

When telephoning, please ask for: Helen Tambini
Direct dial 0115 914 8320
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 26 February 2020

To all Members of the Council

Dear Councillor

A Meeting of the Council will be held on Thursday, 5 March 2020 at 7.00 pm in the Council Chamber, Ruscliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



Sanjit Sull
Monitoring Officer

AGENDA

Opening Prayer

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the meeting 5 December 2019 (Pages 1 - 8)

To receive as a correct record the minutes of the Meeting of the Council held on Thursday 5 December 2019.

4. Mayor's Announcements
5. Leader's Announcements
6. Chief Executive's Announcements
7. Citizens' Questions

To answer questions submitted by Citizens on the Council or its services.



Rushcliffe
Borough Council

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



8. Appointment of the Chief Executive (Pages 9 - 18)

The report of the Executive Manager – Finance and Corporate Services is attached.

8a. Leave of Absence for Councillor Murray (Pages 19 - 22)

The report of the Monitoring Officer is attached.

9. Financial Strategy and Budget 2020/21 (Pages 23 - 152)

The report of the Executive Manager - Finance and Corporate Services is attached.

10. Council Tax 2020/21 (Pages 153 - 160)

The report of the Executive Manager – Finance and Corporate Services is attached.

11. East Midlands Development Corporation (Pages 161 - 172)

The report of the Chief Executive is attached.

12. Colston Bassett Neighbourhood Plan (Pages 173 - 178)

The report of the Executive Manager – Communities is attached.

13. Street Trading Policy (Pages 179 - 224)

The report of the Executive Manager – Neighbourhoods is attached.

14. Private Hire and Hackney Carriage Policy (Pages 225 - 328)

The report of the Executive Manager – Neighbourhoods is attached.

15. Notices of Motion

To receive Notices of Motion submitted under Standing Order No.12

a) Following the resounding election result in December 2019 and our welcome departure from the EU in January 2020, this Council calls on the new Government to:

- Increase infrastructure investment across the East Midlands and in our Towns and Villages;
- Implement new, higher, national environmental standards for house building;
- Increase funding to Local Authorities, Police, Health and Schools;
- Redesign the business rates system to one that supports the local economy and is also fit for purpose to support Local Government in the future; and
- Create a healthy and prosperous environment for

businesses in the Borough to grow and take full advantage of new freedoms outside EU bureaucracy and regulation.

Councillor S Robinson

b) This Council resolves:

- to actively promote a public awareness campaign about the impact of fireworks on vulnerable people and animal welfare – including the precautions that can be taken to mitigate risks;
- to encourage all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their vulnerable people and animals;
- similarly, to encourage residents to advise their neighbours in advance of private displays;
- to promote awareness of alternatives for both public and private displays including laser/light shows and quieter fireworks; and
- to actively consider such alternatives when planning Rushcliffe's own displays and celebrations.

Councillor C Thomas

c) Having regard to the extent of approved building in Rushcliffe and evidence of non compliance by developers, the Council will review its planning enforcement policy with a view to increasing efforts to enforce compliance with approved plans, conditions and Council Planning Documents in conjunction with the Growth Scrutiny Group and report any recommendations back to Cabinet.

Councillor R Jones

d) We call on this Council to actively support alternative forms of transport into Nottingham, in particular cycling, and ask that a detailed piece of work is undertaken by Scrutiny and reported back to Cabinet, on improvements that could be made to the cycling network in Rushcliffe and how these could be achieved.

Councillor J Walker

16. Questions from Councillors

To answer questions submitted by Councillors under Standing Order No. 11(2)

Membership

Chairman: Councillor Mrs C Jeffreys

Vice-Chairman: Councillor S Mallender

Councillors: R Adair, S Bailey, B Bansal, K Beardsall, N Begum, A Brennan, B Buschman, R Butler, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Inglis, R Jones, A Major, R Mallender, D Mason, G Moore, J Murray, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler, J Wheeler and G Williams

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



MINUTES OF THE MEETING OF THE COUNCIL

THURSDAY, 5 DECEMBER 2019

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors Mrs C Jeffreys (Chairman), S Mallender (Vice-Chairman), R Adair, B Bansal, N Begum, A Brennan, B Buschman, N Clarke, T Combellack, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, R Hetherington, L Howitt, R Jones, A Major, R Mallender, D Mason, G Moore, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler, J Wheeler and G Williams

OFFICERS IN ATTENDANCE:

L Ashmore	Executive Manager - Transformation
D Banks	Executive Manager - Neighbourhoods
C Caven-Atack	Service Manager - Finance and Corporate Services
P Linfield	Executive Manager - Finance and Corporate Services
K Marriott	Chief Executive
D Mitchell	Executive Manager - Communities
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

APOLOGIES:

Councillors S Bailey, K Beardsall, R Butler, R Inglis and J Murray

37 Declarations of Interest

There were no declarations of interest.

38 Minutes of Meetings of the Council held on Thursday, 19 September and Tuesday, 8 October 2019

The minutes of the meeting held on Thursday, 19 September 2019 and Thursday, 8 October 2019 were approved as a correct record and signed by the Mayor.

39 Mayor's Announcements

The Mayor wished all Councillors and members of the public in attendance a very Merry Christmas and invited Councillors to join her in the Parlour after the meeting for a festive bite to eat.

40 Leader's Announcements

The Leader reflected upon the recent Rushcliffe Community Awards, which saw over 170 nominations reflective of local community volunteers, businesses, sports teams and individuals, and was an excellent evening for all involved.

He also asked the Chief Executive to pass on his thanks to officers across a number of teams who responded so swiftly to the recent floods. The floods were very disruptive to a number of residents and businesses and he praised officers for their human approach during this distressing time.

Finally, the Leader commended the Council's free trees scheme, which had a fantastic response from the local community and told Councillors of his experiences when collecting his tree recently.

41 Chief Executive's Announcements

The Chief Executive informed Councillors that there would be a further presentation on the Development Corporation in January 2020 from Anthony May, the Chief Executive of the County Council and senior responsible officer for the Development Corporation.

The Chief Executive also outlined the new queueing system for the microphones on trial at the meeting.

42 Citizens' Questions

A Citizens' Question was received from Mr Steve Cook who asked his question in person:

"As the consultation survey on the future of Lutterell Hall has now been completed, can the Leader of the Council inform residents how the qualitative data (ie residents' comments) will be analysed and feed into any recommendations / decisions being made on the future of Lutterell Hall? "

Councillor Edyvean informed Mr Cook that the qualitative data from the survey would be analysed in line with best practice by officers and the results included in a report to Cabinet in the New Year.

43 Public Spaces Protection Order Review

The Deputy Leader and Portfolio Holder for Community and Sustainability, Councillor Mason presented the report of the Executive Manager for Neighbourhoods outlining the review of the Public Spaces Protection Order.

Councillor Mason advised that she remained fully supportive of the Public Spaces Protection Order (PSPO) following its introduction three years ago. A review had been undertaken to consider an extension of the current PSPO for a further three years as guided by legislation. The Orders were a flexible enforcement tool to control Anti-Social Behaviour (ASB) on reasonable grounds. A full public consultation had taken place from 20 August to 20 September 2019 and the feedback had been broadly supportive. Key partners

including the Police, the Police and Crime Commissioner, community safety partners, Nottinghamshire County Council and other key stakeholders who have been dealing with the PSPO over the last three years were also very supportive. The Council has always recognised that outdoor sleepers need support rather than an enforcement approach and the Council worked closely with partners to ensure that they receive the support they need. Each case was different and she had previous experience through working with Metropolitan Housing. The PSPO was a guiding factor in the formation of the multiagency Rough Sleepers Group to help individuals. The Communities Scrutiny Group had scrutinised the establishment of the PSPO and the review and endorsed it both times. Whilst there were differing views within the Group, the overall view was in favour of the extension.

The report was moved by Councillor Mason and seconded by Councillor Brennan.

Councillor Bansal stated that rough sleeping had doubled since 2010. Increasing numbers of homeless people were dying, with a 50% increase in the last five years. Last year 726 homeless people had died. The Labour Group's concern with the PSPOs was that 36% of local authorities use PSPOs specifically against rough sleepers, despite guidance not to. Rough sleepers should not be criminalised they should be offered more education and support and the Council should work with local groups to help them. It was a concern that the problem would develop further and the Council would not get to the root cause. Whilst the support already being given was acknowledged, it was important that where the PSPO was being used, it was not targeting the rough sleepers.

Councillor Jones confirmed that the Liberal Democrat Group would be supporting the recommendation. It was important that rough sleepers were treated according to the guidance as appropriate. He advised that the Police did not always appear to be aware of the PSPO and it would be helpful to improve communication.

Councillor Howitt arrived at 7.20pm.

Councillor Richard Mallender stated that he had expressed reservations when the issue was considered at the Communities Scrutiny Group. It was important that rough sleepers were provided with help and support and the Green Party did not believe that this was the correct legislation and would therefore not be supporting it.

Councillor Thomas confirmed that the Independent Group supported the recommendation. It was noted that measures to support the individuals concerned were far more important than punishment, together with the support that was already being given. The Group urged that performance indicators be developed to measure the support offered and its effectiveness alongside the existing indicators such as the number of warning notices issued, which only measured enforcement activity.

Councillor J Wheeler advised that some of the recently elected Councillors who had joined the Communities Scrutiny Group had been unaware of the purpose of the PSPO; given that when it was first introduced there had been inaccurate

media coverage of its intentions to fine all rough sleepers. Through the in-depth briefings from the officers, it clearly showed that the Council was not using the Order to target rough sleepers; it was used to work with agencies and partners to help people. It was essential to communicate to people that the aim of the Order was to help people.

Councillor Mason confirmed that the PSPO had been useful to all agencies, including the Police and no enforcements been served on rough sleepers. The PSPO was in place to stop ASB in public areas and it was not focused on rough sleepers. It had given the Police and Council officers “tools” to assist their work and had helped to focus attention and resources on particular areas that had known problems. The consultation had been supported by 17 people; one was neutral, with seven against. It was not a rigid policy; it was fluid and would deal with prescribed types of ASB.

It was RESOLVED that the Public Spaces Protection Order to control street drinking and outdoor sleeping be approved.

44 Upper Broughton Neighbourhood Plan

The Portfolio Holder for Housing, Councillor Upton presented the report of the Executive Manager – Communities providing information on the Upper Broughton Neighbourhood Plan.

Councillor Upton advised that the documents had been introduced by the Localism Act 2011 and were recognised by the National Planning Policy Framework, with local residents empowered to shape the future of their community. A plan had to be in general conformity with the strategic policies of the local planning authority and if the plan was made part of the Local Development Plan, then planning applications within that area would be determined in accordance with both the Rushcliffe Local Plan and the relevant Neighbourhood Plan. The Plan had been promoted by the Parish Council, publicised, consulted on, examined by an independent Examiner and considered by the Borough Council. If the Plan was approved, it would then proceed to a referendum and if more than 50% of those voting voted “yes” then the Borough Council was required to “adopt” the Plan. If the result was “no”, then the Parish Council would have to decide what it wanted to do.

Councillor Upton moved the recommendation.

In seconding the recommendation, Cllr Combellack advised that Upper Broughton Parish Council had worked extremely hard on its Neighbourhood Plan and produced a very supportive document, which had been well received by local residents. Such plans gave local residents the opportunity to have their say in the future of their local community and meet increasing demands for housing, protecting the environment and local heritage.

Councillor Gray commended all those involved in producing the Plan and confirmed that the Labour Group supported the recommendation.

Councillor Jones confirmed that the Liberal Democrat Group supported the recommendation.

Councillor Richard Mallender confirmed that the Green Party supported the recommendation.

Councillor Thomas confirmed that the Independent Group supported the recommendation and passed on its congratulations to all those involved in producing the Plan.

It was RESOLVED that Council:

- a) 'make' (adopt) the Upper Broughton Neighbourhood Plan; and
- b) delegates authority to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following referendum.

45 **Temporary Co-Option to Parish Councils**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson presented the report of the Monitoring Officer outlining the procedure to be adopted where a Parish Council was unable to function due to insufficient occupation of seats to facilitate quorate meetings.

Councillor Robinson advised that whilst the recommendation was straightforward it had significant implications, as it gave strong reassurance that the Council supported all parish councils, as they were the first line of democracy. The parish referred to in the report was Widmerpool, where Councillor Edyvean stepped in to ensure that the Parish Council could operate. The report recommended the adoption of this procedure across the Borough to ensure that all parishes fulfilled their statutory duties. The Council recognised the excellent work all the parishes did.

The report was moved by Councillor Robinson and seconded by Councillor Edyvean.

Councillor Gray confirmed that the Labour Group supported the recommendation and he stated that he supported the comments made by Councillor Robinson.

Councillor Jones confirmed that the Liberal Democrat Group supported the recommendation. He asked what process was followed to inform local residents that a parish council was not quorate.

Councillor Mallender confirmed that the Green Party supported the proposal.

Cllr Way confirmed that the Independent Group supported the proposal and noted the action taken for Widmerpool. The Group requested that all parish councillors be specifically informed of the adopted procedure and any other parish councils at risk of becoming inquorate be identified as soon as possible. The Group also requested that measures be put in place to encourage residents to stand as parish councillors.

Councillor Brennan suggested that the Parish Forum would be a suitable

platform to look at publicity to encourage residents to become parish councillors and proactively promote the important role of parish councils.

Councillor Edyvean confirmed that when a vacancy on a parish council occurred, the parish clerk would advertise it on the parish notice board and website and the Parish Council encouraged local residents to join. If no one came forward, then people would be co-opted.

It was RESOLVED that Council:

- a) notes the action taken by the Monitoring Officer in respect of Widmerpool Parish Council; and
- b) adopts the process for temporary co-option to Parish Councils.

46 **Notices of Motion**

There were no notices of motion.

47 **Questions from Councillors**

a) Question from Councillor Shaw to Councillor Upton

“What is being done to progress the Gamston/Tollerton strategic site in the required timescale, in particular to provide access, given the location of the land Nottinghamshire County Council owns but is not releasing?”

