls (net)

Likelihood	Very Likely (5)	16		13	17	
	Likely (4)			14		
	Possible (3)	8	10	3, 6, 15, 19	1, 5	
	Unlikely (2)		7, 18, 21	4,	22	
	Very Unlikely (1)		20	2		11
		Minimal (1)	Minor (2)	Moderate (3)	Major (4)	Critical (5)
Impact						

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- No matrix for risk 9, 12

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget Lead Officer: Adrian Rowbotham & Alan Mitchell								
1) <u>Pay Costs</u> <ul style="list-style-type: none"> Largest single item of cost. Complex drivers across the organisation. Staff recruitment and retention. 2020/21 National Pay Award was 2.75% and the level of future pay awards remains uncertain 	<ul style="list-style-type: none"> £15.5m total costs. 2% pay increase = £338k. Budget assumptions: 2% pay award in all years. 	4	4	16	<ul style="list-style-type: none"> New salary bands introduced from 1 April 2019 which reduced the costs of annual increments. Formal sickness & overtime monitoring. Separate control on agency staff. Part of National Agreement. 	3	4	12
2) <u>Pensions Funding</u> <ul style="list-style-type: none"> Deficit on County Fund. Future actuarial results. Government review. 	<ul style="list-style-type: none"> £15m deficit 1% change in employers contribution = £100k 	2	4	8	<ul style="list-style-type: none"> £100k included in 10-year budget in 2023/24 to contribute towards any additional pensions costs when the next valuation takes place 	1	3	3
3) <u>Income - Development Management</u> <ul style="list-style-type: none"> Volatile activity levels in the housing market and general economic conditions. Fluctuations in income with major applications 	<ul style="list-style-type: none"> £0.9m loss 10% reduction would be £90k. 	4	3	12	<ul style="list-style-type: none"> Current year income is above target. Continue to monitor. Further details in 21/22 SCIA 11 	3	3	9
4) <u>Income - Building Control</u>		3	3	9		2	3	6

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget								
Lead Officer: Adrian Rowbotham & Alan Mitchell								
<ul style="list-style-type: none"> • Volatile activity levels in the housing market and general economic conditions. • Competition from commercial organisations 	<ul style="list-style-type: none"> • £0.5m loss • 10% reduction would be £50k 				<ul style="list-style-type: none"> • Current year income is above target. • COVID-19 monitoring and reports 			
5) <u>Income - Car Parks</u> <ul style="list-style-type: none"> • General economic conditions; central government directives; ongoing impact of the COVID-19 pandemic. 	<ul style="list-style-type: none"> • £3.0m • 10% reduction would be £300k 	4	4	16	<ul style="list-style-type: none"> • Current year income is below. Continue to monitor. • COVID-19 monitoring and reports 	3	4	12
6) <u>Income - On-Street Parking</u> <ul style="list-style-type: none"> • General economic conditions. Legislative constraints on spending surpluses. Reverts to KCC control. • Ongoing impact of the COVID-19 pandemic. 	<ul style="list-style-type: none"> • £1.0m • 10% reduction would be £100k 	4	3	12	<ul style="list-style-type: none"> • Current year is below target. Continue to monitor and review. • Further details in 21/22 SCIA 2 • Further details in 21/22 SCIA 25 	3	3	9
7) <u>Partnership working and partner contributions</u> <ul style="list-style-type: none"> • Partner actions delayed. • Agreed funding not received by SDC. • Partnerships ending. 	<ul style="list-style-type: none"> • £0.7m • Impact on individual projects is high. 	3	2	6	<ul style="list-style-type: none"> • Separate accounting arrangements. • Active liaison with partners on service arrangements 	2	2	4

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget Lead Officer: Adrian Rowbotham & Alan Mitchell								
					<ul style="list-style-type: none"> Written partnership agreements. Partnership arrangements are monitored to ensure they are still appropriate. Partners in the Environmental Health and Building Control partnerships have been informed that this Council wishes to end the partnerships. 			
8) External Funding Awards <ul style="list-style-type: none"> In the 21/22 budget 13.35 FTE are externally funded 	<ul style="list-style-type: none"> £0.6m cost funded Impact on individual projects is high 	3	2	6	<ul style="list-style-type: none"> Exit Strategies in place 	3	1	3
9) Changes in service demand <ul style="list-style-type: none"> Impacts will vary depending on service. 	<ul style="list-style-type: none"> N/A 	0	0	0	<ul style="list-style-type: none"> Service planning in place Continue to lobby Government where changes are due to new Gov't requirements. Further details in 21/22 SCIA 21 for the proposed 7am - 7pm office opening 	0	0	0

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget								
Lead Officer: Adrian Rowbotham & Alan Mitchell								
10) Interest Rates <ul style="list-style-type: none"> Large cash variance from small rate changes. Reducing availability of suitable counter parties 	<ul style="list-style-type: none"> Up to £0.30m 21/22 budget £250k per 0.5%. 	4	2	8	<ul style="list-style-type: none"> Use of professional advisers. If internal borrowing is used for capital investment projects in 2021/22 there will be less cash earning bank interest. 	3	2	6
11) Investments <ul style="list-style-type: none"> Financial institutions going into administration. Lower balances to invest. 	<ul style="list-style-type: none"> £18.7m balance at Sept 2020 	2	5	0	<ul style="list-style-type: none"> Investment strategy regularly reviewed by FIAC. Use of professional advisers. 	1	5	5
12) Government Support: Revenue Support Grant	£0 in 2021/22 revenue budget	0	0	0	<ul style="list-style-type: none"> Excluded grant from budget from 16/17 onwards so SDC became self-sufficient from govt. funding; Adequate level of General Reserve held. 	0	0	0
13) Government Support: Retained Business Rates <ul style="list-style-type: none"> Government changing baseline and therefore safety net levels. Time delays in decisions on appeals. High volume of successful valuation appeals. 	<ul style="list-style-type: none"> £2.2m in 2021/22 £20k per 1% change 	5	4	20	<ul style="list-style-type: none"> 10-year budget strategy gives ability to gradually adjust for changes. Adequate level of General Reserve held. 	5	3	15

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget Lead Officer: Adrian Rowbotham & Alan Mitchell								
<ul style="list-style-type: none"> Central government intends to introduce business rate but timeline uncertain. 								
14) Council tax Referendum limits <ul style="list-style-type: none"> Council tax increases limited budgeted at 2% or £5 in 21/22 per draft announcement but subject to change dependant on final Government announcement 	<ul style="list-style-type: none"> £11.4m Council Tax income in 21/22 £100k per 1% Government controls on changes in council tax rates 	4	4	16	<ul style="list-style-type: none"> Draft 10-year budget includes council tax increase assumptions for future years. 	4	3	12
15) Future Service Changes by Government <ul style="list-style-type: none"> Additional services without consequent resources, e.g. previous examples of Maint. of trees on common land. Government directives on income charging e.g. Personal searches. Potential changes on health responsibilities. 	<ul style="list-style-type: none"> N/A 	4	4	16	<ul style="list-style-type: none"> Monitor proposals. Respond to consultations with local view. 	3	3	9
16) Fuel cost increases for Direct Services		5	2	10		5	1	10

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR01: Finance - Failure deliver a balanced budget Lead Officer: Adrian Rowbotham & Alan Mitchell								
<ul style="list-style-type: none"> Changes in global oil prices. 	<ul style="list-style-type: none"> 10% increase would be £60k 				<ul style="list-style-type: none"> Continue to monitor fuel usage and efficiency. Vehicle replacement programme. 			
17) COVID-19 <ul style="list-style-type: none"> All areas of income generation Some areas of expenditure 	Loss of income and additional costs £3.6m	5	5	5	<ul style="list-style-type: none"> Continue to monitor and implement savings in 10-year budget. Government Income Compensation Scheme and reserves used to fund 1 off costs. 10-year budget to allow for ongoing net service costs. 	5	4	20