Councillor Upton confirmed that the site had been proposed by all its landowners and work continued with many stakeholders, including Highways England to progress this large housing site to planning application stage as soon as was reasonably practicable. Often with such large sites, there were many challenges and issues to resolve and that took time. However, the Council had employed a dedicated Large Sites Officer who was responsible for progressing this site as a matter of urgency, and it remained optimistic that significant progress would soon be made.

Supplementary Question

Councillor Shaw asked what land would be released to ensure a five-year land supply was maintained if the land owned by the County Council was not released.

Cllr Upton said that he remained hopeful that the whole site could be progressed at the same time. He also reminded Councillors that since the adoption of Local Plan Part 2, the Council had secured a five-year land supply.

b) Question from Councillor Way to Councillor Robinson

“What will be the impact of Nottinghamshire County Council’s decision to stop participating in the Rushcliffe Growth Boards?”

Councillor Robinson stated that Growth Boards make a positive contribution

across the Borough and that he was confident that they would continue to make tangible differences within our local communities going forward. He informed Councillors that there continued to be a very good relationship with the County Council.

Supplementary Question

Councillor Way asked if there was anything Councillors sitting on both the Borough and County Council could do to repair what appeared to be a broken relationship between the two councils.

Councillor Robinson stated that he did not agree the relationship between the two councils was broken and in need of repair.

c) Question from Councillor Jones to Councillor Mason

“Will the implications sections of reports to Councillors have the additional heading of “Climate Emergency and Environmental Implications” and when will this occur?”

Councillor Mason responded that following the adoption of ‘the environment’ as a fourth corporate priority, this additional heading would be included for consideration along with the other Council priorities on reports from December onwards.

d) Question from Councillor R Mallender to Councillor Mason

“Given the considerable work involved, what human and other resources will be put in place to update the council's Climate Change policy by March 2020?”

Councillor Mason informed Councillors that the Council had formed an internal corporate working group to explore the feasibility of the Council setting a net zero carbon target for 2030. The group are due to share a draft action plan with the Communities Scrutiny Group ahead of a report to Cabinet in March 2020. Furthermore, she reminded Councillors that the Council’s budget approved by Full Council, resources the delivery of the Council’s Corporate Strategy and associated objectives.

The meeting closed at 7.46 pm.

CHAIRMAN

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Council

Thursday, 5 March 2020

Appointment of the Chief Executive

Report of the Executive Manager – Finance and Corporate Services

Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson

1. Purpose of report

- 1.1. Following the retirement of the previous Chief Executive, Allen Graham, last year, Council approved interim arrangements to be put in place to ensure continuity and strong leadership for the Council over the coming 12 months.
- 1.2. In accordance with the recommendation an Interim Chief Executive was appointed to facilitate a smooth transition and maintain stability and continuity for the council. Council are asked to consider the recommendation from the interviewing committee to make the Interim Chief Executive's position permanent.

2. Recommendation

It is RECOMMENDED that Council approves the permanent appointment of Katherine Marriott to the role of Chief Executive and Head of Paid Service with immediate effect.

3. Reasons for Recommendation

- 3.1. The report to Council on 7 March 2019 stated that 'In order to facilitate a smooth transition and maintain stability and continuity, it is also proposed to appoint an interim Chief Executive and Head of Paid Service up to the 30 May 2020. During this period the formal recruitment process will be followed in accordance with the Council's Constitution'.
- 3.2. During the interim period, Katherine Marriott has demonstrated her abilities in the role, including acting as returning officer for the Council.
- 3.3. It was felt by the Leader of the Council following discussions with Katherine Marriott and Cabinet colleagues that the current interim appointment had shown Katherine Marriott to be an excellent choice and that the temporary nature of the role was hampering the ambitions and proposals for the future progression of the Council.
- 3.4. The Interviewing Committee was therefore arranged during the interim period in order to progress the formal recruitment process to make a recommendation to Council as to whether to:

- a) Appoint Katherine Marriott to the role of Chief Executive and Head of Paid Service, or
- b) Progress to an external recruitment process for the role.

4. Supporting Information

- 4.1. The Interviewing Committee met on 11 February 2020 and agreed unanimously, following a rigorous process, to recommend to Council the appointment of Katherine Marriott to the role.
- 4.2. Cabinet have agreed the recommendation and the signed proposals are attached at Appendix A.

5. Alternative options considered and reasons for rejection

The alternative option would be to go to an externally advertised recruitment process, that the interim Chief Executive could also apply for in competition with others. This would be a costly exercise over several months and could result in the current interim choosing not to apply or to consider roles outside of the Council. This could result in a loss of continuity and stability for the Council. The recommendation has been made following a rigorous selection process.

6. Risks and uncertainties

- 6.1. It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 6.2. It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, based on the information available the risks associated with this recommendation have been identified, as follows.

Action	Risks
1. Approval not given for recommendation to appoint current interim Chief Executive and to proceed to external recruitment	<p>The current interim will be disaffected and may not wish to continue in the interim role until appointment is made.</p> <p>This could cause a period of instability for the Council and there are currently a number of Chief Executive roles being advertised including some locally, which could mean that we would lose our current interim.</p>
2. External advertising and recruitment agreed	This process could take up to nine months to take into account advertising, assessment centres, interviewing and potential for a current Chief Executive to be on six months’ notice.

	<p>This would also result in a costly exercise to recruit into the role.</p> <p>External appointment could result in a more costly appointment in terms of salary if current employment is at a unitary Authority or a Council based in London.</p>
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7. Implications

7.1. Financial implications

The funding of the post will be met from existing budgets.

7.2. Legal implications

There are no direct legal implications arising from this report, however it should be noted that the Council must have in place a Head of Paid Service which is a statutory role.

7.3. Equalities implications

There are no direct equality implications arising from this report.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications arising from this report.

8. Link to Corporate Priorities

Quality of Life	The appointment of the Chief Executive is critical in the Council having the right leadership and management of the organisation to achieve all of the Council's Corporate Priorities.
Efficient Services	
Sustainable Growth	
The Environment	

9. Recommendations

It is RECOMMENDED that Council approves the permanent appointment of Katherine Marriott to the role of Chief Executive and Head of Paid Service with immediate effect.

For more information contact:	Peter Linfield Executive Manager – Finance and Corporate Services 0115 9148439 plinfield@rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	Appendix A - Signed proposal from Cabinet members

Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council

I, CLLR Simon Robinson, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).


(Please mark your selection in the box provided)

I confirm that I have no objection to the offer of appointment being made to the above-named candidate;

OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]

Signed ..



Date 26th Feb 2020 ..

Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020.

Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council

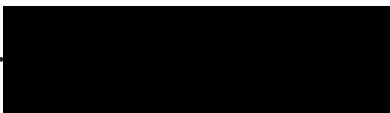
I, CLLR Debbie Mason, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).

(Please mark your selection in the box provided)

I confirm that I have no objection to the offer of appointment being made to the above-named candidate;

OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]

Signed 

Date Feb 26.....2020

Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020.

Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council



Mr ANDY EDYVEAN

I, ~~GLLR Rob Inglis~~, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).

(Please mark your selection in the box provided)


I confirm that I have no objection to the offer of appointment being made to the above-named candidate;



OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]



Signed . 

Date 25/02/2020

Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020.

Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council

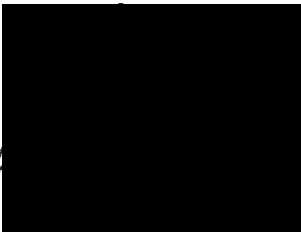
I, CLLR Rob Inglis, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).

(Please mark your selection in the box provided)

I confirm that I have no objection to the offer of appointment being made to the above-named candidate;

OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]

Signed


Date 25/02/2020

Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020.

Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council

I, CLLR Gordon Moore, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).

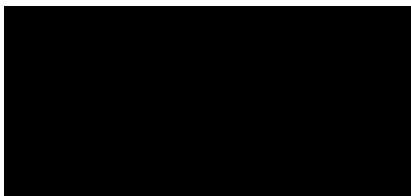
(Please mark your selection in the box provided)

I confirm that I have no objection to the offer of appointment being made to the above-named candidate;

OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]

Signed



Date

20/2/20

Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020.



Local Authorities (Standing Orders) (England) Regulations 2001

Proposed Appointment of: Katherine Marriott

As Chief Executive of the Council

I, CLLR Roger Upton, being a member of the Cabinet of Rushcliffe Borough Council, confirm that I have been notified by the Strategic Human Resources Manager (as proper officer) of the intention of the Interviewing Committee to recommend the appointment of the above-named candidate to the post of Chief Executive (and head of paid service).

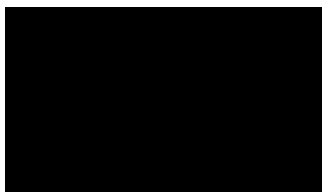
(Please mark your selection in the box provided)

I confirm that I have no objection to the offer of appointment being made to the above-named candidate;

OR

I object to an offer of appointment being made to the above-named candidate on the following grounds: [please specify if applicable]

Signed ...



Date

21/02/2020

* Note: This form should be completed and returned to the Strategic Human Resources Manager prior to the meeting of Council at 7.00pm on Thursday 05 March 2020. *

RUSHCLIFFE - GREAT PLACE - GREAT LIFESTYLE - GREAT SPORT



Rushcliffe
Borough Council

Council

Thursday, 5 March 2020

Leave of Absence for Councillor Jenny Murray

Report of the Monitoring Officer

Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson

1. Purpose of Report

- 1.1. The Local Government Act 1972 Section 85 (1) (“the Act”) requires Council to consider and authorise any absence of a Councillor from attendance at Council meetings.
- 1.2. Where a member of a Local Authority is absent for a period of 6 consecutive months from meetings of the Authority the member shall, unless the failure to attend has been approved by the Authority before the expiry of that period, cease to be a member of that Authority.
- 1.3. This report seeks Council’s approval for the absence of Councillor Jenny Murray having regard to the circumstances of her absence, from Council meetings for a six-month period in accordance with the provisions of the Act.

2. Recommendation

It is RECOMMENDED that

- a) Council resolve, having regard to the circumstances of the absence of Councillor Jenny Murray from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972 for a period of up to 6 months from 19 March – 19 September 2020.
- b) Payment of the Councillor allowance continue for the duration of the authorised absence

3. Reasons for Recommendation

The provisions of the Local Government Act 1972 prescribe the process for approval.

4. Supporting Information

- 4.1 Where a member is unable to attend any meetings of the Authority for a period of six consecutive months following the date of their last attendance, they shall automatically cease to be a member of the Authority, unless councillors resolve to approve an extended absence. Council is requested consider the reason for Councillor Murray’s non attendance and seeks approval for her absence for an extended period of 6 months.
- 4.2 Councillors will be aware that Councillor Murray has experienced a period of ill health and ongoing treatment, recovery prevents her from undertaking her full duties as a Councillor. Councillor Murray’s last attendance at a meeting of the Authority was at Council on the 19 September 2019

4.3 Without a resolution of the Council pursuant to Section 85 (1) of the Act, Councillor Murray must attend any meeting of the Council prior to March 2020. Councillor Murray is unable due to her ongoing treatment to attend a meeting within this period.

4.4 Council can only consider a reason to waive the requirements of the provisions of the Act prior to the end of the 6 month period. Councillors are not able to approve this retrospectively. Given the timetable of the meetings there are no opportunities for Councillor Murray to resume her duties prior to the end of the 6 month period, and this meeting presents Council's last opportunity to consider an exemption to the attendance requirements.

4.5 In the circumstances, it proposed that an extension of the 6 month rule under the Act be considered to allow an additional recovery period, should it be required.

5. **Alternative options considered and reasons for rejection**

Council could resolve not to approve the reasons for the absence as prescribed by the Act.

6 **Risks and uncertainties**

Where a Councillor loses their office as a result of a failure to attend a meeting for a consecutive period of 6 months, the disqualification cannot be overcome by the Councillor subsequently resuming attendance. Retrospective approval cannot be sought for an extension of time. If Council decided not to approve an extension and Councillor Murray is unable to attend a meeting within the remainder of the 6 month period, a casual vacancy would arise.

7 **Implications**

7.1 Financial Implications

There are no budget implications associated with this report.

7.2 Legal Implications

This report complies with the provisions of the Local Government Act 1972.

7.3 Equalities Implications

There are no direct equalities implications arising from this report.

7.4 Section 17 of the Crime and Disorder Act 1998 implications

There are no Section 17 implications arising from this report.

8 **Link to Corporate Priorities**

Quality of Life Efficient Services Sustainable Growth The Environment	Attendance at meetings critical to the Council's decision making process so that it may deliver the Council's Corporate Priorities
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9 Recommendations

It is RECOMMENDED that

- c) Council resolve, having regard to the circumstances of the absence of Councillor Jenny Murray from Council meetings, to waive the requirements of Section 85 (1) of the Local Government Act 1972 for a period of up to 6 months from 19 March – 19 September 2020.
- d) Payment of the Councillor allowance continue for the duration of the authorised absence

For more information contact:	Sanjit Sull Monitoring Officer 0115 9148 215 ssull@rushcliffe.gov.uk
Background papers Available for Inspection:	None.
List of appendices (if any):	None.

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Council

Thursday, 5 March 2020

2020/21 Budget and Financial Strategy

Report of the Executive Manager – Finance and Corporate Services

Portfolio Holder for Borough Wide and Strategic Leadership Councillor Simon Robinson

1. Purpose of the report

- 1.1 This report presents the detail of the 2020/21 budget, the 5 year Medium Term Financial Strategy (MTFS) from 2020/21 to 2024/25, which includes the revenue budget, the proposed capital programme, the Transformation Strategy and the Capital and Investment Strategy (with associated prudential indicators).
- 1.2 Cabinet have considered the attached budget and strategies and recommended their acceptance by Council along with the resultant decisions regarding Rushcliffe's Band D Council Tax and Special Expenses for 2020/21. The Governance Scrutiny Group has also recommended the Capital and Investment Strategy for adoption by Full Council.
- 1.3 The final financial settlement has been received from Central Government with no significant changes from the draft settlement.