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR02: Property Investment Strategy - Failure to identify opportunities to meet the Property Investment Strategy								
Lead Officer: Adrian Rowbotham & Detlev Munster								
18) Capital Investment resources (Capital receipts, Capital Financing Reserve, Financial Plan Reserve, Internal Borrowing, External Borrowing) <ul style="list-style-type: none"> Capital receipt levels modest. 	<ul style="list-style-type: none"> Capital Receipts 21/22 £3.0m, Capital Financing reserve £0.159m. (balances at Sept 2020). Risks taken into account in the Capital Programme report. 	3	3	9	<ul style="list-style-type: none"> External funding sought wherever possible. Capital Investment priorities in place. Property Review being pursued to secure asset sales. External Borrowing approved as an option for future investments 	2	2	4
19) Property Investment Strategy <ul style="list-style-type: none"> Market value of property may reduce below price at acquisition 	<ul style="list-style-type: none"> £31.3m invested at Sept 2020 £1.468m rental income in 21/22 	4	3	12	<ul style="list-style-type: none"> External property investment advisors retained for each acquisition; due diligence undertaken pre-purchase. Purchases only made within strategy, which is kept under review. 	3	3	9
20) Rental Income (Non Property Investment Strategy)	<ul style="list-style-type: none"> £0.1m in 2021/22 budget 	2	2	4	<ul style="list-style-type: none"> Due diligence prior to letting to new tenants; 	1	2	2

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR02: Property Investment Strategy - Failure to identify opportunities to meet the Property Investment Strategy Lead Officer: Adrian Rowbotham & Detlev Munster								
<ul style="list-style-type: none"> Property tenants unable to pay rents/length of void premises/ability to source new tenants 	Dependant on financial strength of tenants + good management to reduce impact of void periods.				tight control on rent payments			

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
SR03: Asset Management & Maintenance - Losing the ability to: a) Dispose of surplus land; b) Maintain and develop assets and land holdings; c) Secure tenants for vacant or part-vacant assets Lead Officers: Adrian Rowbotham & Detlev Munster and Alex Dawson								
21) Asset base maintenance <ul style="list-style-type: none"> Unexpected problems occurring with financial implications. Reducing budget levels. 	<ul style="list-style-type: none"> £0.6m Annual budget is based 20-year programme. 	3	2	6	<ul style="list-style-type: none"> 20-year maintenance programme developed to manage budgeted expenditure. Reserve funds set aside. 	2	2	4

Risk Factors	Potential Effect	Gross Likelihood	Gross Impact	Gross Rating	Internal Controls	Net Likelihood	Net Impact	Net Rating
<p>SR03: Asset Management & Maintenance - <i>Losing the ability to:</i></p> <p>a) <i>Dispose of surplus land;</i></p> <p>b) <i>Maintain and develop assets and land holdings;</i></p> <p>c) <i>Secure tenants for vacant or part-vacant assets</i></p> <p>Lead Officers: Adrian Rowbotham & Detlev Munster and Alex Dawson</p>								
					<ul style="list-style-type: none"> • Policy of reducing asset liabilities wherever possible. • Further details 21/22 SCIA 16 			
<p>Page 90</p> <p>2) Disposal of Surplus Assets</p> <ul style="list-style-type: none"> • Planning conflict. • Resources required to bring sites forward. 	<ul style="list-style-type: none"> • £4.1m forecast in 20/21 - 23/24) • Risks taken into account in the Capital Programme and Asset Maintenance report. 	3	4	12	<ul style="list-style-type: none"> • Land Owner/Planning protocols in place. • In-house property team. • Planned Property Review disposal programme. 	2	4	8

Item 7 (a) - Statutory guidance issued by the Secretary of State for Transport to protect children and vulnerable individuals

The attached report was considered by the Licensing Committee, and the relevant minute extract is below.

Licensing Committee (22 September 2020, Minute 39)

The Senior Licensing Officer presented the report which provided information on the changes to be considered and implemented in process and policy as a result of statutory guidance issued by the Secretary of State for Transport in June 2020.

Sections 165, 166 and 167 of the Equality Act 2010 had allowed the licensing authority to create a list of “designated vehicles” which would be capable of carrying passengers in wheelchairs and require the drivers of the vehicles to provide mobility assistance unless they were granted an exemption from these duties by the local authority. Members were asked if they agreed to implement these provisions.

The Local Government Association commissioned the National Anti-Fraud Network (NAFN) to develop a national register of taxi and private hire vehicle driver licence refusals known as NR3. Members were required to consider the Council’s use of this register in order to check new applicant’s refusal or revocation history with other authorities.

The Senior Licensing Officer outlined the proposed amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023. Amendments included the addition of referrals to the Disclosure and Barring Service (DBS), required DBS checks on booking and dispatch staff, the discretion of Council Officers in cases where vehicles reach their upper age limit, changes to medical driver group II medical requirements and a mandatory requirement for drivers to sign up to the online DBS update service. It was also proposed that minor amendments, required by legislative or administrative change, would be made to the policy by the Head of Licensing Partnership in consultation with the Chairman of Licensing Committee to prevent the need for a consultation or a full licensing committee decision.

It was clarified that a further proposed amendment was for Members’ consideration. The amendment, as set out in paragraph 58, read that Officers intended to investigate external providers of oral and written English courses.

Members asked questions of clarification. Additional words and changes were suggested in some of the proposed amendments set out in the report. It was suggested that paragraph 30 of the report read as “the authority shall consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006”. It was also suggested that practitioners be expected to have

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accessed medical records rather than just be able to access them as set out in paragraph 77 of the report.

Along with the recommendations within the report and amendments above, the Chairman proposed that the precise wording of any further minor amendments discussed at the meeting be delegated to the Head of the Licensing Partnership consultation with the Chairman of the Licensing Committee for the precise wording.

Resolved: That

- a) in response to the guidance, the proposed implementation of changes in process, be noted;
- b) Officers implement the provisions of section 165, 166 and 167 of the Equality Act 2010;
- c) the draft policy in respect of NR3, as set out in Appendix B to the report, be approved for public consultation of 6 weeks, and if no unresolved objections are received, the Head of the Licensing Partnership be granted delegated authority to adopt the policy; and
- d) it be recommended to Council that**
 - i) the amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023, as set out in paragraphs 20, 30, 51-52, 58, 61, 65, 77 and 80-81 of the report, be approved;
 - ii) the sentence “Changes agreed in this way are to be reported back to the Licensing Committee at the next meeting.” be added to paragraph 20 of the report;
 - iii) paragraph 30 of the report be amended to read as “Following a decision to refuse or revoke a licence by Sevenoaks District Council as the individual is thought to present a risk of harm to a child or vulnerable adult, the authority shall consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006;
 - iv) paragraph 77 of the report be amended to read as “All applicants will be required to obtain a Group 2 Medical standards certificate signed by their own GP, or another practitioner who has accessed at least 2 years of medical records”; and
 - v) delegated authority be granted to the Head of the Licensing Partnership following consultation with the Chairman of the Licensing Committee for the precise wording of the minor amendments.

**STATUTORY GUIDANCE ISSUED BY THE SECRETARY OF STATE FOR TRANSPORT
TO PROTECT CHILDREN AND VULNERABLE INDIVIDUALS**

Council - 17 November 2020

Report of Chief Officer, Planning & Regulatory Services

Status For Consideration and decision

Also considered by Licensing Committee - 22 September 2020

Key Decision No

Executive Summary: This report provides information on changes to be considered and implemented in process and Policy as a result of Statutory guidance issued by the Secretary of State for Transport in June 2020, and other matters

Portfolio Holder Cllr. Margot McArthur

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Recommendation to Licensing Committee: That

- (a) in response to the guidance, the proposed implementation of changes in process be noted;
 - (b) Members decide whether Officers should implement the provisions of section 165, 166 and 167 of the Equality Act 2010, or maintain current procedures;
 - (b) the draft policy in respect of NR3 at Appendix B, be approved for public consultation and if no unresolved objections are received, the Head of the Licensing Partnership be granted delegated authority to adopt the policy; and
 - (c) Council be recommended to approve the amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023 as set out at paragraphs 20, 30, 51-52, 61, 65, 68, 77 and 80-81 of the report.
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Recommendation to Council: That the amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023 set out at paragraphs 20, 30, 51-52, 77 and 80-81 of the report, be approved

Introduction and Background

- 1 The Secretary of State for Transport has issued new Statutory Guidance to Local Authorities on the exercising of taxi and private hire licensing functions. (*Appendix A*)
- 2 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.
- 3 It is expected the recommendations contained within this Guidance be implemented unless there is a compelling local reason not to.
- 4 The Guidance sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities **must have regard** to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire licensing regimes. ‘Having regard’ is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 5 ‘Having regard’ to these standards requires public authorities, in formulating a policy, to give considerations and weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 6 Key points to take forward from this Guidance are listed below:
- 7 Licensing policies
- 8 **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**
- 9 The Sevenoaks Hackney Carriage and Private Hire Licensing Policy is reviewed every 3 years during which time it is kept under review and revised as appropriate or after any significant legislative change.
- 10 Whistleblowing
- 11 **Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**
- 12 Sevenoaks District Council has a comprehensive Whistleblowing Policy which is regularly reviewed. This can be accessed via the Council’s intranet, Insite.

- 13 Consultation at a local level
- 14 **Licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change**
- 15 Sevenoaks District Council are keen to hear the views of persons affected by its Licensing Policy and have identified people and organisations within its Hackney Carriage and Private Hire licensing policy which reflect those used as examples in item 3.12 of the new Statutory Guidance.
- 16 Changing licensing policy and requirements
- 17 **Any changes in licensing requirements should be followed by a review of the licences already issued**
- 18 Implementation of any changes that affect current licence holders will be clearly communicated to all licence holders with further information accessible via the Sevenoaks District Council website.
- 19 In order to expedite minor amendments to Policy without the need for consultation or a full licensing committee decision it is requested Members consider the inclusion of the following statement in Policy:
- 20 *Minor amendments to this Policy required, for example, by virtue of legislative change or administrative procedural change, may be made by the Head of Licensing following consultation with the Chair of the Licensing Committee and the Cabinet Member with responsibility for Licensing.*
- 21 Common Law Police Disclosure
- 22 **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**
- 23 A joint Licensing Compliance and Enforcement Protocol is in place covering all relevant licensing functions and all related topics, in as much as it applies to each individual organisation in Kent and Medway. These include, but are not exclusive to; Kent Police, Kent Fire & Rescue Service, Kent County Council Trading Standards, Gambling Commission, Securities Industry Authority, Public Health, Social Services, Licensing Operations at the Local Authorities in Kent and Medway.
- 24 Licensee self-reporting
- 25 **Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.**
- 26 Current Sevenoaks District Council Policy states : A licence holder or applicant shall immediately notify the Council of any

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charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

27 Referrals to the Disclosure and Barring Service and the Police

28 **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS**

29 This matter is not covered in the current Sevenoaks District Council Policy and Members are requested to consider including the following statement:

30 *Following a decision to refuse or revoke a licence by Sevenoaks District Council as the individual is thought to present a risk of harm to a child or vulnerable adult, the authority may consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006.*

31 Sharing licensing information with other licensing authorities

32 **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants**

33 The Local Government Association commissioned the National Anti-Fraud Network (NAFN) to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as NR3).

34 It is requested Members consider the implementation of the use by Sevenoaks District Council of this register in order to check new applicants refusal or revocation history with other authorities.

35 Prior to adopting use of the NR3 register, local authorities are required to consult with the trade, and Member approval to commence this consultation is requested.

36 Can Members also consider that, if no adverse comments are received to the implementation of this register, that this matter need not be brought back to the Licensing Committee for approval, and that this can be carried out by the Head of the Licensing Partnership

37 Should adverse comments be received, then this matter will be brought back to the Licensing Committee for further consideration.

38 A Draft Policy is at **Appendix B** (the Council's Officers have considered the Data Protection implications and have informed us that we may proceed with its next steps).

39 Complaints against licensees

- 40 **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.**
- 41 All complaints received are logged and investigated. The Sevenoaks Licensing Team are upgrading the current Uniform platform to 'Enterprise' which will allow better linking of individual records against investigative files.
- 42 Details of how to log a complaint against a licensed driver can be found on the website. This information is also provided within each licensed vehicle
- 43 Sevenoaks District Council has implemented a Penalty Points system in order to regulate enforcement and any action required.
- 44 Overseas convictions
- 45 **Licensing Authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas to properly assess risk and support the decision-making process.**
- 46 Prior to consideration of any new application, overseas applicants who have lived in the UK for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous 5 years) in addition to an Enhanced Certificate from the Disclosure & Barring Service.
- 47 Criminality checks for drivers
- 48 **All licensed drivers should be required to evidence continuous registration with the Disclosure & Barring Service (DBS) update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.**
- 49 This is an increase on current checks (currently undertaken upon application; and every 3 years subsequent to the issue of the licence)
- 50 It is requested Members consider mandating the requirement for all drivers to sign up to the online DBS update service, and to include an administrative fee of £40 in addition to the cost of the DBS application on any manual Enhanced checks that need to be carried out.
- 51 *It will be a mandatory requirement for all drivers to sign up to the online Disclosure & Barring Service update service and to give Sevenoaks District Council authority to access records.*
- 52 *6 monthly DBS checks will be carried out throughout the duration of a licence : should the Authority not be able to access online records, a driver will still be required to undertake an Enhanced Check, at an additional cost*

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to the driver. If no check is undertaken within 2 months of the 6 month requirement; the licence will be suspended.

- 53 For Members information: in future, it will also be a requirement to have all licensed vehicle proprietors (that are not licensed drivers), and all Private Hire Operators licensed with the Authority to undertake Basic Disclosures on an annual basis.
- 54 Safeguarding awareness
- 55 Sevenoaks District Council provide Safeguarding Awareness Training as part of the application process and knowledge test.
- 56 Language proficiency
- 57 **A licensing authority's test of a driver's proficiency should cover both oral and written English language skills.**
- 58 Subject to the comments of Members, Officers intend to investigate external providers of oral and written English courses with a view to apply this for all new, and renewal of driver applications across the Licensing Partnership.
- 59 Booking and dispatch Staff
- 60 **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 61 Subject to the comments of Members Officers intend to add the following condition to all Private Hire Operator Licences
- 62 *A register of all staff that will take bookings or dispatch vehicles under the authority of the Private Hire Operator will be kept.*
- 63 *The Private Hire Operator will evidence they have had sight of a Basic DBS check on all individuals listed on that register and ensure that Basic DBS checks are undertaken on any individuals added to the register*
- 64 *The Private Hire Operator will evidence comparable protections are applied by other companies to which they outsource booking and dispatch functions*
- 65 Subject to the comments of Members, Officers intend that all new Private Hire Operator applicants must provide their policy on employing ex-offenders in roles that would be on the register above.
- 66 Use of passengers carrying vehicles (PCV) licensed drivers
- 67 **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

68 **Subject to the comments of Members, Officers intend to add the following condition to all Private Hire Operator Licences**

69 *Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.*

70 **Other Matters**

71 **Provision of Wheelchair accessible vehicle list**

72 The Government introduced in April 2017 sections 165 and 167 of the Equality Act 2010 in relation to the assistance of passengers in wheelchairs using designated taxis and private hire vehicles.

73 These allow the licensing authority to create a list of ‘designated vehicles’ which are capable of carrying passengers in wheelchairs (section 167) and then require drivers of those vehicles to provide mobility assistance (section 165) unless the local authority grant exemptions from the duties to individual drivers (section 166). Relevant sections of the Equality Act 2010 are at **Appendix C, D and E**

74 It is recommended that members consider points 72 and 73 and make a decision regarding whether to implement the provisions of section 165, 166 and 167 of the Equality Act 2010, or to maintain current procedures to provide this information upon request.