2. Recommendations

It is RECOMMENDED that Council:

- a) Accepts the report of the Council's Responsible Financial Officer on the robustness of the Council's budget and the adequacy of reserves (as detailed at **Annex A**);
- b) adopts the budget setting report and associated financial strategies 2020/21 to 2024/25 (**Annex B**) including the Transformation Strategy and Efficiency Statement (**Appendix 3**) to deliver efficiencies over the five-year period.
- c) adopts the Capital Programme as set out in **Appendix 4**.
- d) adopts the Capital and Investment Strategy at **Appendix 5**.
- e) sets Rushcliffe's 2020/21 Council Tax for a Band D property at £142.74 (increase from 2019/20 of £4.95 or 3.59%).

- f) sets the Special Expenses for West Bridgford, Ruddington and Keyworth, **Appendix 1**, resulting in the following Band D Council tax levels for the Special Expense Areas:
 - i) West Bridgford £48.51 (£48.51 in 2019/20)
 - ii) Keyworth £3.76 (£1.60 in 2019/20)
 - iii) Ruddington £4.12 (£3.37 in 2019/20)
- g) With regards to 2e) and 2f) sets the associated Bands in accordance with the formula in section 36(1) of the Local Government Finance Act 1992; and
- h) Adopts the 2020/21 Pay Policy as detailed at **Annex B, Appendix 7**.

3. Reasons for Recommendation

- 3.1 To comply with the Local Government Act (1972) and ensuring the budget enables corporate objectives to be achieved. The Council is required to set a balanced budget and that it has adequate funds and reserves to address its risks.

4. Supporting Information

- 4.1 The attached report (**Annex B**) and relevant appendices detail the following:
 - a) The anticipated changes in funding over the five year period;
 - b) The financial settlement for 2020/21 and the significant budget pressures the Council must address over the Medium Term;
 - c) The budget assumptions that have been used in developing the 2020/21 budget and MTFS;
 - d) The detailed budget proposals for 2020/21 including the Transformation Strategy (and associated programme) to deliver the anticipated efficiency and savings requirement;
 - e) The recommended levels of Council Tax for Band D properties for the Council and its special expense areas of West Bridgford, Ruddington and Keyworth;
 - f) The projected position with the Council's reserves over the medium term;
 - g) Risks associated with the budget and the MTFS;
 - h) The proposed capital programme;
 - i) The proposed Capital and Investment Strategy; and
 - j) The Pay Policy Statement.

- 4.2 The salient points within the MTFS are as follows (MTFS report (**Annex B**) references are in parenthesis):
- a. It is proposed that Council Tax for 2020/21 will increase by £4.95 to £142.74 (3.59%). This still means that Rushcliffe's Council Tax remains the lowest in Nottinghamshire and amongst the lowest in the country (Section 3.4);
 - b. Special expenses increasing slightly £712k (£696k 2019/20) although taking into effect tax base changes, this results in Band D charges for West Bridgford staying the same as 2019/20 (£48.51), Keyworth increasing from £1.60 to £3.76 and Ruddington increasing from £3.37 to £4.12 (Section 3.5);
 - c. Business Rates (Section 3.3) are still subject to significant uncertainty given the Government's proposals for a review of the Business Rates system in 2021/22 (delayed from 2020/21) and risk surrounding the decommissioning of Ratcliffe-on-Soar power station in 2025 both making forecasting the likely levels of business rates difficult. The Council is anticipating £3.984m in retained business rates in 2020/21 and a reduction thereafter to reflect the anticipated changes to the Business Rates system in 2021/22;
 - d. The Council no longer receives Revenue Support grant (reduced to zero in 2019/20) and represents a reduction of £3.25m from 2013/14 (Section 3.6). Importantly the Council has mitigated the loss of income through its Transformation Strategy and is on track for self-sufficiency;
 - e. The budget includes various growth pressures (Section 4.2) including replacement refuse bins (£0.16m) now funded from revenue rather than capital, continuing the successful Positive Futures programme (£0.11m) sustainably funding this from the revenue budget rather than reserves and ensuring a contact centre remains for our most vulnerable customers in West Bridgford (£0.05m);
 - f. It is proposed not to increase car parking charges ensuring the Council continues to support the retail sector and encourage greater footfall (Section 3.8);
 - g. Green waste charges are proposed to increase by £5 for both first and subsequent bins rising to £40 and £25 respectively (Section 3.8). This is less than £1 per week for what is considered an excellent service for Rushcliffe residents. Charges have not increased for 3 years and will not increase for another 3 years and take into future inflationary pressures and the need to replace vehicles that are lower in carbon emissions;
 - h. In support of the Council's Empty Homes Strategy and to further tackle the issue of empty homes in the Borough, it is proposed to remove the allowances for uninhabitable properties and reduce the allowance given to unfurnished properties to 28 days. This complements the decision taken last year to amend the premiums on long-term empty homes (Section 3.4);

- i. Taking into account resource predictions, spending plans and savings already identified there is a Transformation Strategy requirement of £0.192m in 2020/21 and totalling £1.151m over the period of the MTFS. (Section 7);
- j. The Transformation Strategy continues to roll forward with an updated programme to ensure the savings required can be achieved (Appendix 3);
- k. A crucial component in having a balanced budget and ensuring services are delivered is the Council's commitment to commercial investments and the derived income. Such income is expected to rise to £2.13m over the period of the MTFS accounting for 24.7% of fees and charges income. This is continually managed and proportionate given the risks and opportunities associated with such investments (Appendix 5. Table 13).
- l. The Council has a number of earmarked reserves (excluding NHB reserve), their balance rising over 5 years from £5.5m to £5.9m (Section 6). Retaining sufficient reserves is essential given the volatile financial environment we currently operate in (see risks highlighted below) along with the need to effectively deliver significant projects such as the Bingham Leisure Hub and the Crematorium.
- m. Two new reserves are proposed (i) Development Corporation Reserve £0.1m (to be funded from 2019/20 in-year budget efficiencies); and (ii) Climate Change Action Reserve £1m to be transferred from the Organisational Stabilisation Reserve. Any in-year surpluses the Council may generate (as expected in 2019/20) are essential to replenish reserves given the significant opportunities and risks the Council faces and to smooth the impact of future year deficits (which are estimated to amount to £0.657m) over the next 5 years (Section 5).
- n. Key risks to the MTFS are highlighted, including the potential impact of the Fair Funding Review, New Homes Bonus and the volatility caused by the aforementioned various business rates issues (Section 8);
- o. The capital programme demonstrates the Council's commitment to deliver more efficient services, improve its leisure facilities, and to facilitate both economic development and housing growth. Spend over the 5 years is estimated at £34.347m (this could potentially be as high as £50m with slippage from the 2019/20 Capital Programme and all schemes subsequently delivered). It is planned to use all available Capital Receipts in the short term to fund the programme and mitigate the need to externally borrow. Capital resources are then projected to increase over the 5 year period as a result of the expected capital receipts in relation to the Overage Agreement in place for development at Sharphill. By 2024/25, such resources are estimated to be at £5.1m (Section 9). Accurate profiling of the Sharphill receipts is difficult and the timing of them will inform any borrowing requirements.

- 4.3 The MTFs has been developed at a time of significant financial challenge both nationally and locally. The process has been rigorous and thorough, with a Transformation Strategy (and associated programme) that takes into account both officers' and Members' views. Whilst the Council faces financial constraints both the revenue and capital budgets delicately balance the need for efficiency and economy with the desire for growth; and the aim of encouraging economic development in the borough, with the Council aiming to meet its corporate priorities.

5. Alternative options considered and reasons for rejection

- 5.1 There are other options in terms of increasing Council Tax by a lesser amount but this would put severe pressure on already stretched Council resources (see Section 11 of Annex B). For example comparing the difference from no increase to a £4.95 increase in council tax, in 2024/25 the council tax income foregone is £1.474m and over the 5 year period amounts to £3.444m.

6. Risk and uncertainties

- 6.1 Section 8 of the Annex covers key risks that may impact upon the MTFs. There is the Fair Funding review and reform of the Business Rates system in addition to a consultation on the future of NHB; all of which will have a direct impact on the income streams for the Council (the impact of which will not be known until late into 2020). Expenditure pressures include the impact climate change and carbon reduction measures. The creation of the Climate Change Action Fund should help address some of the resulting financial pressures. All of these factors make longer term forecasting subject to even more uncertainty.

7. Implications

7.1 Finance

These are detailed in the attached budget report. The Council is required to set a balanced budget for the 2020/21 financial year and the proposals present a balanced budget.

In the opinion of the S151 Officer, a positive assurance is given that the budget is balanced, robust and affordable. The Capital Programme is achievable, realistic and resourced, with funds and reserves, including the General Fund, adequate to address the risks within the budget.

7.2 Legal

To accord with the Local Government Finance Act 1992.

7.3 Equalities Implications

None.

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

None.

8 Corporate Priorities

Quality of Life	Ensuring services that residents value are maintained and enhanced.
Efficient Services	Ensuring efficient use of resources and maximising returns.
Sustainable Growth	Providing resources that facilitate growth in the borough.
The Environment	Allocating resources to invest in projects that support the Council's environmental objectives.

9. Recommendations

It is RECOMMENDED that Council:

- a) accepts the report of the Council's Responsible Financial Officer on the robustness of the Council's budget and the adequacy of reserves (as detailed at **Annex A**);
- b) adopts the budget setting report and associated financial strategies 2020/21 to 2024/25 (**Annex B**) including the Transformation Strategy and Efficiency Statement (**Appendix 3**) to deliver efficiencies over the five year period.
- c) adopts the Capital Programme as set out in **Appendix 4**.
- d) adopts the Capital and Investment Strategy at **Appendix 5**.
- e) sets Rushcliffe's 2020/21 Council Tax for a Band D property at £142.74 (increase from 2019/20 of £4.95 or 3.59%).
- f) sets the Special Expenses for West Bridgford, Ruddington and Keyworth, **Appendix 1**, resulting in the following Band D Council tax levels for the Special Expense Areas:
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 - iii) Ruddington £4.12 (£3.37 in 2019/20)
- g) With regards to 2e) and 2f) sets the associated Bands in accordance with the formula in section 36(1) of the Local Government Finance Act 1992; and
- h) Adopts the 2020/21 Pay Policy as detailed at **Annex B, Appendix 7**.

For more information contact:	Peter Linfield Executive Manager – Finance and Corporate Services 0115 914 8439 plinfield@rushcliffe.gov.uk
Background papers Available for Inspection:	Department for Communities and Local Government website, 2020/21 Financial settlement papers
List of Annexes and Appendices (if any):	<p>Annex A Commentary of the Responsible Financial Officer</p> <p>Annex B Budget Setting Report 2020/21</p> <p>Appendix 1 Special Expenses</p> <p>Appendix 2 Revenue Budget Service Summary</p> <p>Appendix 3 Transformation Strategy and Efficiency Plan 2020/21 – 2024/25</p> <p>Appendix 4 Capital Programme 2020/21 – 2024/25 (including appraisals)</p> <p>Appendix 5 Capital and Investment Strategy 2020/21 to 2024/25</p> <p>Appendix 6 Use of Earmarked Reserves 2020/21</p> <p>Appendix 7 Pay Policy Statement 2020/21</p>

Commentary of the Responsible Financial Officer

REPORT UNDER SECTION 25 OF LOCAL GOVERNMENT ACT 2003

(To be read in conjunction with the Council Budget Report and Annex B)

Purpose

The purpose of this report is to provide information on the robustness of the Council's budget and the adequacy of reserves so that Members have authoritative advice available when they take their budget and Council Tax decisions.

Background

Councils decide each year how much council tax they need to raise. The decision is based upon a budget that sets out estimates of what they plan to spend on each of their services.

The decision on the level of Council Tax is taken before the year begins and cannot be changed once set. It follows that an allowance for risks and uncertainties must be made by:-

- making prudent allowance in the budget for each of the services, and in addition;
- ensuring that there are adequate reserves to draw on if the service estimates turn out to be insufficient.

Section 25 of the Local Government Act 2003 requires that when it's considering its financial plans for the year ahead the Council's Responsible Finance Officer reports to the Authority on the robustness of the budget and the adequacy of the reserves so that Members have authoritative advice available to them when making their decisions.

Robustness of Estimates

I am content that the Council has followed a comprehensive and detailed budget process when preparing the budget for 2020/21 which complies with both statutory requirements and best practice principles.

The Council has taken effective steps to deal with the financial pressures caused by challenging economic conditions and reductions in Council funding, particularly from central government. The Council's Transformation Strategy and Efficiency Statement are designed to meet the emerging financial challenges. The Transformation programme combined with effective financial management (resulting in previous budget savings) have ensured the Council has the capacity to use reserves, only if absolutely necessary. The use of reserves in support of on-going expenditure requirements remains a key policy decision which is addressed later in this Annex.

The Authority has responded positively to the challenges that it faces in the medium term through the development, in conjunction with a series of Member budget workshops in the past few years, of a Transformation Programme (detailed at **Annex**

B, Appendix 3) that identifies the Council's approach to meeting its saving requirement, which the Council has managed to reduce. Last year we projected a budget deficit of £0.56m for 2020/21 and due to a combination of cost control, income generation and the deferral in changes to the business rates system the Council has a balanced budget. Going forward we cannot be complacent as there are significant financial challenges that lie ahead, and these are commented on below. Over the life of the strategy there is a forecast net deficit of £0.657m and a potential use of the Organisational Stabilisation reserve. Forecasts are subject to the anticipated delivery of the Transformation Strategy and Programme.

In developing such plans, the Council has recognised that future funding and service provision is uncertain and that risks, particularly financial risks (given the prudent assumptions surrounding the outcome of the current reviews of both 75% business rates retention and the Fair Funding Reviews remain); and the outcome of the overarching Spending Review now expected in 2020, is also an unknown quantity. The MTFS aims to mitigate and manage such risks going forward. Additional challenges concern likely expenditure pressures linked to addressing climate change and the Climate Change Action Plan the Council is formulating (via Scrutiny and Cabinet).