75 **Driver Group II Medicals**

76 Following feedback from the Trade of difficulties in accessing their own GP for Group II medicals to be undertaken, it is requested Members consider and approve the following amendment to Policy:

77 *All applicants will be required to obtain a Group 2 Medical standards certificate signed by their own GP, or another practitioner who has access to at least 2 years medical records.*

78 **Officer Discretion - maximum age of vehicles**

79 It is requested Members consider allowing officer discretion in exceptional circumstances to renew licences where vehicles have reached their upper age limit, but are still in pristine condition.

80 *The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles (apart from in exceptional circumstances at the discretion of an authorised officer)*

81 *The Authority will not re-licence a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles) - apart from in exceptional circumstances at the discretion of an authorised officer.*

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Key Implications

Financial

None directly arising from this report

Legal Implications and Risk Assessment Statement

The Legal implications are as set out previously in this report

Equality Assessment

Except where otherwise stated in the report, the decisions recommended through this paper have a remote or low relevant to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A - Statutory Guidance
Appendix B - NR3 Draft Policy
Appendix C - Equality Act 2010 s165
Appendix D - Equality Act 2010 s166
Appendix E - Equality Act 2010 s167

Background Papers

[Sevenoaks District Council Hackney Carriage & Private Hire Policy](#)
[DoT Best Practice Guidance](#)

Richard Morris

Deputy Chief Executive - Chief Officer For Planning & Regulatory Services



Department
for Transport

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Appendix A

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

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- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

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however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

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- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

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- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

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- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
 - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

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- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

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6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
 - travelling long distances;
 - unfamiliar with the local area or do not have a local accent;
 - paying for journeys in cash or prepaid.
- 6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.
- 6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:
- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
 - call Crime Stoppers on 0800 555 111.

Language proficiency

- 6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
- 6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

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drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

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private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

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(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

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Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

**POLICY IN RESPECT OF REQUESTS FOR INFORMATION,
DISCLOSURE OF INFORMATION, AND USE OF
INFORMATION AS A RESULT OF AN ENTRY ON NR3**



Introduction

Licensing Authorities are required to satisfy themselves that those holding a Hackney Carriage and Private Hire Vehicle (PHV) drivers licences are 'fit & proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the period of holding a licence.

The process of assessing whether an applicant or licensee is 'fit & proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence – assuming the second authority was aware of the earlier revocation.

Currently if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicants' past behaviour is being missed and an individual might be able to obtain a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriage and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue this council has subscribed to the national register of hackney carriage and PHV driver licence refusals and revocations, the National Register of Refusals and Revocations' or NR3. The register will allow licensing authorities to record details of where a hackney carriage or PHV driver's licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, the NR3 does not extend to vehicle or operator licensing decisions.

1. Policy

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

2. Overarching principles

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of a taxi drivers' licence¹. This information is important in the context of a

¹ Throughout this policy reference is made to 'taxi drivers' licence.' This generic term covers a hackney carriage drivers' licence, a private hire drivers' licence and a combined/dual licence.

subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

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

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application².

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a further period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated³. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case states (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority's general policy on the secure retention of personal data which is available at www.sevenoaks.gov.uk to the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction which is available at www.sevenoaks.gov.uk

² The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

³ Any appeal by way of a case must be lodged within 21 days of the decision of either the Magistrates Court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

3. Making a request for further information regarding an entry in NR3

When an application is made to this authority for the grant of a new, or renewal of, a taxi drivers' licence this authority will check the NR3.

This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- The results of the search; and
- The use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at **Appendix 1** of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

4. Responding to a request for further information regarding an entry on NR3

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. a combined register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority has conducted a Data Protection Impact Assessment. This has considered how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of the period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

We will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within this authority's Hackney Carriage and Private Hire Licensing Policy (Relevance of Convictions and Cautions). Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Lawful basis for processing : It is necessary for the Council to process the personal data contained in the records in the exercise of official authority. To this end the lawful basis relied upon is 'Public Task'.

The public functions and powers in respect of applications for hackney Carriage Licensing are set out in law. In the light of government guidance the Council could not reasonable perform the task or exercise the powers in a less intrusive way.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result if a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

5. Using any information obtained as a result of a request to another authority

Agenda Item 7a

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

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

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

APPENDIX 1

Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3)

Name of licensing authority requesting information <i>(For completion by requestor authority)</i>	
Requestor authority reference number	
Name of licensing authority from which information is sought	
Name of individual in respect of whom the information is sought	
Decision in respect of which the request is made: a) Refusal b) Revocation	
Other details for this record: Address: Driving Licence Number	

Agenda Item 7a

National Insurance Number (NI)	
Reference Number	

DECLARATION BY REQUESTING AUTHORITY:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi/private hire vehicle licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and private hire vehicles, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at www.sevenoaks.gov.uk

Signed:

Name:

Position:

Date:

(For completion by providing authority)

Further information to support decision recorded on NR3 in respect of the above named individual

--

Declaration by providing authority

The authority hereby confirms that it has concluded a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a tax/private hire drivers' licence the above named individual has been made aware to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed:

Name:

Position:

Date:

Equality Act 2010

2010 CHAPTER 15

PART 12

DISABLED PERSONS: TRANSPORT

CHAPTER 1

TAXIS, ETC.

165 Passengers in wheelchairs

- (1) This section imposes duties on the driver of a designated taxi which has been hired—
 - (a) by or for a disabled person who is in a wheelchair, or
 - (b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
- (2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.
- (3) For the purposes of this section—
 - (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
 - (b) “the passenger” means the disabled person concerned.
- (4) The duties are—
 - (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.

Changes to legislation: Equality Act 2010, Section 165 is up to date with all changes known to be in force on or before 19 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Mobility assistance is assistance—
 - (a) to enable the passenger to get into or out of the vehicle;
 - (b) 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;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- (6) This section does not require the driver—
 - (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
 - (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—
 - (a) the vehicle conformed to the accessibility requirements which applied to it, but
 - (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.
- (10) In this section and sections 166 and 167 “private hire vehicle” means—
 - (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
 - (c) a vehicle licensed under an equivalent provision of a local enactment;
 - (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

Commencement Information

- 11** S. 165 partly in force; s. 165 not in force at Royal Assent see s. 216; s. 165 in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(12\)\(b\)](#) (with [art. 15](#))
- 12** S. 165 in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107](#), [art. 2\(a\)](#)

Changes to legislation:

Equality Act 2010, Section 165 is up to date with all changes known to be in force on or before 19 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 140B(1) words omitted by [S.I. 2019/469 Sch. 1 para. 17\(6\)](#)
- s. 209(3)(e) inserted by [2018 anaw 2 Sch. 1 para. 19\(4\)](#)
- Sch. 3 para. 17(4)(d) and word omitted by [S.I. 2019/305 reg. 5\(7\)\(b\)\(iii\)\(dd\)](#)
- Sch. 17 para. 6AA and cross-heading inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(f\)](#)
- Sch. 17 para. 6F inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(h\)](#)
- Sch. 17 para. 3A(1)(a)(b) substituted for words by [2018 anaw 2 Sch. 1 para. 19\(5\)\(d\)\(i\)](#)

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Appendix D



Equality Act 2010

2010 CHAPTER 15

PART 12

DISABLED PERSONS: TRANSPORT

CHAPTER 1

TAXIS, ETC.

166 Passengers in wheelchairs: exemption certificates

- (1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 165 (an “exemption certificate”) if satisfied that it is appropriate to do so—
 - (a) on medical grounds, or
 - (b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.
- (2) An exemption certificate is valid for such period as is specified in the certificate.
- (3) The driver of a designated taxi is exempt from the duties imposed by section 165 if—
 - (a) an exemption certificate issued to the driver is in force, and
 - (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.
- (4) The driver of a designated private hire vehicle is exempt from the duties imposed by section 165 if—
 - (a) an exemption certificate issued to the driver is in force, and
 - (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.
- (5) For the purposes of this section, a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.

Changes to legislation: *Equality Act 2010, Section 166 is up to date with all changes known to be in force on or before 26 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

- (6) In this section and section 167 “licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area.

Changes to legislation:

Equality Act 2010, Section 166 is up to date with all changes known to be in force on or before 26 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 140B(1) words omitted by [S.I. 2019/469 Sch. 1 para. 17\(6\)](#)
- s. 209(3)(e) inserted by [2018 anaw 2 Sch. 1 para. 19\(4\)](#)
- Sch. 3 para. 17(4)(d) and word omitted by [S.I. 2019/305 reg. 5\(7\)\(b\)\(iii\)\(dd\)](#)
- Sch. 17 para. 6AA and cross-heading inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(f\)](#)
- Sch. 17 para. 6F inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(h\)](#)
- Sch. 17 para. 3A(1)(a)(b) substituted for words by [2018 anaw 2 Sch. 1 para. 19\(5\)\(d\)\(i\)](#)

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Appendix E

Equality Act 2010

2010 CHAPTER 15

PART 12

DISABLED PERSONS: TRANSPORT

CHAPTER 1

TAXIS, ETC.

167 Lists of wheelchair-accessible vehicles

- (1) For the purposes of section 165, a licensing authority may maintain a list of vehicles falling within subsection (2).
- (2) A vehicle falls within this subsection if—
 - (a) it is either a taxi or a private hire vehicle, and
 - (b) it conforms to such accessibility requirements as the licensing authority thinks fit.
- (3) A licensing authority may, if it thinks fit, decide that a vehicle may be included on a list maintained under this section only if it is being used, or is to be used, by the holder of a special licence under that licence.
- (4) In subsection (3) “special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis or hire cars in providing local services).
- (5) “Accessibility requirements” are requirements for securing that it is possible for disabled persons in wheelchairs—
 - (a) to get into and out of vehicles in safety, and
 - (b) to travel in vehicles in safety and reasonable comfort,either staying in their wheelchairs or not (depending on which they prefer).
- (6) The Secretary of State may issue guidance to licensing authorities as to—

Changes to legislation: Equality Act 2010, Section 167 is up to date with all changes known to be in force on or before 23 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the accessibility requirements which they should apply for the purposes of this section;
 - (b) any other aspect of their functions under or by virtue of this section.
- (7) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (6).

Commencement Information

- I1** S. 167 partly in force; s. 167 not in force at Royal Assent see s. 216; s. 167(6) wholly in force and s. 167(1)-(5)(7) in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(12\)\(d\)\(e\)](#) (with [art. 15](#))
- I2** S. 167(1)-(5) (7) in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107](#), [art. 2\(b\)](#)

Changes to legislation:

Equality Act 2010, Section 167 is up to date with all changes known to be in force on or before 23 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 140B(1) words omitted by S.I. 2019/469 Sch. 1 para. 17(6)
- s. 209(3)(e) inserted by 2018 anaw 2 Sch. 1 para. 19(4)
- Sch. 3 para. 17(4)(d) and word omitted by S.I. 2019/305 reg. 5(7)(b)(iii)(dd)
- Sch. 17 para. 6AA and cross-heading inserted by 2018 anaw 2 Sch. 1 para. 19(5)(f)
- Sch. 17 para. 6F inserted by 2018 anaw 2 Sch. 1 para. 19(5)(h)
- Sch. 17 para. 3A(1)(a)(b) substituted for words by 2018 anaw 2 Sch. 1 para. 19(5)(d)(i)

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Item 8 (a) - Appointment of a Deputy Electoral Registration Officer

The attached report was considered by the Governance Committee on 9 November 2020, and the relevant minute extract was therefore not available prior to printing of these papers and will follow when available.

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APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER

Council - 17 November 2020

Report of: Chief Executive

Status: For Consideration

Also considered by:

- Governance - 9 November 2020

Key Decision: No

Portfolio Holder: None

Contact Officer: Nicola Fletcher, Ext. 7188

Recommendation to Governance Committee:

It is recommended to Council that the Assistant Chief Executive is appointed Deputy Electoral Registration Officer for Sevenoaks District Council.

Recommendation to Council:

The Assistant Chief Executive is appointed Deputy Electoral Registration Officer for Sevenoaks District Council.

Reason for recommendation: Legislation allows District Councils to appoint an officer of the Council as a deputy to the Electoral Registration Officer to act in the absence of the Electoral Registration Officer.

Introduction and Background

- 1 Under section 8(2) of the Representation of the People Act 1983 the District Council must appoint an Officer to the position of 'Electoral Registration Officer'. This position is responsible for maintaining the Electoral Register for the area. The Chief Executive is appointed as the Electoral Registration Officer for Sevenoaks District Council.

Agenda Item 8a

- 2 Under section 52(2) of the Representation of the People Act 1983 the Council may appoint a Deputy Electoral Registration Officer who is able to perform and exercise any of the duties and powers of the Electoral Registration Officer.
- 3 One of the roles of the Electoral Registration Officer is to hold a hearing in respect of any reviews of registration or any objections received for an application to be included on the Register of Electors. Reviews and objections can be made at anytime during the life of the Register. The objections may be in relation to an existing elector as well as new applications. For objections, the legislation provides that these hearings must be held no earlier than the third day and no later than the seventh day after the notice of objection was received. If a hearing is not held within this timescale then the Council will be in breach of the legislation.
- 4 The role of the Deputy Electoral Registration Officer is currently assigned to the Chief Officer Corporate Support (now Customer & Resources). However, following an organisational restructure the role of Deputy Electoral Registration Officer is to be assigned to the Assistant Chief Executive.

Key Implications

Financial

There are no financial implications to this appointment.

Legal Implications and Risk Assessment Statement

The appointment of the Deputy Electoral Registration Officer reflects the current organisational structure and will mitigate risks in the event that the Electoral Registration Officer is unavailable as his deputy will be able to undertake his duties.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

It is recommended that Council appoints a Deputy Electoral Registration Officer to reduce the risks of not being able to administer electoral register hearings within the statutory timescale as the Deputy Electoral Registration Officer will have the same powers.

Appendices

None

Background Papers

[Representation of the People Act 1983, Sections 8 and 52](#)

Dr Pav Ramewal
Chief Executive

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CHANGES TO COMMITTEE MEMBERSHIPS

Council - 17 November 2020

Report of: Deputy Chief Executive and Chief Officer Corporate Services

Status: For

Key Decision: No

Portfolio Holder: Cllr. Peter Fleming

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Council: That

- (a) Councillor Piper be removed from the Health Liaison Board membership and replaced with Councillor Maskell for the remainder of the municipal year 2019/21;
- (b) Councillor Maskell be appointed Chairman of the Health Liaison Board for the remainder of the municipal year 2019/21.

Introduction and Background

- 1 Members are asked to agree the changes to the membership of the Health Liaison Board, as outlined in the recommendations above. If agreed this will form part of Appendix H of the Council's Constitution.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement

None directly arising from this report.

Agenda Item 8b

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

None

Background Papers

None

Jim Carrington-West

Deputy Chief Executive and Chief Officer - Corporate Services

DRAFT CALENDAR OF MEETINGS FOR THE MUNICIPAL YEAR 2021/22

Council - 17 November 2020

Report of: Deputy Chief Executive and Chief Officer Corporate Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. Peter Fleming

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Council:

That the Calendar of Meetings for 2021/22 be approved subject to formal adoption at the Annual Meeting of the Council on 11 May 2021.

Introduction

- 1 The draft calendar of meetings for the municipal year 2021/22 is attached for consideration. All Members and Senior Officers have been consulted on the draft dates.
- 2 Best endeavours have been made to avoid evening meetings on Mondays and Wednesdays. If additional meetings are required it may be necessary to look at these days. All additional meeting dates are set up in consultation with the relevant Chairman.
- 3 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for the oncoming year. However, it is considered prudent to put it before this meeting of the Council to allow more time for forward planning by Officers and Members and booking of meeting rooms etc.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

The Council is under a legal duty to hold an Annual Meeting during a particular period and to set a Council Tax by a specific date. The calendar proposed here meets those requirements.