Both the MTFS and the Transformation Strategy are iterative in their nature and will evolve over time to respond to, for example, changes in funding levels, the impact of the national economic climate and developing corporate and service objectives.

Adequacy of Reserves

Reserves are held for two main purposes:

- a working balance to help cushion the impact of uneven cash flows and unexpected events or emergencies (General Fund balance); and
- to build up funds to meet known or predicted requirements (earmarked reserves).

Whilst there is no statutory guidance on reserves, the Chartered Institute of Public Finance and Accountancy recommends that each local authority should base its decisions on professional advice from its Responsible Finance Officer and its understanding of local circumstances.

Taking into account such considerations in October 2011 the Cabinet approved as part of its MTFS, the following guiding principle:

“General Fund Balance should not fall below £1.25m and overall revenue reserves should not fall below 20% of net revenue expenditure.”

This remains a prudent position which I do not recommend changing at this time. A General Fund Reserve of £2.6m and earmarked reserves of around £5.5m ensures this principle continues to be adhered to.

I have previously commented that the settlement was unprecedented in terms of the changes (both actual and proposed) to the local government 'funding envelope', and involved the 'four-year offer' which, as a Council, we accepted. The four-year settlement has ended and effectively the last 2 years we have had 1 year

settlements. Uncertainty going forward makes financial planning difficult and we mitigate risk by taking a prudent approach in our assumptions. Whilst we know we no longer receive Central Government Revenue Support Grant, there is still a lack clarity on what will happen once the New Homes Bonus (NHB) scheme finishes. Further consultation is expected later in 2020. We believe this funding is particularly important to not only reward the Council with regards to delivering housing growth but also to fund the cost of increased service provision as a result of growth. We will continue to make such representations to the Ministry for Housing, Communities and Local Government (MHCLG).

There still remains uncertainty in terms of Business Rates (and the 75% localisation of business rates) and given the volatile nature of the business rates tax base, the prospective closure of Ratcliffe-on-Soar power station (given it accounts for around one fifth of the tax base), is a risk that has to be managed. The Development Corporation is a big opportunity for economic development at this site and it is proposed a new earmarked reserve of £0.1m is created to ensure the Council supports the initial business case development and plays an active role as key decisions are taken for the benefit of the local community. Whilst the Council has forecast an increase in business rates in 2020/21 the anticipated systemic changes to the funding system means the Council has taken a prudent approach in its Business Rates income assumptions assuming a 100% reset and therefore a loss in business rates growth in 2021/22 (from £3.99m to £3.05m). The Council will look to continue to support local businesses, applying central government policy with regards to business rates relief, this remains another challenge with regards to the viability of the whole business rate system. Furthermore the Council is proposing not to increase car parking charges in 2020/21 to help ensure Rushcliffe has the environment for businesses to thrive.

Excluding NHB the Council's reserves are due to rise moderately over the five years from £5.5m to £5.9m. It is important the Council retains its level of reserves given that there are heightened risks with regards to the future funding of local government and the challenges that addressing climate change brings. To assist with the carbon reduction challenge a £1m earmarked Climate Change Action Fund Reserve is to be created (transferred from the Organisation Stabilisation Reserve).

There is also the 'Fair Funding' review of local government finance (deferred by a further year until 2020) which will determine how, with what is a smaller cake, the funding allocation is divided within the sector. The amount of Council Tax raised will, to a large extent, be dependent on the realisation of our Local Plan housing targets. The ultimate intention is to realise opportunities for growth in the Borough, in both the business and housing sectors, as the Council aims to deliver excellent value for money for the community. The Council continues to leverage in external funding such as from the Local Enterprise Partnership and will need to understand and maximise opportunities that may arise in the post BREXIT era. **Annex B, Section 8** highlights key risks with regards to the MTFS.

As detailed at **Annex B, Section 6**, the MTFS which supports this budget is predicated upon use of reserves (particularly the New Homes Bonus Reserve) to support service expenditure and to deliver investment across the Borough. The Council remains committed to 'grow the Borough'. As a result of housing growth the level of NHB received has increased from £1.6m (2019/20) to £2.3m (2020/21) although the end of the current scheme and no further funding by 2023/24 leads to a budget pressure which this Strategy addresses with the use of the remainder of the

NHB reserve to fund its Minimum Revenue Provision (MRP) commitment (**Section 3.7 of Annex B**) over the life of this MTFS.

The Council has an ambitious capital programme to deliver its corporate objectives and anticipates additional borrowing (of £10m during the lifetime of the MTFS) particularly to be utilised in relation to the Bingham leisure hub and crematorium projects. In previous budget reports I have commented upon £10m being committed to fund the Arena project. There is sufficient NHB reserve to fund the outstanding balance of £6m, from the original £10m commitment for the Arena and the additional interest and principal repayments in relation to the additional borrowing in this strategy. The NHB scheme is subject to review as part of the Fair Funding review, the Council continues to lobby government to ensure that housing growth is properly rewarded and the increase in demand for services is appropriately funded. This is important given we are expecting even more housing growth within the Borough in the next few years.

As well as ongoing funding pressures the Council's cost base has increased to ensure corporate objectives are met. For example, the increase in the replacement bins budget and funding the Positive Futures programme from the revenue budget rather than reserves,. Even so Rushcliffe has maintained a stable financial base and, as a result, even once such demands have been met overall revenue reserves (excluding retained New Homes Bonus) are planned to remain at a stable level over the period of the MTFS. Undoubtedly capital demands both those identified now as well as future requirements beyond the life of the MTFS will put pressure on such balances in the future and going forward. 'Headroom' within the revenue budget will need to be created to fund the capital programme in the long term unless other capital funding streams are identified. Such issues will be considered as the MTFS perennially evolves. As such the MTFS represents a balanced approach to meeting the financial challenges that face the Authority.

In the past I have reported on the worsening position of the Council's pensions' fund, arising from the triennial review and the budget pressure this created. This year there has been a further triennial review and whilst the employers' contribution rate has increased from 14.6% to 17.6% the historic pension deficit position has reduced (helped by prudent decisions taken 3 years ago to increase the back-funded payment element)- see **Annex B, paragraph 2.1**. This has led to a minor saving against the budget position over the next 3 years (£73k or 1.15%). Working with Nottinghamshire County Council and the pension fund actuary (Barnett Waddingham) we continue to remain vigilant regarding this risk.

The delivery of the Transformation Strategy is critical in ensuring the Council retains a stable MTFS. The Council's focus remains on 'growing the Borough' and ensuring it remains a great place to live. Examples in the Capital Programme include the further development of Gresham sport pitches, the proposed crematorium and the Bingham Leisure Hub. The Council is not planning on extending its Asset Investment fund beyond £20m and will focus on investments within the Borough. Commercial property investment still remains an important part of the Council's armoury in generating income returns and delivering employment and economic development across the Borough. The governance and management of such investments both individually and collectively (against the Council's overall investment portfolio) the Capital and Investment Strategy refers (**Annex B, Appendix 5, Table 13**). This identifies £1.5m in gross income being generated from commercial investments expected to rise to £2.1m by 2024/25. The key point is that the Council has a range of such income streams and is not overly reliant on one source of income. It

manages such risks proportionately and sensibly with investment income accounting for around 20% of fees and charges income.

The Council now considers itself to be self-sufficient, no longer in receipt of Revenue Support Grant. Several years ago the Council relied on a £300k annual commitment from the Organisation Stabilisation Reserve to support the budget, this is no longer the case. The budget is financed from Council Tax, Business Rates and rents, fees and charges. In terms of financial resilience, which CIPFA are increasingly focusing upon given the financial challenges the local government sector faces, I am not complacent regarding the Council's position. I remain confident in the ability of the Council to deliver its corporate priorities and continue to be financially self-sustainable.

Previous achievements with regards to the four-year plan and the Transformation Strategy provide reassurance that the budget requirement will be met in a sustainable manner.

In conclusion, therefore, it is my opinion that the budget proposed in this report, and the sundry strategies which support it, are properly developed and provide an appropriate approach for meeting the financial challenges and funding risks facing the Authority at this time.

Peter Linfield
Executive Manager – Finance and Corporate Services (and Section 151 Officer)
February 2020

RUSHCLIFFE BOROUGH COUNCIL

**BUDGET SETTING REPORT
AND ASSOCIATED FINANCIAL STRATEGIES
2020/21-2024/25**

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1. INTRODUCTION AND EXECUTIVE SUMMARY

1.1 Introduction

This time last year we reported on the significant uncertainty with regards to the Council's funding streams linked to both Business Rates Retention and the Fairer Funding reviews which we anticipated being resolved for this budget. The advent of the late General Election has meant that these reviews have been delayed, in essence the Council is in the same position as it was last year. Significant uncertainty prevails and we only have a one year financial settlement moving away from the previous four year settlement. Nonetheless this budget strategy does meet both national and local challenges head-on with key issues detailed below.

The Council in the last 12 months has a new Corporate Strategy and this budget over the next five years resources the Strategy to ensure it meets its corporate objectives. The budget strategy over the next five years remains committed to delivering growth and prosperity, continuing to support the most vulnerable within the Borough, promoting health and wellbeing within the community and protecting the environment.

The impact of the punitive reductions in Revenue Support Grant of around £3.25m (from 2013/14 to 2019/20) has meant the Council has had to find significant efficiencies, maximise its income streams and be increasingly innovative and commercial. The Transformation Programme over the period of this Medium Term Financial Strategy (MTFS) should deliver approximately £4.8m in efficiencies and the Council remains committed to continuing its strong track record of maximising its income and being efficient. The future challenge for the Council is ensuring it has sufficient resources to deliver its housing, economic development and environmental priorities in a volatile climate. A combination of prudent investment and financial management means the Council has a balanced budget for 2020/21 from what was a projected £0.56m deficit last year. **The Council is self-sufficient** and not reliant upon Revenue Support Grant. The Council in the medium term still has to deliver its Transformation Programme subject to managing the risks associated with significant projects in the programme.

As part of the Local Government Finance Settlement in 2018/19, the Government announced that Business Rates retention will move from 50% to 75% in 2020/21 along with the completion of the Fairer Funding review. As already mentioned this has now been deferred. There is therefore significant uncertainty for the Council's budget from 2020/21 onwards. Such uncertainty is exacerbated by Business Rates appeals risks, the major one being the Ratcliffe-on-Soar Power Station given its likely de-commissioning by 2025. The Council is working with both public and private sector partners with regards to the viability of the Development Corporation, which provides great opportunity for Economic Development in the Borough. With this in mind, it is proposed a £0.1m Development Corporation Reserve is created (funded from anticipated 2019/20 budget efficiencies) that is available to support this project. The Council will continue to campaign to ensure that Rushcliffe does benefit from the proposed further repatriation of Business Rates

from central to local government, to minimise the impact of the anticipated power station closure and as the Development Corporation comes to fruition that 'no detriment' applies with regards to business rates generation at the Ratcliffe-on-Soar power station site in the future.

The future of New Homes Bonus (NHB) still remains in doubt with government consultation on its future expected in 2020. We will continue to press our case with the government that NHB either if it remains or if it is replaced delivers the required funding for Rushcliffe. This funding stream not only rewards the Borough for acting as a catalyst for growth but also enables the Borough to help meet the impact of growth (for example more refuse collection rounds). Despite the negative changes to the formula for NHB allocation the Council's success in delivering housing growth in the Borough means in the short term the bonus has increased from £1.6m (2019/20) to £2.3m (2020/21). In the medium term we anticipate NHB to reduce and by 2023/24 there will be no NHB. It remains to be seen if there will be a replacement scheme and the level of benefit that Rushcliffe may realise. This does create a risk in the future for the Council beyond the life of this strategy given it helps fund the cost of capital (asset acquisition or replacement). The Strategy in the future will focus on creating sufficient budget headroom to meet such liabilities.

Positively, the Council in 2020/21 is forecasting an increase in Business Rates to £3.99m but thereafter anticipating the funding to be reduced, as the Business Rates system changes, which does create a budget pressure from 2021/22. Business Rates growth is reflective of the Council's commitment to enable and encourage growth.

The Council recognises pressures on the retail sector and has not increased car parking charges for 3 years. Whilst it was originally planned to increase charges in 2020/21 this will not help the retail sector at a difficult time, and therefore no increase is proposed in 2020/21.

The Council has also not increased garden waste collection charges for 3 years. Given inflationary increases over this period and anticipated budget pressures going forward, for example with the potential for lower carbon emission vehicle acquisition and rising fuel costs; it is proposed to increase both the charges of both first and subsequent bins by £5 each (ie with a respective charge of £40 and £25). This means the cost is less than £0.80 per week for one bin, and we believe this remains an excellent service for Rushcliffe residents. The charge will not be increased for a further 3 years and 'future proofs' service delivery.

In developing the Council's budget proposals for 2020/21, it continues to manage inflationary pressures on its operational costs (including pay, contractual and utilities inflation) and pressures on some areas of income collection. The Council is committed to supporting the younger generation and has therefore included in the budget is growth of £0.11m for Positive Futures rather than using reserves to support this programme. Reserves are not a sustainable means of funding. Our commitment to our most

vulnerable customers are reflected in the desire to maintain a customer contact centre in West Bridgford and there are additional costs associated with this (£0.05m).

The Council continues to invest significant capital within the Borough particularly with regards to the Bingham Leisure Hub and a crematorium. Whilst the capital programme will be substantial over the next five years (£34.3m) it demonstrates the Borough's commitment in particular to economic growth, meeting challenging housing targets and improving both leisure facilities and the environment. These two projects are the main components of the Council's Transformation Programme going forward. Importantly resources have to be sufficient to deliver core services, there is therefore capital required to ensure our property portfolio is properly maintained, we invest in both IT and vehicles to continue to modernise services. There are various economic regeneration capital projects in and around the Borough covering for example Bingham and Cotgrave resulting in a balanced budget, and also an inclusive budget.