Agenda Item 8c

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

Members are requested to consider the attached draft Calendar of Meetings and recommend it to the meeting of Annual Council for formal adoption.

Appendices

Draft Calendar of meetings for the municipal year 2021/22

Background Papers

None

Jim Carrington-West

Deputy Chief Executive and Chief Officer - Corporate Services

SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2021/22

As at 2 September 2020

	APRIL 2021		MAY 2021				JUNE 2021					JULY 2021			
MONDAY	19	26	3 PUBLIC HOLIDAY	10	17	24	31 PUBLIC HOLIDAY	7	14	21	28	5	12	19	26
TUESDAY	20 Council	27	4	11 Annual Council SP. Cabinet SP. Licensing SP. Audit	18	25 Finance & Investment Advisory Cttee	1	8 Housing & Health Advisory Committee	15 People & Places Advisory Cttee	22 Governance Committee	29 Cleaner & Greener Advisory Cttee	6 Development & Conservation Advisory Cttee	13 Scrutiny Committee	20 Council	27
WEDNESDAY	21	28	5	12	19	26 Health Liaison Board (12pm)	2	9 Sevenoaks District Joint Transportation Board	16	23	30	7	14	21	28
THURSDAY	22 Cabinet	29 DCC	6 KCC & T&PCs Elections	13	20 DCC	27 Cabinet	3	10 DCC	17 Licensing Committee	24 Improvement & Innovation Advisory Committee	1 DCC	8 Cabinet	15 Audit Committee	22 DCC	29
FRIDAY	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30

	AUGUST 2021			SEPTEMBER 2021					OCTOBER 2021				NOVEMBER 2021		
MONDAY	2	9	16	23	30 PUBLIC HOLIDAY	6	13	20	27	4	11	18	25	1	8 Governance Committee
TUESDAY	3	10	17	24	31	7 Finance & Investment Advisory Cttee	14 Sevenoaks District Joint Transportation Board	21 Licensing Committee	28 Housing & Health Advisory Committee	5 People & Places Advisory Cttee	12 Cleaner & Greener Advisory Cttee	19 Development & Conservation Advisory Cttee	26	2 Audit Committee	9 Scrutiny Committee
WEDNESDAY	4	11	18	25	1	8 Health Liaison Board (12pm)	15	22	29	6	13	20	27	3 Health Liaison Board (12pm)	10
THURSDAY	5	12	19 DCC	26	2	9 DCC	16 Cabinet	23	30 DCC	7 Improvement & Innovation Advisory Committee	14 Cabinet	21 DCC	28	4 Finance & Investment Advisory Cttee	11 Cabinet
FRIDAY	6	13	20	27	3	10	17	24	1	8	15	22	29	5	12

Key (Most meetings start at 7pm UNLESS indicated otherwise and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- Council
- Development Control Committee
- Licensing Committee
- Audit Committee
- Scrutiny Committee
- Governance Committee
- Standards Committee
- Cabinet
- Finance & Investment Advisory Committee
- Improvement & Innovation Advisory Committee
- Housing & Health Advisory Committee
- People & Places Advisory Committee
- Cleaner & Greener Advisory Committee
- Development & Conservation Advisory Committee
- Joint Transportation board
- Health Liaison Board - 12pm

SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2021/22

As at 2 September 2020

	NOVEMBER 2021		DECEMBER 2021					JANUARY 2022				FEBRUARY 2022				
MONDAY	15	22	29	6	13	20	27	PUBLIC HOLIDAY	3	PUBLIC HOLIDAY	10	17	24	31	7	14
TUESDAY	16	23	30	7	14	21	28	PUBLIC HOLIDAY	4	Licensing Committee	11	18	25	1	8	15
	Council	Housing & Health Advisory Committee	People & Places Advisory Cttee	Sevenoaks District Joint Transportation Board						Finance & Investment Advisory Cttee	Cleaner & Greener Advisory Cttee	Audit Committee	Standards Committee	Housing & Health Advisory Cttee		
WEDNESDAY	17	24	1	8	15	22	29		5	12	19	26	2	9	16	
												Health Liaison Board (12pm)				
THURSDAY	18	25	2	9	16	23	30		6	13	20	27	3	10	17	
	DCC	Improvement & Innovation Advisory Committee	Development & Conservation Advisory Cttee	Cabinet	DCC				DCC	Cabinet	Scrutiny Committee	DCC	Governance Committee	Cabinet	DCC	
FRIDAY	19	26	3	10	17	24	31		7	14	21	28	4	11	18	
	MARCH 2022					APRIL 2022					MAY 2022					
MONDAY	21	28	7	14	21	28	4	11	18	PUBLIC HOLIDAY	25	2	PUBLIC HOLIDAY	9	16	23
TUESDAY	22	1	8	15	22	29	5	12	19	Council	26	3		10	17	24
	Council (Budget)	(Reserve) Council People & Places Advisory Cttee	Sevenoaks District Joint Transportation Board	Cleaner & Greener Advisory Cttee	Scrutiny Committee	Audit Committee								Annual Council Sp. Cabinet Sp. Licensing Sp Audit		
WEDNESDAY	23	2	9	16	23	30	6	13	20	27	4	11	18	25		
					Licensing Committee											
THURSDAY	24	3	10	17	24	31	7	14	21	28	5	12	19	26		
	Improvement & Innovation Advisory Committee	Development & Conservation Advisory Cttee	DCC	Cabinet	Finance & Investment Advisory Cttee	DCC			Cabinet	DCC				DCC		
FRIDAY	25	4	11	18	25	1	8	15	22	29	6	13	20	27		
								Good Friday								

Agenda Item 8c

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Key (Most meetings start at 7pm and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- | | | |
|-------------------------------|---|---|
| Council | Cabinet | Development & Conservation Advisory Committee |
| Development Control Committee | Finance & Investment Advisory Committee | Joint Transportation board |
| Licensing Committee | Improvement & Innovation Advisory Committee | Health Liaison Board - 12pm |
| Audit Committee | Housing & Health Advisory Committee | |
| Scrutiny Committee | People & Places Advisory Committee | |
| Governance Committee | Cleaner & Greener Advisory Committee | |
| Standards Committee | | |

Cllr Fleming - Leader's Report

Date: 6 July 2020 - 30 October 2020

July	Event
6 July	<ul style="list-style-type: none"> DCN Executive meeting via Zoom Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> DCN Coronavirus Conference call via Zoom
7 July	<ul style="list-style-type: none"> Sevenoaks District Business Board via Zoom Meeting with Detlev Munster, new Strategic Head of Property & Commercial - SDC
8 July	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC Chair of LGA Spotlight on Sector Led Improvement webinar via Zoom MJ interview re LGA Sector Led Improvement via Zoom
9 July	<ul style="list-style-type: none"> Presentation at Institute for Continuous Improvement in Public Services - Annual Broadcast Conference - via Zoom Kent Council Leaders' meeting via Zoom Kent & Medway Economic Partnership meeting via Zoom Cabinet via Zoom
10 July	<ul style="list-style-type: none"> West Kent Partnership via Teams Cabinet/SMT Coronavirus Update Teleconference - SDC
14 July	<ul style="list-style-type: none"> LGA Improvement & Innovation Board briefing via Zoom Chair LGA Improvement & Innovation Board via Zoom
15 July	<ul style="list-style-type: none"> Kent & Medway Business Fund Investment Advisory Board via Teams
16 July	<ul style="list-style-type: none"> DCN Executive meeting via Zoom LGA Councillors' Forum via Zoom LGA Executive Advisory via Zoom
17 July	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC District Council Group Leaders meeting via Zoom
20 July	<ul style="list-style-type: none"> Meeting re White Oak Leisure Centre via Zoom
21 July	<ul style="list-style-type: none"> Council via Zoom
22 July	<ul style="list-style-type: none"> DCN Coronavirus Conference call via Zoom
24 July	<ul style="list-style-type: none"> Active Travel meeting with KCC via Teams Cabinet/SMT Coronavirus Update Teleconference - SDC Meeting via Zoom with TMBC Leader and Chief Executive and SDC Chief Executive
27 July	<ul style="list-style-type: none"> LGA National Graduate Development Programme Focus Group online
28 July	<ul style="list-style-type: none"> Kent & Medway Business Fund Investment Advisory Board via Microsoft Teams MHCLG Coronavirus Ministerial Webinar via Microsoft Teams Strategic Programme Board via Microsoft Teams
30 July	<ul style="list-style-type: none"> LGA Sky New Radio Interview online