You will be aware over the last 2 years we have increased Council Tax for long-term empty properties. The aim is to support the Council's Empty Homes Strategy with the objective of ensuring housing properties are brought into use as quickly as possible. This year our focus is on properties empty for less than 12 months. Uninhabitable properties currently receive 50% council tax discount for one year and unfurnished properties receive 50% discount for 6 months. In order to focus on getting properties into use, the Council proposes to totally remove the allowance for uninhabitable properties and reduce the discounts given to unfurnished properties to 28 days with a full council tax exemption.

The level of Council reserves are crucial to manage risk (both downside as well as opportunities arising) and ensure the council remains resilient against a backdrop of significant financial uncertainty. The most sensible and prudent financial strategy for the Council is to at least maintain its level of reserves, therefore insulating the Council against downside risks (particularly the vagaries of Business Rates). Over the period of the MTF5 reserves (excluding NHB, given its future uncertainty) are projected to be around £5.9m by 2024/25 slightly higher than the anticipated position for 2019/20 (£5.47m). Over the life of the Strategy there is a net deficit position of £0.657m which will be balanced by a combination of identified in-year budget efficiencies (over the life of the strategy) or transfers from the Organisation Stabilisation Reserve (this is part of the purpose for this reserve, to 'smooth' budget fluctuation and resulting deficits).

One significant challenge remains improving the environment and reducing carbon emissions. This is likely to require both revenue and capital commitment. It is proposed that £1m is transferred from the Organisation Stabilisation Reserve to a new Climate Change Action Reserve. The use of this reserve will be reported through normal financial and reporting processes including Cabinet, the Corporate Overview Group and actions arising from the Climate Change scrutiny review (Communities Scrutiny Group).

In line with the Government's referendum principles, the budget for 2020/21 proposes an increase in Council Tax of 3.59% to £142.74 (the Council has the option of increasing Council Tax by up to £5, or 2%, whichever is the higher, with the recommended increase being £4.95). This will give an average band D Council Tax increase of less than 10p per week, ensuring Rushcliffe's Council Tax remains amongst the lowest in the country (and the lowest in Nottinghamshire). This enables the best possible services to continue to be delivered to Rushcliffe residents, that resources remain sufficient to meet both current and future needs, and importantly projected funding levels and reserves are sufficient to protect the Council. This is essential given the risks and uncertainty that prevails in the current financial environment, particularly with regards to Business Rates and New Homes Bonus and the other financial pressures stated above.

This budget and the associated financial strategies continue the progress made in recent years to ensure that the Council's financial plans are robust, affordable and deliverable. This budget is designed to ensure we maintain high quality services for all generations and particularly protect future generations, a budget that is both financially and environmentally sustainable.

1.2 **Executive Summary**

This report outlines the Council's Medium Term Financial Strategy (MTFS) through to 2024/25 including the revenue and capital budgets, supported by a number of key associated financial policies alongside details of changes to fees and charges. Some of the key figures are as follows:

	2019/20	2020/21
RBC Precept	£5,950k	£6,279k
Council Tax Band D	£137.79	£142.74
Council Tax Increase	3.73%	3.59%
Retained Business Rates	£3,767k	£3,984k
New Homes Bonus	£1,621k	£2,311k
Reserves (at 31 March)	£12,682k	£14,510k
Capital Programme	£16,506k	£18,936k

Special Expenses	2019/20	2020/21
Total Special Expense Precept	£696k	£712k
West Bridgford	£48.51	£48.51
Keyworth	£1.60	£3.76
Ruddington	£3.37	£4.12

The Local Government Act 2003 introduced a requirement that the Chief Financial Officer reports on the robustness of the budget. The estimates have been prepared in a prudent manner, although it should be recognised that there are a number of elements outside of the Council's control. A number of risks have been identified in Section 8 of this report and these will be mitigated through the budget monitoring and risk management processes of the Council.

2. BUDGET ASSUMPTIONS

2.1 Table 1 - Statistical assumptions which influence the five-year financial strategy

Assumption	Note	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Budgeted inflation	a	0%	0%	0%	0%	0%	0
Pay costs increase		2%	2%	2%	2%	2%	2%
Employer's pension contribution rate	b	14.6%	17.6%	17.6%	17.6%	17.6%	17.6%
Return on cash investments	c	1.87%	1.87%	1.87%	1.87%	1.87%	1.87%
Tax base increase	d	1.33%	1.87%	2.0%	2.0%	2.0%	2.0%

Notes to Assumptions

- a) Whilst inflation does impact on services, the Council's managers are expected to deliver services within cash limited budgets which require them to absorb the cost of inflation. As such, the net effect of inflation is reduced to zero within the estimates which is the equivalent of an estimated £270k saving in the 2020/21 budget. Adjustments are made for contract inflation and areas of higher risk such as utilities.
- b) The Council has received the 2019 triennial valuation of the pension fund which has identified that whilst the employers contribution has risen from 14.6% to 17.6%, the deficit for the period 2020/21 to 2022/23 has reduced. The Council will pre-pay the deficit (£2.819m) as it did in 2017/18 achieving a further saving of £137k equivalent to 4.63%. The overall impact of the triennial valuation and the prepayment is a net saving of £73k (1.15%) against the original budget.
- c) Cash investment returns are based on projections consistent with the Council's Capital and Investment Strategy.
- d) Tax base increases reflect the anticipated growth in housing within the Borough in future years and are prudent given the difficulties in achieving housing development.

3. FINANCIAL RESOURCES

- 3.1 The proposals for Local Government funding have now been delayed by a further year to 2021/22 providing the Council with certainty over funding for one year only. The Government has restated its commitment to a review of the business rates system beginning in 2021. Beyond 2020/21 there is uncertainty pending the outcome of this review in addition to the Spending Review 2020, the Fair Funding Review and any reform of the New Homes Bonus scheme.
- 3.2 This section of the report outlines the resources available to the Council under six headings: Business Rates, Council Tax (RBC and Special Expenses), Revenue Support Grant, New Homes Bonus, Fees, Charges and Rents, and Other Income.

3.3 Business Rates

Business Rate assumptions reflect experience to date with regard to the award of additional reliefs, successful ratings appeals and government policy changes. The Government's proposals for 75% retention by 2020 and a new funding system by 2020/21 have now been postponed due to delays in exiting the European Union and the General Election in December 2019. The Council has taken a prudent approach assuming no change to the current system in 2020/21 and allowing for changes to the Business Rates system from 2021/22 with a 2% increase per annum thereafter.

In addition to the proposed changes to the Business Rates system the Council is also at risk from the closure of Ratcliffe-on-Soar power station which is expected to cease production in 2025. The power station makes up a significant proportion of the tax base at 22% (£6.5m) with the Council's exposure at £1.3m. The power station closure is anticipated from 2025/26 and the impact of this will be modelled when there is greater certainty over the business rates system, likely to be next year when 2025/26 is part of the MTFS.

In December 2019 the Government announced an increase to the retail discount relief (from 33% to 50%) and that this would be extended to include cinemas and music venues with further extensions to public houses and local newspapers planned. It is expected that the lost business rates income from these new / higher reliefs announced will be, as per previous changes, offset by increased s31 grant payments (specific grant from central government). Since 2018/19 increases to Business Rates have been indexed to CPI instead of the higher RPI with the loss of income compensated for by S31 grant. RPI based compensation was expected to cease however for 2020/21 the multiplier allows for historic and current year RPI which is positive for the Council. Currently 1,287 business properties receive small business rate relief (1,246 in 2018/19).

The 2020/21 Business Rates forecast is based on the level of baseline funding assumed for 2020/21 along with the additional grant for policy changes. There is a slight increase in the forecast rates due to an expected surplus in the collection fund for 2019/20 plus a small anticipated redistribution of surplus from Government. The Business Rates tax base is volatile given the impact of a small number of businesses on the tax base overall e.g. the power station as mentioned above and risks regarding outstanding appeals still remain. The changes that the Government is making (now delayed to 2021/22) regarding resetting the system means that the amount of Business Rates the Council can retain after 2021/22 is assumed to change significantly. The Organisational Stabilisation Reserve helps mitigate against risks including Business Rates uncertainty.

The impact in 2020/21 from the pooling of Business Rates within Nottinghamshire will be calculated once forecasts from the relevant authorities have been produced and assimilated into the pooling model. From 2021/22 onwards with the new system of Business Rates in place a new pooling agreement is likely to be required to determine, for example, the relevant tier split between districts and Nottinghamshire County Council.

The forecast position on Business Rates is shown below.

Table 2 Business Rates

£'000	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Retained Business Rates	3,767	3,984	3,058	3,120	3,182	3,246
Increase/ (reduction)	777	217	(926)	62	62	64
Increase/ (reduction)	26%	6%	(23%)	2%	2%	2%
Forecast Business Rates (Surplus)/deficit and central pool surplus	200	(542)	0	0	0	0

Sensitivity Analysis

The uncertainty surrounding Business Rates from 2021/22 gives a range of scenarios. From a best case of the Council continuing to benefit from existing growth to a worst case of a 'full reset' removing Business Rates growth. The amount we can budget for in 2021/22 ranges from £3.05m to £4.4m. The impact of a significant Business Rates appeal can push the Council into the 'Safety Net' position of £2.2m, this is considered highly unlikely.

3.4 Council Tax

The Council no longer receives any Revenue Support Grant and is anticipating other income streams such as New Homes Bonus to reduce to zero by 2023/24. The Government has assumed in future funding projections that Councils will take up the offer of increasing their Council Tax by the higher of 2% or £5 for a Council Tax Band D. The overriding principle is that the Council aims to stay in the lower quartile for Council Tax. The Council has assumed an increase in Council Tax of £4.95 (3.59%) and thereafter £4.95 each year for the duration of this MTFS. Setting Council Tax at a 2% increase rather than £4.95 would reduce Council Tax income by £96,500 in 2020/21. A Council Tax freeze would result in a reduction of £217,700.

The 2020/21 tax base has been set at 43,987.7 (an increase of 1.87%) and this has been based upon the current council tax base and anticipated growth in 2020/21. Thereafter we have assumed a 2% increase per annum. This will be reviewed as the Council looks to deliver its housing growth targets.

In order to tackle the issue of empty homes in the borough, last year Full Council agreed to increase Long Term Empty Homes premiums in line with legislation (From April 2020 if the property has been empty up to 5 years 100% premium and for a property empty for more than 5 years 200% premium; From April 2021 if the property has been empty up to 5 years 100% premium, for a property 5 to 10 years a 200% premium and for anything over 10 years a 300% premium).

Reducing Empty Homes in the Borough remains a key objective for the Council. Uninhabitable properties currently receive 50% council tax discount for one year and unfurnished receive 50% discount for 6 months. In order to focus on getting properties into use, it is proposed that the Council removes the allowance for uninhabitable properties and reduces the discounts given to unfurnished properties to 28 days full exemption.

The movement in Council Tax, the tax base, precept and the Council Tax Collection Fund deficit are shown in Table 3 below.

Table 3. Council Tax

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Council Tax Base (a)	43,178.5	43,987.7	44,867.4	45,764.8	46,680.1	47,613.7
Council Tax £:p (b)	£137.79	£142.74	£147.69	£152.64	£157.59	162.54
£ Annual Increase	£4.95	£4.95	£4.95	£4.95	£4.95	£4.95
% increase	3.73%	3.59%	3.47%	3.35%	3.24%	3.14%
Gross Council Tax collected (a x b)	£5,949,566	£6,278,801	£6,626,471	£6,985,536	£7,356,313	£7,739,127
Increase in Precept	£289,241	£329,236	£347,670	£359,065	£370,777	£382,814
Council Tax (Surplus)/Deficit	100,900	97,500	0	0	0	0

3.5 Special Expenses

The Council sets a special expense to cover any expenditure it incurs in a part of the Borough which elsewhere is undertaken by a town or parish council. These costs are then levied on the taxpayers of that area. As with 2019/20, special expenses will be levied in West Bridgford, Ruddington and Keyworth.

Appendix 1, summarised in Table 4, details the Band D element of the precepts for the special expense areas. Special expense Band D tax amounts have increased in Ruddington and Keyworth due to an increase in maintenance costs for the cemeteries in both parishes. The Band D amount for Keyworth has increased by £2.16 (135%) and Ruddington £0.75 (22.26%). Whilst the expenditure in West Bridgford has also increased, so too has the tax base which has resulted in the Band D charge remaining the same as in 2019/20.

Cabinet has approved (January 2020) the creation of the Special Expenses and Community Infrastructure Levy (CIL) Advisory Group to improve the governance surrounding CIL and Special Expenses. This is to be ratified by Full Council when the Constitution is updated and in the meantime will meet informally.

Table 4 Special Expenses

	2019/20		2020/21		
	Cost	Band D	Cost	Band D	Band D
	£	£	£	£	% change
West Bridgford	683,000	48.51	690,500	48.51	0
Keyworth	4,200	1.60	10,100	3.76	135
Ruddington	9,100	3.37	11,300	4.12	22.26
Total	696,300		711,900		

3.6 Revenue Support Grant (RSG)

The Council no longer receives any RSG and this equates to £3.25m in lost income. The Council has mitigated the impact of this loss largely through its Transformation Strategy and Efficiency plan.

3.7 New Homes Bonus

The New Homes Bonus (NHB) scheme gives clear incentive to local authorities to encourage housing growth in their areas (allocations are un-ringfenced) and from 2018/19 this reduced to 4 year payments with a 'deadweight' figure of 0.4% of housing growth (in other words you have to achieve 0.4% of housing growth before qualifying for NHB).

The allocations for 2020/21 include legacy payments for 2017/18 to 2019/20 however the 2020/21 payment it is anticipated will not form part of any legacy payments going forward. The legacy payments for previous years are anticipated to reduce by 1 year each year resulting in the NHB payments ceasing in 2023/24. The projections below are based on legacy payments from 2017/18 to 2019/20 and a one-year allocation in 2020/21. Please note the future of NHB will be subject to consultation in 2020.