Agenda Item 11

	<ul style="list-style-type: none"> Budget 2021/22 Meeting via Zoom
31 July	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC KMTV Interview re Article 4 notices - SDC
	<ul style="list-style-type: none"> Catch-up with Roger Gough/Eric Hotson KCC via Microsoft Teams
August	
5 August	<ul style="list-style-type: none"> Telephone meeting with Laura Trott MP
6 August	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC Kent Council Leaders' Meeting via Microsoft Teams Special Cabinet via Zoom
7 August	<ul style="list-style-type: none"> Chair of LGA webinar - Making democracy digital District insight report meeting re Recovery via Zoom LGA Sky News Radio Interview online
10 August	<ul style="list-style-type: none"> Kent & Medway Economic Partnership Webinar Renewal & Resilience Plan Budget Meeting via Zoom MHCLG Roundtable Meeting online
11 August	<ul style="list-style-type: none"> Sevenoaks District Business Board via Zoom
12 August	<ul style="list-style-type: none"> Lunch with Jon Alexander, New Citizenship
13 August	<ul style="list-style-type: none"> DCN Executive meeting via Zoom Finance Briefing for Kent Council Leaders via Teams Local Authority Digital Working Group via Teams
14 August	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC
19 August	<ul style="list-style-type: none"> Commercialisation call with Rushmoor Council Using Zoom to support Local Democracy LGA Further Business Rates & Fair Funding Task & Finish Group via Zoom
20 August	<ul style="list-style-type: none"> Budget Meeting via Zoom DCN Sky News Radio interview DCN 5Live Pre record
21 August	<ul style="list-style-type: none"> DCN Talk Radio live Cabinet/SMT Coronavirus Update Teleconference - SDC LBC call KMTV call LGA BBC Radio Kent call
24 August	<ul style="list-style-type: none"> Call with LGA re Design in the Public Sector programme for Embassy of Israel DCN all-member teleconference
25 August	<ul style="list-style-type: none"> Strategic Programme Board via Zoom
27 August	<ul style="list-style-type: none"> DCN Executive call Meeting via Zoom with Cllr Hogarth re Public Realm Recording of Fly the Flag for Merchant Navy Day
	<ul style="list-style-type: none"> MHCLG Group Leaders' Roundtable - Reform the Planning System - via Zoom
28 August	<ul style="list-style-type: none"> Cabinet/SMT Coronavirus Update Teleconference - SDC

September	
1 September	<ul style="list-style-type: none"> • DCN Executive call
2 September	<ul style="list-style-type: none"> • Halstead Parish Council meeting via Zoom
	<ul style="list-style-type: none"> • Site visit to White Oak, Swanley
	<ul style="list-style-type: none"> • Kent Council Leaders' Meeting via Zoom
4 September	<ul style="list-style-type: none"> • Telecon with Laura Trott MP
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
8 September	<ul style="list-style-type: none"> • Sevenoaks District Business Board via Zoom
9 September	<ul style="list-style-type: none"> • Capital Schemes work prioritisation with officers via Zoom
	<ul style="list-style-type: none"> • MHCLG Webinar
	<ul style="list-style-type: none"> • IDeA Board via Zoom
10 September	<ul style="list-style-type: none"> • LGA Councillors' Briefing Day via Zoom
	<ul style="list-style-type: none"> • LGA Executive Advisory Board via Zoom
11 September	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • SDC Improvement & Innovation Portfolio Holder meeting via Zoom
14 September	<ul style="list-style-type: none"> • LGA Redmond Review Catch-up via Zoom
	<ul style="list-style-type: none"> • Group Leaders call with Robert Jenrick MP re Planning reforms via Zoom
	<ul style="list-style-type: none"> • Zoom Meeting with QMRE re Plastic Recycling System
15 September	<ul style="list-style-type: none"> • LGA Resources Board via Zoom
16 September	<ul style="list-style-type: none"> • Call with Laura Trott MP
	<ul style="list-style-type: none"> • DCN Members' Board via Zoom
	<ul style="list-style-type: none"> • Call with Robert Jenrick MP
	<ul style="list-style-type: none"> • Net Zero Catch-up with officers, SDC
17 September	<ul style="list-style-type: none"> • Business Board review meeting via Zoom
	<ul style="list-style-type: none"> • DCN Assembly online
	<ul style="list-style-type: none"> • Quercus 7 Trading Board via Zoom
	<ul style="list-style-type: none"> • Quercus Housing Guarantor Board via Zoom
	<ul style="list-style-type: none"> • Cabinet via Zoom
18 September	<ul style="list-style-type: none"> • Rural Landowners' Meeting via Zoom
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
21 September	<ul style="list-style-type: none"> • Pre-record presentation for ICT Summit
	<ul style="list-style-type: none"> • Meeting with officers re changes to the current planning system - SDC
23 September	<ul style="list-style-type: none"> • LGA Zoom - Future of High Streets with William Grimsey
	<ul style="list-style-type: none"> • LGA innovation/design Zoom call with Embassy of Israel
	<ul style="list-style-type: none"> • Kent & Medway Economic Partnership meeting via Zoom
25 September	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Homelessness Commission roundtable discussion via Teams
28 September	<ul style="list-style-type: none"> • DCN all-member teleconference
	<ul style="list-style-type: none"> • Pre meet call ahead of Reopening High Streets campaign
29 September	<ul style="list-style-type: none"> • LGA Finance & Business Rates Task & Finish Group via Zoom
	<ul style="list-style-type: none"> • Strategic Programme Board via Zoom
30 September	<ul style="list-style-type: none"> • Ministerial Webinar
	<ul style="list-style-type: none"> • LGA Improvement & Innovation Lead Members Zoom meeting

Agenda Item 11

October	
1 October	<ul style="list-style-type: none"> • RAO Global Event - Panel speaker
	<ul style="list-style-type: none"> • DCN Executive call
	<ul style="list-style-type: none"> • Meeting re former Tesco's site via Teams
2 October	<ul style="list-style-type: none"> • Members of Knole Academy AGM via Zoom
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Photo with new refuse vehicles at Dunbrik
5 October	<ul style="list-style-type: none"> • SDC/WKHA Annual Liaison Meeting via Zoom
	<ul style="list-style-type: none"> • SDC/Transforming Healthcare Zoom call
	<ul style="list-style-type: none"> • Swanley Town Council Annual Liaison Meeting via Zoom
6 October	<ul style="list-style-type: none"> • Sevenoaks District Business Board via Zoom
	<ul style="list-style-type: none"> • Reopening High Streets Campaign with Swanley Town Council via Zoom
7 October	<ul style="list-style-type: none"> • Reopening High Streets Campaign with Sevenoaks Town Council via Zoom
8 October	<ul style="list-style-type: none"> • Edenbridge Town Council Annual Liaison Meeting via Zoom
	<ul style="list-style-type: none"> • Reopening High Streets Campaign with Westerham Town Council via Zoom
	<ul style="list-style-type: none"> • Telephone interview with journalism student re the environment and Sevenoaks
	<ul style="list-style-type: none"> • Kent Council Leaders meeting via Zoom
	<ul style="list-style-type: none"> • Improvement & Innovation Advisory Committee via Zoom
9 October	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • West Kent Partnership via Teams
12 October	<ul style="list-style-type: none"> • Kent & Medway Business Fund Investment Advisory Board via Zoom
	<ul style="list-style-type: none"> • Chairing LGA Sector Led Improvement Webinar
13 October	<ul style="list-style-type: none"> • Chairing LGA webinar - What does the future of commercial activity look like post COVID-19?
	<ul style="list-style-type: none"> • Reopening High Streets Campaign zoom call with Edenbridge Town Council
14 October	<ul style="list-style-type: none"> • DCN Autumn Assembly & AGM via Zoom
15 October	<ul style="list-style-type: none"> • DCN Executive briefing via Zoom
	<ul style="list-style-type: none"> • DCN Executive via Zoom
	<ul style="list-style-type: none"> • Chair LGA Improvement & Innovation Board via Zoom
	<ul style="list-style-type: none"> • Speaker at UK Cloud Virtual Summit re Local Government Transformation
	<ul style="list-style-type: none"> • Cabinet via Zoom
16 October	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update via Zoom
	<ul style="list-style-type: none"> • Meeting with KCC re Kent Commissioning Plan via Teams
19 October	<ul style="list-style-type: none"> • Presentation at Corporate Induction session - SDC
20 October	<ul style="list-style-type: none"> • Strategic Programme Board via Zoom
21 October	<ul style="list-style-type: none"> • LGA Member Development Session via Zoom
22 October	<ul style="list-style-type: none"> • LGA Executive Advisory Board via Zoom
23 October	<ul style="list-style-type: none"> • Kent & Medway Business Fund Investment Advisory Board via Zoom
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update via Zoom