Table 5 – New Homes Bonus

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
New Homes Bonus Received in Year	(1,621)	(2,311)	(1,152)	(653)	0	0

3.8 Fees, Charges and Rents

The Council is dependent on direct payment for many of its services. This income, from various fees, charges and rents, is a key element in recovering the costs of providing services which, in turn, assists in keeping the Council Tax at its current low level. This income is shown in Table 6.

Table 6 – Fees, Charges and Rental Income

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Car Parks	(793)	(858)	(858)	(858)	(858)	(858)
Licences	(287)	(303)	(303)	(303)	(303)	(303)
Non Sporting Facility Hire	(188)	(188)	(188)	(188)	(188)	(188)
Other Fees & Charges	(633)	(605)	(605)	(862)	(907)	(954)
Planning Fees	(1,038)	(1,138)	(1,138)	(1,138)	(1,138)	(1,138)
Rents	(1,617)	(1,724)	(1,918)	(2,059)	(2,059)	(2,059)
Green waste income	(1,239)	(1,324)	(1,324)	(1,324)	(1,324)	(1,324)
Service Charges	(305)	(301)	(301)	(301)	(301)	(301)
Total	(6,100)	(6,441)	(6,635)	(7,033)	(7,078)	(7,125)

Income assumptions are determined by a number of factors including current performance, decisions already taken and known risks. Two key areas reviewed this year are as follows:

- Garden waste collection – a number of options were considered and it was agreed to increase the charge by £5 on both first and subsequent bins. There will be no further increases in the next 3 years and likewise charges have been unchanged since the previous increase in 2017/18. The agreed increase takes account of future inflation and potential pressures linked to the environmental agenda which is likely to further increase costs such as vehicle purchases;
- Car parking charges have not been increased given the pressure on the retail sector and to encourage greater footfall in the high street. The budget has been increased to reflect current income levels.

The budget for Other Fees and Charges reduces in 2020/21 due to alignment of the Land Charges income to current levels. In later years the increase is attributable to the Crematorium which is expected to open in 2022. Increase in planning income is in part attributed to growth as new businesses and housing sites come to fruition. Rental income shows an increase due to newly acquired investment properties included within the Transformation Plan and additional income on existing properties.

Except where current or previous decisions will affect future income yields, the MTFS does not make any provision for future inflationary increases in fees and charges which is consistent with the treatment of expenditure. This could be an option for addressing future budget gaps. Anticipated income from commercial property investment forms part of the Council's Transformation Strategy and Efficiency Plan.

3.9 Other income

In addition to fees and charges the Council also receives a range of other forms of income, the majority of which relates to Housing Benefit Subsidy (£14.3m) which is used to meet the costs of the national housing benefit scheme. Other Income is shown in Table 7. Council Tax and Housing Benefit Administration grant shows a reduction corresponding to the implementation of Universal Credit. Interest on investments reflect assumptions based on balances available to invest and expected interest rates (see Appendix 5).

Table 7 – Other Income

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Costs recovered	(178)	(188)	(188)	(188)	(188)	(188)
Council Tax/ Housing Benefit Admin Grants	(238)	(230)	(215)	(200)	(200)	(200)
Interest on Investments	(285)	(377)	(390)	(467)	(515)	(506)
OLAs Contribution	(193)	(95)	(95)	(95)	(95)	(95)
Other Income	(341)	(368)	(364)	(362)	(363)	(362)
Recycling Credits	(140)	(160)	(160)	(160)	(160)	(160)
Other Government Grants	(161)	(245)	(120)	(120)	(120)	(120)
Sub Total	(1,536)	(1,663)	(1,532)	(1,592)	(1,641)	(1,631)
Housing Benefit Subsidy	(14,833)	(14,264)	(14,264)	(14,264)	(14,264)	(14,264)
Total Other Income	(16,369)	(15,927)	(15,796)	(15,856)	(15,905)	(15,895)

3.10. Summary

Table 8 – All sources of income

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Retained Business Rates	(3,767)	(3,984)	(3,058)	(3,120)	(3,182)	(3,246)
Revenue Support Grant	0	0	0	0	0	0
Other Grant Income*	(314)	(18)	0	0	0	0
New Homes Bonus	(1,621)	(2,311)	(1,152)	(653)	0	0
Council Tax (RBC)	(5,950)	(6,279)	(6,627)	(6,986)	(7,356)	(7,739)
Council Tax (Special Expenses)	(696)	(712)	(712)	(712)	(712)	(712)
Collection Fund (Surplus)/deficit	301	(445)	0	0	0	0
Fees, Charges and Rental Income	(6,100)	(6,441)	(6,635)	(7,033)	(7,078)	(7,125)
Other income	(16,369)	(15,927)	(15,796)	(15,856)	(15,905)	(15,895)
Transfers from Reserves**	0	0	(312)	(531)	(1,216)	(1,016)
Total Income	(34,516)	(36,117)	(34,292)	(34,891)	(35,449)	(35,733)

*New Burdens S31 funding in relation to revenues and benefits and universal credit funding.

** The transfer from reserves amounts increase due to the decreasing NHB receipts being transferred to reserves therefore increasing the net transfer from reserves. Note this relates mainly to the £1m per annum payment for the Arena and there is sufficient NHB in reserve to make future payments.

4. 2020/21 SPENDING PLANS

4.1 The Council's spending plans for the next five years are shown in Table 9 and take into account the assumptions in Section 2 as Transformation Programme Savings/Growth projects are delivered (e.g. Bingham Hub and the Crematorium) the spending profile will change.

Table 9 – Spending Plans

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Employees	10,649	10,707	10,904	11,115	11,401	11,527
Premises	1,468	1,382	1,389	1,406	1,396	1,396
Transport	1,624	1,672	1,679	1,685	1,694	1,691
Supplies & Services	6,341	6,734	6,758	6,771	6,901	6,785
Transfer Payments	14,668	14,297	14,307	14,317	14,327	14,327
Third Party	2,531	2,636	2,630	2,557	2,526	2,463
Depreciation/Impairment	2,333	2,131	2,131	2,131	2,131	2,131
Capital Financing	0	76	227	304	300	296
Net recharges	(4,323)	(4,393)	(4,393)	(4,393)	(4,393)	(4,393)
Gross Service Expenditure	35,291	35,242	35,632	35,893	36,283	36,223
Reversal of Capital Charges	(2,333)	(2,131)	(2,131)	(2,131)	(2,131)	(2,131)
Net Contribution to Reserves	426	1,859	0	0	0	0
Minimum Revenue Provision	1,000	1,000	1,074	1,247	1,247	1,247
Revenue Contribution to Capital	132	147	155	180	180	185
Overall Expenditure	34,516	36,117	34,730	35,189	35,579	35,524

4.2 Explanations for some of the main variances above are:

- Employee costs increase due to the assumed inflationary increase in salary of 2%;
- Premises costs show a decrease mainly due to the closure of the Depot and the move to Eastcroft;
- Supplies and services increase due to items of growth resulting from inclusion of expenditure that had previously been funded through reserves such as replacement/new bins (£160k) Positive Futures (£110k) and Member Grants (£20k) plus increases in IT maintenance contracts and the change in location of the RCCC. The management fee income for Edwalton Golf Course (£21k) has also been removed;
- Transfer Payments show an initial decrease from 2019/20 as the budget has been aligned with current levels of Rent Allowances paid out and has reduced due to Universal Credit and thereafter increase as projected rent allowances rise;
- Capital Financing costs increase reflecting the borrowing costs arising from the estimated £10m borrowing in relation to the capital programme (referred to in paragraph 9.4);
- The increase in the net contribution to reserves from last year is due to the delay in Business Rates reform resulting in additional income. This will be used to mitigate the impact in 2020/21 when the reforms are implemented; and
- Minimum Revenue Provision increases in later years as a result of increased borrowing in relation to capital challenges (see Section 9).

5 BUDGET REQUIREMENT

5.1 The budget requirement is formed by combining the resource prediction and spending plans. **Appendix 2** gives further detail on the Council's five year Medium Term Financial Strategy.

Table 10 – Budget Requirement

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Retained Business Rates	(3,767)	(3,984)	(3,058)	(3,120)	(3,182)	(3,246)
Other Grant Income	(314)	(18)	0	0	0	0
New Homes Bonus	(1,621)	(2,311)	(1,152)	(653)	0	0
Council Tax (RBC)	(5,950)	(6,279)	(6,627)	(6,986)	(7,356)	(7,739)
Council Tax (Special Expenses)	(696)	(712)	(712)	(712)	(712)	(712)
Collection Fund (Surplus)/Deficit	301	(445)	0	0	0	0
Fees, Charges and Rental Income	(6,100)	(6,441)	(6,635)	(7,033)	(7,078)	(7,125)
Other Income	(16,369)	(15,927)	(15,796)	(15,856)	(15,905)	(15,895)
Additional Transfer To/(From) Reserves	0	0	(312)	(531)	(1,216)	(1,016)
Total Income	(34,516)	(36,117)	(34,292)	(34,891)	(35,449)	(35,733)
Gross Expenditure	34,516	36,117	34,730	35,189	35,579	35,524
Net Budget Position (Surplus)/Deficit	0	0	438	298	130	(209)

5.2 The above shows a deficit position of £438k in 2021/22 and reducing deficits in 2022/23 and 2023/24, the total for the period being £0.657m. This position will be smoothed by the use of the Organisational Stabilisation Reserve (including the use of 2019/20 in-year surplus and the existing reserve position). It is anticipated that the Central Government Business Rates pool will redistribute a surplus in 2020/21 (£430k is expected for 2019/20) and £400k has been included in the collection fund surplus/deficit and central

pool surplus line in the table above (the net figure of £445k surplus also includes business rates surplus of £142k and a council tax deficit of £98k). From 2024/25 onwards it is anticipated that the budget will move to a surplus position will then be used to replenish the reserve.

- 5.3 Section 7 covers the Transformation Programme - including the use of reserves, balancing the budget for 2020/21 and future financial pressures.

6. RESERVES

- 6.1 In order to comply with the requirements of the Local Government Act 2003, a review has been undertaken of the Council's reserves, taking into account current and future risks. This has included an assessment of risk registers, pressures upon services, inflation and interest rates. In previous budgets, the Council has supported the controlled release of reserves to support service delivery. It is anticipated that at the end of 2019/20 £0.906m (net transfer of £542k) will be transferred to the Organisation Stabilisation reserve primarily from the anticipated overall revenue underspend and transfer from the Nottinghamshire Business Rates Pool surplus. This will help to manage the impact of reduced government funding, future changes to the Business Rates Retention scheme and ongoing service stability.
- 6.2 In 2019/20 the balance on the Organisation Stabilisation reserve (OSR) is expected to be £2.448m. Whilst projections indicate the reserve will have a balance of £2.194m by 2024/25. The prevailing uncertainty in relation to both large Council projects and future funding means that this reserve is necessary. Given the deficit anticipated over the MTFS is £0.658m it is proposed that £1m is transferred from the OSR to a Climate Change Action Fund to help the Council manage the impact of climate change and the likely capital and revenue increase in demand on resources for this key Council corporate objective. Furthermore the Council is likely to need funding to support the Development Corporation project and it is proposed a new reserve is created using 2019/20 in-year budget efficiencies to provide the resource for this (referenced in the Quarter 3 Revenue and Capital monitoring report). The Council's strong financial management continues to enable reserves to be used flexibly to manage risk.
- 6.3 Table 11 details the estimated balances on each of the council's specific reserves over the 5 year MTFS. **Appendix 6** details the movement in reserves for 2020/21 which also includes capital commitments. Reserve levels have increased reflecting the necessity to manage future risks. The projections are based on current understanding regarding New Homes Bonus receipts. All of the reserves have specifically identified uses including some of which are held primarily for capital purposes namely the Council Assets and Service Delivery, Invest to Save, and Regeneration and Community Projects Reserve (to meet special expense capital commitments). The release of reserves will be constantly reviewed in order to balance funding requirements and the potential need to externally borrow to support the Capital Programme.
- 6.4 Whilst part of the annual allocations of New Homes Bonus (NHB) will be used to offset the MRP requirements arising from internal borrowing, the remaining NHB reserve may still be called upon in future years as major infrastructure projects come to bear as part of the Council's Asset Investment Strategy and the potential for investment in economic development through arrangements such as the 'Growth Deal'. The projections reflect the allocation of at least £1m per annum from the NHB reserve to offset the Minimum Revenue Provision (MRP) arising from internal borrowing. As there is more spend on capital the requirement to fund MRP and utilise

reserves will increase or funding will be required from the revenue budget, hence the increase in MRP in the last 3 years of this strategy. The NHB reserve increase is predicated on the assumptions made on NHB in Section 3.7.

- 6.5 It should be noted that in the professional opinion of the Council's Section 151 Officer, the General Fund Reserve position of £2.6m is adequate given the financial and operational challenges (and opportunities) the Council faces.

Table 11 – Specific Reserves

£000	Balance 31.03.19	Balance 31.03.20	Balance 31.03.21	Balance 31.03.22	Balance 31.03.23	Balance 31.03.24	Balance 31.03.25
<i>Investment Reserves:</i>							
Regeneration and Community Projects	1,690	1,566	1,663	1,788	1,938	2,088	2,243
Sinking Fund - Investments	123	151	267	421	330	241	252
Council Assets and Service Delivery	274	274	274	274	274	274	274
Invest to Save	150	150	150	150	150	150	150
<i>Corporate Reserves:</i>							
Organisation Stabilisation	1,906	2,448	2,810	2,274	2,194	2,194	2,194
Risk and Insurance	100	100	100	100	100	100	100
Planning Appeals	350	350	350	350	350	350	350
Elections	203	51	101	151	201	51	101
<i>Operating Reserves:</i>							
Planning	220	164	164	86	0	0	0
Leisure Centre Maintenance	116	116	116	116	116	116	116
Planned Maintenance	100	100	100	100	100	100	100
Total Excluding NHB Reserve	5,232	5,470	6,095	5,810	5,753	5,664	5,880
New Homes Bonus	6,587	7,104	8,415	8,493	7,899	6,652	5,405
Total Earmarked Reserves	11,819	12,574	14,510	14,303	13,652	12,316	11,285
<i>General Fund Balance</i>	2,604	2,604	2,604	2,604	2,604	2,604	2,604
TOTAL	14,423	15,178	17,114	16,907	16,256	14,920	13,889

7. THE TRANSFORMATION STRATEGY AND EFFICIENCY STRATEGY

7.1 For the past 5 years the Council has successfully implemented a Transformation Strategy and supporting Transformation Programme (this is also the Council's efficiency strategy). This drives change and efficiency activity and is a vehicle to deal with the scale of the financial challenges the Council faces. An updated Transformation Strategy and Programme are provided in **Appendix 3**, this also includes an Appendix on the Council's approach to commercialism. Alongside this work the Executive Management Team has undertaken a review of all Council budgets resulting in savings which have been fed into the MTFS. The Transformation Strategy focuses on the following themes:

- (a) Service efficiencies and management challenge as an on-going quality assurance process;
- (b) Areas of review arising from Member challenge; and
- (c) Longer term reviews with further work being required and particularly impacting upon the Council's asset base.

7.2 This Programme will form the basis of how the Council meets the financial challenge summarised at Table 12.

Table 12 – Savings targets

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Gross Budget Deficit excluding Transformation Plan	3,740	3,932	4,631	5,009	4,911	4,682
Cumulative Savings in Transformation Plan	3,740	3,740	3,932	4,193	4,711	4,781
Gross Budget Deficit/(Surplus)	0	192	699	816	200	(99)
Additional Transformation Plan savings	0	(192)	(261)	(518)	(70)	(110)
Net budget Deficit/(Surplus)	0	0	438	298	130	(209)
Cumulative Transformation Target (Appendix 3)		(192)	(453)	(971)	(1,041)	(1,151)

- 7.3 In order to deliver a balanced budget for 2020/21 the Council has looked to constrain Council spend and increase income (particularly as it encourages growth). The Council continues to review how it delivers its services, to identify innovative ways of delivering its services more economically, efficiently and effectively. There are several significant asset investment projects particularly the development of a Crematorium and the Bingham Leisure Hub which will deliver both socio-economic and financial benefits. These are also subject to their own project risks.
- 7.4 Moving forward, this momentum must continue and the Council's key transformation projects need to be reviewed on an on-going annual basis. While the Council has identified a range of projects that can be used to deliver the anticipated savings required, this will still be a challenging exercise. As can be seen at Table 12 over the five-year period £1.151m of expected efficiencies have been identified. The current transformation projects which will be worked upon for delivery from 2020/21 are given at **Appendix 3**.

8. RISK AND SENSITIVITY

8.1 The following table shows the key risks and how we intend to treat them through our risk management practices. Further commentary on the higher level risks is given below the table.

Table 13 - Key Risks

Risk	Likelihood	Impact	Action
Fluctuation in Business Rates linked to appeals and in particular the power station and decline in retail sector	High	High	Growth plans and accurate monitoring, lobbying central government, potential alternative use of the site, increase in S31 grants to offset additional Business Rate reliefs. Playing an active role supporting the Development Corporation with a £0.1m reserve created.
Central Government policy changes e.g. Fairer Funding, changes to NHB and 75% Business Rates transfer to local government leading to reduced revenue. Environmental policy changes with regards to waste will create future financial pressures	High	High	Engagement in consultation in policy creation and communicating to senior management and members the financial impact of changes via the MTFS. Budget at safety net position.
The Council does not achieve Council Tax income levels as projected in the MTFS and linked to Government referendum limits	Low	High	Continue to monitor government policy and lobbying. Budget workshops for members so they are clearly informed regarding the impact of alternative decisions.

Risk	Likelihood	Impact	Action
Inadequate capital resources	Medium	High	Proportionate spending and sale of surplus assets, maximising pooled funding opportunities e.g. DFGs, external funding such as LEP funding, managing the impact of reducing NHB and reporting of new schemes that may come to fruition. The need to revisit the Council Tax strategy to meet the cost of capital, along with cost efficiencies and raising income.
Fee income volatility, for example number and size of planning applications	Medium	High	Engagement in consultation in policy creation. Ensure future changes are built into the MTFS.
Inflationary pressures, particularly utility costs	Medium	low	Budget reporting processes
Pensions triennial revaluation and the potential increase to pension contributions	High	High	To be aware of actuaries report and implications. Risks affected by local demographics and the impact on interest rates and share prices of international economic conditions. Also the ability to influence central government policy on the Local Government scheme.
Increased demand for services particularly as housing and business growth develops in the Borough	Medium	Medium	A robust performance management framework
Failure to deliver the required Transformation Strategy and in particular projected savings/costs from larger projects such as the Crematorium	Low	High	Effective programme and project management
The impact of wider economic conditions on interest rates, the property market, impacting on investments and any future borrowing	Medium	High	Advice from the Council's treasury advisors, and more investment diversification with a wider range of institutions and property investment diversification. Monitoring borrowing rates.
The impact of changes to accounting standards upon leases	High	Low	Monitor the impact of IFRS16 on council budgets and CFR based on the reclassification of Leases.

Risk	Likelihood	Impact	Action
Environmental Agenda Impact on both revenue and capital budgets	High	High	Creation of Climate Change Action Reserve (£1m), ongoing review of significant projects and outcome of scrutiny review.

8.2 The changing environment of local authority finance means that the Council is facing increasing risks and uncertainty in respect of available resources. While predicting and controlling the level of external funding resources remains a challenge, wherever possible the Council uses its budget management processes, reserves and general balances to mitigate these risks. Such pressures will also be mitigated through changes in service delivery and the use of assets. For example, our commercial property acquisitions not only delivers a rental income in excess of that available to the Council through treasury management investments, but also we aim for appreciating asset values and generating economic growth. The Council has increased the number of property investments by diversifying, in terms of geographical location and asset use. A combination of capital demands and risks surrounding the property market means the Council's direction has changed with a focus on projects in the Borough. This results in a longer lead-in time to accrue income from such investment as opposed to commercial property acquisition relating particularly to the Crematorium and Bingham Hub Leisure projects.

8.3 The MTFS presents a balanced budget for 2020/21 and a deficit position for 2021/22 funded by the use of Organisational Stabilisation Reserve. The reserves maybe replenished by in-year budget efficiencies. Reserves are necessary to protect the Council from risks in relation to uncertainty concerning government funding and the Business Rates system and delivering the Council's Transformation Programme. There is a current climate of an unprecedented level of funding uncertainty. In this regard it should be noted that particular risks exist with regards to:

- Benefits from Business Rates repatriation to local government (i.e. 75% to local government) is unknown. For example we do not know what the tier split is between the County and district councils and whether the Nottinghamshire Pool will continue.
- Business Rates - has a number of significant risks and is a highly volatile tax base. The planned de-commissioning of the power station in 2025, given it accounts for around one quarter of Business Rate income, potentially undermines any benefits the Council may gain in Business Rates from business growth. Furthermore the Government remains committed to supporting the retail sector and in the future this is likely to lead to changes to the whole Business Rates system

- Businesses - were revalued in 2017 and there were a number of statutory changes to the reliefs given then and also in 2018 and further reliefs have been promised for 2020/21 without any official detail from the Government; and a further revaluation is planned in 2021. The upshot of this is that the business rate baseline will be reviewed which makes it challenging to monitor this area of the budget.
- New Homes Bonus - as identified at 3.7 the funding mechanism changes to NHB reducing allocations continue to manifest themselves with the scheme being consulted upon in 2020. Currently there is sufficient funding to cover payments with regards to the Arena project. In the future it may impact upon the Council's capacity to make discretionary investment in specific projects which will deliver social and economic benefits to the Borough. Contingency plans for the financing of MRP on the Arena redevelopment, Bingham Hub and Crematorium are in place such as the Council extending the repayment period and/or accessing external borrowing. The Council will continue to lobby Government to ensure it is rewarded for growth and that there is funding in relation to the consequences of growth as part of the forthcoming consultation.

9. CAPITAL PROGRAMME

- 9.1 Officers submit schemes to be included in a draft Capital Programme, which also includes on-going provisions to support Disabled Facilities Grants, investment in Social Housing, and Partnership Grants. This draft programme is discussed by EMT along with supporting information and business cases where appropriate with the big projects and the overall financial impact reported to Councillors in Budget update sessions. The draft Capital Programme continues to be further refined and supported by detailed appraisals as set out in the Council's Financial Regulations. These detailed appraisals are included at **Appendix 4** along with the proposed five-year capital programme which is summarised below. This is an ambitious programme totalling £34.35m and with anticipated 2019/20 underspends will total around £47m.

Table 14 – Five year capital programme, funding and resource implications

CAPITAL PROGRAMME 2020/21

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	5 Year
	Current Estimate	Indicative Estimate	Indicative Estimate	Indicative Estimate	Indicative Estimate	Indicative Estimate	TOTAL
	£000	£000	£000	£000	£000	£000	£000
EXPENDITURE SUMMARY							
Transformation	13,530	14,955	5,150	250	270	150	20,775
Neighbourhoods	3,448	1,657	1,946	1,176	1,609	1,839	8,227
Communities	818	1,739	624	129	154	144	2,790
Finance and Corporate	7,424	585	530	480	480	480	2,555
Total	25,220	18,936	8,250	2,035	2,513	2,613	34,347
FUNDED BY							
Usable Capital Receipts	(8,564)	(14,922)	(3,076)	(1,122)	(1,600)	(1,800)	(22,520)
Better Care Funding	(613)	(613)	(613)	(613)	(613)	(613)	(3,065)
Use of Reserves	(481)	(70)	(50)	(300)	(300)	(200)	(920)
Grants and Contributions	(1,065)	(610)	0	0	0	0	(610)
Section 106 Monies	(474)	(1,205)	(2,113)	0	0	0	(3,318)
Internal Borrowing and Borrowing	(14,033)	(1,516)	(2,398)	0	0	0	(3,914)
Total	(25,230)	(18,936)	(8,250)	(2,035)	(2,513)	(2,613)	(34,347)
RESOURCES MOVEMENT							
Opening Balances:	9,706	2,376	2,741	3,020	5,032	6,572	
Projected Receipts:	3,867	17,785	6,131	4,047	4,053	1,175	
Use of Resources:	(11,197)	(17,420)	(5,852)	(2,035)	(2,513)	(2,613)	
Balance Carried Forward:	2,376	2,741	3,020	5,032	6,572	5,134	

9.2 The Council's five-year capital programme shows the Council's commitment to deliver more efficient services, improve its leisure facilities and enable economic development. The Programme is approved for the five-year period and allows flexibility of investment to enhance service delivery, provide widened economic development to maximise business and employment opportunities, and for investment to go between years as long as the value of the five-year programme is not exceeded for each scheme. The programme is reviewed by Full Council as part of the budget setting process. A major focus of the Capital Programme is on the Transformation platform to expand and generate revenue income streams in order to help balance the Council's MTFS. Significant projects in the Capital Programme include:

- a) A provision of £10m has been included in the programme for the continued development of Bingham Hub for 2020/21. The vision here is for the provision a mix of new leisure facilities and office units to replace the existing Bingham Leisure Centre and also to expand business and employment opportunities. Details and options for this scheme are under assessment. The overall investment total is estimated to be £20m (including £10m brought forward from 2019/20).
- b) £4.8m has been included as part of a total provision of £6.5m to provide a new Crematorium in the Borough. £1.7m in 2019/20.
- c) £1m has been included for development of pitch and pavilion facilities at Gresham. It is anticipated that this will be wholly funded from S106 Developer Contributions and a grant from the Football Foundation.
- d) £0.47m has been included in 2020/21 for development of facilities at Rushcliffe Country Park to include a replacement Skate Park and an enhanced Visitor Centre.
- e) Information Systems Strategy (£0.335m plus a four year rolling programme to give a total of £1.305m);
- f) On-going vehicle replacement programme (£3.411m over the next five years).
- g) £0.220m for the refurbishment of the pitched and flat roof areas of Keyworth Leisure Centre.
- h) Support for Registered Housing Providers £0.216m. This sum will be further enhanced by the underspend from 2019/20 (currently estimated to be £1.4m).
- i) Disabled Facilities Grants provision of £0.490m has been provided each year but this is subject to change when the formal Better Care Funding allocations are approved.
- j) The programme contains ongoing provisions of £0.150m per annum to provide market loan facilities for Streetwise Environmental Ltd to support their vehicle replacement programme.
- k) Smaller sums have been included to enhance our land and buildings and investment property portfolios.
- l) A Contingency sum of £0.1m has been included each year to give flexibility to the delivery of the programme.
- m) Expected total borrowing, including 19/20, totals £17.9m. It is anticipated that up to £10m of this may need to be externally borrowed rather than the utilisation of Council cash balances (internally borrowed). The timing and incidence of actual

external borrowing will be affected by any slippage in the capital programme or unexpected capital funding (eg capital receipts) and this is reflected in the capital financing requirement shown at table 2 of the Capital and Investment Strategy.

9.3 The Council has previously allocated £20m to the Asset Investment Strategy within its Capital Programme. Just over £17m of this has been earmarked for investment opportunities, asset acquisitions, and development of office/industrial/retail units which will secure strong future income streams to support the revenue budget. Just under £3m currently remains unallocated and may be used for the crematorium. Significant schemes include the making of a loan to Nottinghamshire County Cricket Club originally for £2.7m; £2.5m for the first phase of redevelopment at Cotgrave and a further £1.9m for Phase II; £7.1m to enhance business and employment opportunities through investment in industrial units; £2.8m in other retail units; the balance remaining may be used for the crematorium.