	<ul style="list-style-type: none"> • South East England Councils' AGM via Teams
27 October	<ul style="list-style-type: none"> • Meeting with KCC Leader, Director of Public Health, TWBC Leader re Covid via Teams
	<ul style="list-style-type: none"> • High Streets Campaign Follow-up Meeting via Zoom
	<ul style="list-style-type: none"> • Special Cabinet via Zoom
28 October	<ul style="list-style-type: none"> • Kent & Medway Business Fund Investment Advisory Board via Zoom
	<ul style="list-style-type: none"> • LGA Member Development Session via Zoom
29 October	<ul style="list-style-type: none"> • DCN Executive Meeting via Zoom
	<ul style="list-style-type: none"> • SDC Corporate Induction - SDC
30 October	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update via Zoom

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QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS

Council - 17 November 2020

Report of: Chief Executive

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. Peter Fleming

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation: That the report be noted.

Reason for recommendation: To comply with the Council's governance arrangements.

Background

- 1 This report satisfies the requirement of quarterly reporting on Special Urgency Decisions as set out in Appendix A - Access to Information Procedure Rules, paragraph 18.3

'In any event the Leader will submit a quarterly report to the Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) or annually where there have been none. The report will include particulars of each decision made and a summary of the matters in respect of when each decision was made.'

- 2 It also satisfies the requirement as set out in Appendix C - Scrutiny Committee Procedure Rules paragraph 18.17, that decisions 'taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

Introduction

- 3 One urgency decision has been taken, which have been reported to Cabinet, and are in the attached Appendices:

Agenda Item 12

- Officer Decision 06 (2019/20) - Sencio Community Leisure - request for grant funding
- Officer Decision 07 (2019/20) - Test and Trace isolation payments schemes

4 The decisions set out their reasons for urgency.

Key Implications

Financial

The financial implications of these decisions are included in a separate report which complies with the reporting procedures set out in Appendix D (Financial Procedure Rules) 2(d) paragraphs 2.32 and 2.33 of the Council's Constitution.

Legal Implications and Risk Assessment Statement

All relevant legislation and constitutional requirements were adhered to. Each decision sets out its reason for urgency.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The decision to use the urgency provisions as set out in the report were taken in view of the pressing need for an immediate response to the crisis.

Members are asked to note this report.

Appendices

Appendix A: Officer Decision 06 (2019/20)

Appendix B: Officer Decision 07 (2019/20)

Background Papers

Council's Constitution

Dr. Pav Ramewal

Chief Executive

AUDIT COMMITTEE REPORT TO COUNCIL - 17 NOVEMBER 2020

Report of: Cllr McGarvey, Chairman of the Audit Committee

Status: For Consideration

Introduction and Background

- 1 This is my report to the Council on the work of the Audit Committee since July 2020.
- 2 The Audit Committee is responsible for discharging the functions conferred by the Accounts and Audit Regulations 2015. The key responsibilities include approving the Council’s Annual Statement of Accounts, approving the Annual Governance Statement, approving the Annual Internal Audit Plan and monitoring and reviewing the work of Internal Audit, and reviewing the arrangements for the management of business risks.
- 3 In line with its Terms of Reference, the Audit Committee meets four times per year and has met twice (via Zoom) since the last report to Council. As Chair of the Committee, I have additionally held almost monthly briefings with Officers.
Details of the range of issues considered by the Committee since the last report are set out below:

Internal Audit

Month	Issues considered:
July 2020	<ul style="list-style-type: none"> • External Quality Assessment • Internal Audit Annual Opinion 2019/20 • Internal Audit Plan 2020/21 • Internal Audit Charter 2020
November 2020	<ul style="list-style-type: none"> • Internal Audit Update Report

Governance, Risk & Anti-Fraud

Month	Issues considered:
July 2020	<ul style="list-style-type: none"> • Annual Governance Statement 2019/20 • Counter Fraud and Compliance Report 2019/20 • Audit Committee Terms of Reference

Agenda Item 13

- Review of the Effectiveness of the Audit Committee 2019/20

November 2020

- Counter Fraud Policies
- Strategic Risk Register
- Members' Allowance Scheme Monitoring 2019/20

Accounts and External Audit

Month

Issues considered:

July 2020

- Statement of Accounts 2019/20 - Establishment of Member Working Group
- External Audit - Annual Audit Plan 2019/20

November 2020

- Statement of Accounts 2019/20

- 4 The Audit Committee maintains a constructive dialogue and effective working relationship with the Council's external auditors, Grant Thornton. The audit partner and/or audit manager from Grant Thornton attend the majority of the Audit Committee meetings during the year.
- 5 Training of Audit Committee Members is important to ensure that they can add value to the discussions at the Committee. A questionnaire has recently been sent to Audit Committee Members which will lead to a training programme to build on the training provided last year.
- 6 In addition to the core work of the Committee, a Member Working Group took place in August 2020 to review the draft Statement of Accounts. Its findings were reported back to the full Audit Committee at its meeting in November.
- 7 Fran Chivers commenced as the Audit Manager in May 2020. The recently restructured Internal Audit Service is now fully staffed and I expect Fran and the team will push on to deliver a service that continues to provide the Audit Committee with the assurances required to enable the Committee to operate effectively.
- 8 It is my opinion that the work of the Committee has had a positive impact on the overall control environment within the Council. The Committee has developed good working relationships with officers and External Audit, and has offered constructive comments on a range of issues. The Committee continues to develop and improve its understanding of the many technical issues presented to it.
- 9 I should like to thank all members of the Audit Committee for their personal contribution to the work of the Committee over the past year. I should also

like to thank Officers, in particular Adrian Rowbotham and Fran Chivers for the help and support they have given the Committee.

Cllr Philip McGarvey
Chairman of Audit Committee

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SUPPORTING THE LOCAL ECONOMY - POST LOCKDOWN PARKING SCHEME

Council - 17 November 2020

Report of: Deputy Chief Executive and Chief Officer Finance & Trading

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Charlotte Sinclair, Ext. 7165

Recommendation to Council: Recommendation to follow in a detailed report.

Introduction and Background

- 1 Following the unexpected announcement of a second national lockdown, and in the light of the special circumstances surrounding the impact on residents of Covid-19, a decision will need to be made in respect of financing a parking scheme to support the local economy post lockdown.
- 2 Further information will follow in a detailed report.

Key Implications

Financial

Financial information is to follow in a detailed report.

Legal Implications and Risk Assessment Statement.

Legal implications is to follow in a detailed report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

To follow in detailed report.

Agenda Item 14

Appendices

None

Background Papers

None

Adrian Rowbotham

Deputy Chief Executive and Chief Officer - Finance & Trading