9.4 The Council's capital resources are slowly being replenished as potential receipts from the Sharphill Overage Agreement are recognised. Receipt is anticipated in 2024/25 following completion of the agreement. It is predicted that capital resources will be in the region of £5.1m at the end of the five year life of the Programme. This comprises: £2m Capital Receipts; £3m Earmarked Capital Reserves; and £0.1m minor capital contributions. It is likely that all of the Council's Usable Capital Receipts will be exhausted by the end of 2020/21 but will slowly build back up from 2021/22 to 2023/24 as income from Sharphill is received. The balance dips again in 2024/25 to £2m. This position must be viewed in the context of funding the completed redevelopment of the Arena. This scheme was part funded by use of the Council's reserves and the remainder through internal borrowing. It is planned to repay this 'internal debt' from the future income stream provided by New Homes Bonus, subject to the risks highlighted in Sections 3.7 and 8.3. Going forward, there is an underlying assumption that the Council may need to externally borrow up to £10m (Table 2 of the Capital and Investment Strategy in Appendix 5) to support delivery of the proposed Capital Programme; primarily this borrowing will be linked to the development of Bingham Hub and delivery of commitments in the Leisure Strategy. This is likely to be done through loans from the Public Works Loan Board benefitting from a certainty rate of interest. Consideration will also be given to borrowing over shorter terms from other Local Authorities to mitigate any long term indebtedness and give flexibility to required financing. Formal funding decisions are taken at the end of each financial year when the level of capital expenditure is assessed in line with the capital resources and usable reserves available.

The programme will be partly funded using Capital Receipts. Significant sums due over the course of the MTFS include:

- A further £11.4m from the Sharphill Overage Agreement (£4.1m already received);
- £1m funding for Gresham Pitch and Pavilion Redevelopment;
- Over £0.83m in repaid loan principal from Nottinghamshire County Cricket Club and Streetwise;

- Disposal of the old Depot Site: approximately £5m; and
- Sale of land in Cotgrave: approximately £7m.

9.5 The following significant capital grants and contributions will be used to support the funding of the proposed capital programme:

- £0.75m of Growth Development Fund grant from the Local Enterprise Partnership to support the development of the Bingham Leisure Hub;
- The potential to release up to £2.8m from Developer Contributions to support works associated with the Bingham Leisure Hub and the activation of the Leisure Strategy; and
- An estimated £0.613m per annum from the Better Care Fund to deliver Disabled Facilities Grants, Discretionary Top-up Grants and Assistive Technology;

10. TREASURY MANAGEMENT

- 10.1 Attached at **Appendix 5** is the Capital and Investment Strategy (CIS) which integrates capital investment decisions with cash flow information and revenue budgets. The key assumptions in the CIS are summarised in the following table:

Table 15 – Treasury Assumptions

	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2023/24 Estimate
Anticipated Interest Rate (%)	1.87	1.87	1.87	1.87	1.87
Expected interest from investments (£)	293,800	311,900	389,900	442,200	438,800
Other interest (£)	83,000	78,000	74,000	70,000	64,000
Total Interest (£)	376,800	389,900	463,900	512,200	502,800

- 10.2 The CIPFA Treasury Code has been updated to include assets held for financial returns. The CIS covers the Council's approach and risk management with regards to such assets. It documents the spreading of risk across the size of individual investments and diversification in totality across different sectors. The Council's Asset Investment Strategy (which governs the Council's approach to Asset Investment) is also appended to the CIS.

11. OPTIONS

- 11.1 As part of its consideration of the budget, the Council is encouraged to consider the strategic aims contained within the Corporate Strategy and, in this context, to what extent they wish to maintain existing services, how services will be prioritised, and how future budget shortfalls will be addressed.
- 11.2 Instead of increasing its Council Tax by the higher of 2% or up to £5 the Council could freeze its Council Tax. Table 16 provides details of the impact on budgets of the recommended option of a £4.95 increase against the 2 scenarios of a tax freeze or a 2% increase. If the Council chose to freeze its Council Tax, the income foregone in 2024/25 is £1.178m and over the 5 year period £3.444m.

Table 16: Alternate Council Tax Levels

£'000	2020/21	2021/22	2022/23	2023/24	2024/25	
Band D £142.74 in 2020/21 Increase at £4.95 each year – Recommended Option						
Total CT Income	(6,279)	(6,627)	(6,986)	(7,356)	(7,739)	
Total for Freeze (Band D £137.79)	(6,061)	(6,182)	(6,306)	(6,432)	(6,561)	
Total for £2% each year (Band D £140.55)	(6,182)	(6,432)	(6,692)	(6,962)	(7,244)	
Difference (£'000)	2020/21	2021/22	2022/23	2023/24	2024/25	Total
Freeze vs £4.95	(218)	(444)	(680)	(924)	(1,178)	(3,444)
2% vs £4.95	(97)	(194)	(294)	(394)	(496)	(1,474)

- 11.4 Other than the above options for Council Tax increases there are no alternate proposals concerning the Budget, Medium Term Financial Strategy or Transformation Strategy.

Funding Analysis for Special Expense Areas

	2019/20 (£)	2020/21 (£)	% Change
West Bridgford			
Parks and Playing Fields	390,100	404,100	
West Bridgford Town Centre	46,800	55,900	
Community Halls	99,300	68,700	
Seats & Bins	300	300	
Contingency	14,700	14,700	
RCCO	50,000	50,000	
Annuity Charges	81,800	76,800	
Sinking Fund	0	20,000	
Total	683,000	690,500	
Tax Base	14,078.3	14,233.5	
Special Expense Tax	48.51	48.51	0%
Keyworth			
Cemetery & Annuity Charges	4,200	8,800	
Annuity	0	1,300	
Total	4,200	10,100	
Tax Base	2,617.5	2,689.7	
Special Expense Tax	1.60	3.76	135%
Ruddington			
Cemetery & Annuity Charges	9,100	11,300	
Total	9,100	11,300	
Tax Base	2,700.7	2,743.9	
Special Expense Tax	3.37	4.12	22.26%
TOTAL SPECIAL EXPENSES	696,300	711,900	2.24 %

REVENUE BUDGET SERVICE SUMMARY

Appendix 2

	2019/20 ESTIMATE £	2020/21 ESTIMATE £	2021/22 ESTIMATE £	2022/231 ESTIMATE £	2023/24 ESTIMATE £	2024/25 ESTIMATE £
Communities	2,751,900	2,907,200	3,023,200	3,078,500	3,121,000	3,160,200
Finance and Corporate Services	3,393,700	3,442,800	3,668,300	3,764,000	3,992,800	3,860,900
Neighbourhoods	6,504,500	6,520,700	6,655,800	6,391,300	6,383,500	6,337,100
Transformation and Operations	173,700	2,000	(147,000)	(231,000)	(197,700)	(155,300)
Net Service Expenditure	12,823,800	12,872,700	13,200,300	13,002,800	13,299,600	13,202,900
Capital Accounting Adjustments	(2,333,100)	(2,130,600)	(2,130,600)	(2,130,600)	(2,130,600)	(2,130,600)
Minimum Revenue Provision	1,000,000	1,000,000	1,074,000	1,247,000	1,247,000	1,247,000
Revenue Contribution to Capital	131,800	146,800	154,800	180,400	180,400	184,600
Transfer to/(from) Reserves	426,100	1,859,200	(312,400)	(531,400)	(1,215,900)	(1,015,900)
Total Net Service Expenditure	12,048,600	13,748,100	11,986,100	11,768,200	11,380,500	11,488,000
Funding						
Other Grant Income	(314,300)	(17,500)	0	0	0	0
Localised Business Rates, includes SBRR	(3,767,000)	(3,984,300)	(3,058,300)	(3,119,500)	(3,181,900)	(3,245,500)
Collection Fund (Surplus)/Deficit	299,600	(444,500)	0	0	0	0
Council Tax Income						
- Rushcliffe	(5,949,600)	(6,278,800)	(6,626,500)	(6,985,500)	(7,356,300)	(7,739,100)
- Special Expenses Areas	(696,300)	(711,900)	(711,900)	(711,900)	(711,900)	(711,900)
New Homes Bonus	(1,621,000)	(2,311,100)	(1,151,600)	(653,100)	0	0
Total Funding	(12,048,600)	(13,748,100)	(11,548,300)	(11,470,000)	(11,250,100)	(11,696,500)
Net Budget (Surplus)/Deficit	0	0	437,800	298,200	130,400	(208,500)

Rushcliffe Borough Council

Transformation Strategy and Efficiency Plan 2020/21 – 2024/25

Introduction

In 2010, the Council adopted a 4 Year Plan, a planned and measured approach to meeting the emerging financial challenges. The plan was written to identify cost efficiencies, increase income opportunities and develop transformational alternatives for the future delivery of services. The adopted approach aimed to reduce overall expenditure by £2.8m over the life of the Plan. This approach was reinforced in 2012 with the publication of our Corporate Strategy subtitled 'Proactively Preparing for the Future'.

The original 4 Year Plan and Transformation Programme have successfully supported the delivery of over £8.2m in efficiencies. In making our savings, services to residents in some cases have been changed from universally free services towards chargeable choice based services. Other services have been streamlined, to be even more efficient and leaner. Costs have been reduced through rationalisation of assets and staff, with the sharing of both posts and key services. The Council also absorbs inflation increases across many areas except where there is contractual inflation or areas of higher risk. For 2020/21 this is estimated at £270k. Concurrently, we have made it easier for customers to transact their business with us at a time and in a way that suits them. We have done all of this without significantly impacting on service quality or resident satisfaction. Our latest resident polling data shows us that 83% of residents are satisfied with Rushcliffe as a place to live and 63% of residents are satisfied with the way the Council runs its services. (2018).

This revised Transformation Strategy sets out the Council's approach to making further savings between now and 2024/25. It also explains our approach to identifying and working with partners, recognising and maximising opportunities, and leading the way in delivering high quality services that match the needs of residents. It is clear that as the organisation becomes leaner, it will become increasingly challenging to find further savings. Achieving the increased targets requires a bolder and more strategically focussed way of thinking.

Addressing the funding gap

Whilst the Council has achieved significant savings via the 4 year plan and the first four years of the Transformation Programme, further savings are required to address the estimated funding gap. This revised Transformation Programme will form the basis of how the Council meets the financial challenge summarised in the table below.

Savings targets

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000	£'000
Gross Budget Deficit excluding Transformation Plan	3,740	3,932	4,631	5,009	4,911	4,682
Cumulative Savings in Transformation Plan	3,740	3,740	3,932	4,193	4,711	4,781
Gross Budget Deficit/(Surplus)	0	192	699	816	200	(99)
Additional Transformation Plan savings	0	(192)	(261)	(518)	(70)	(110)
Net budget Deficit/(Surplus)	0	0	438	298	130	(209)

In order to deliver a balanced budget for 2020/21 the Council has looked to constrain Council spend and increase income (particularly through commercialism and growth). The Council continues to review how it delivers its services and meet the funding gap. Other arrangements exist with neighbouring authorities such as the Building Control partnership with South Kesteven and Newark & Sherwood, and creating companies, such as Streetwise and looking to expand its company base through Rushcliffe Enterprises Ltd. The Council continues to identify innovative ways of delivering its services more economically, efficiently and effectively, including collaboration where a business case supports such an initiative.

Moving forward, this momentum must continue and the Council's key transformation projects need to be reviewed on an on-going annual basis. While the Council has identified a range of projects that can be used to deliver the anticipated savings required, this remains a challenging exercise. The current transformation projects which will be worked upon for delivery from 2020/21 are given at [Appendix B](#). Some of the more significant projects include:

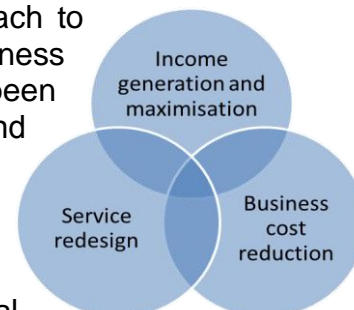
- The Asset Investment Strategy;
- the potential development of a crematorium;
- The continued activation of the Leisure Strategy focusing on the options for leisure provision in Bingham and surrounding area;
- Commercialisation: maximising asset usage, sponsorship and Leisure Community Interest Company
- Cyclical reviews of all service areas; and
- Reviewing fees and charges.

It should be noted there is guidance on the capitalisation of transformation costs where an income stream is generated. It relates to set-up and implementation costs not on-going savings. These should be reported through this document. This

Strategy can be revised at any time by Full Council and as part of our Treasury Management Strategy reporting we must show the impact on our prudential indicators.

Rushcliffe's core operating principles

Rushcliffe has three core principles which underpin its approach to transformation – income generation and maximisation, business cost reduction and service redesign. Transformation has been achieved to date by focusing on a 'one' Council approach and great teamwork between Members and officers to limit the impact upon residents. However, we recognise to be successful in bridging the remaining funding gap it will be necessary to consider and implement large scale transformational change which can generate a large fiscal impact.

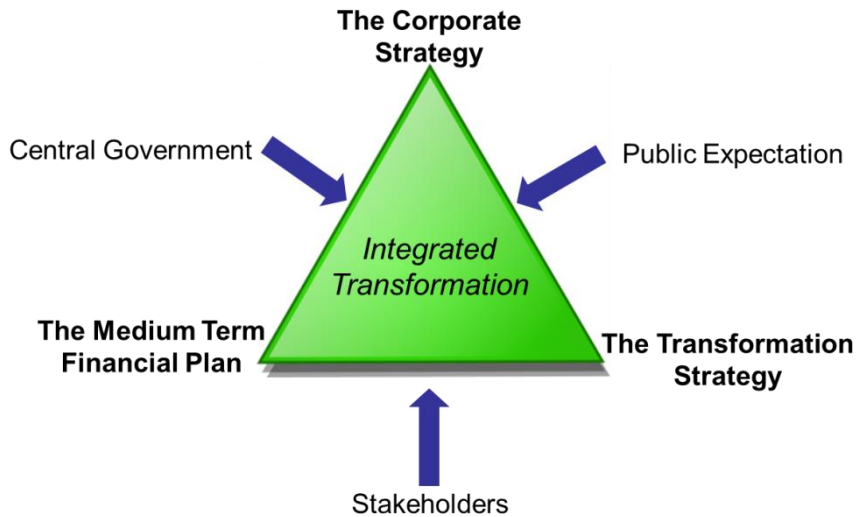


The Transformation Strategy is an evolving document and although it essentially covers the next five years it should not be bound by time or scope. To this end and within the emerging complex environment, three partnership models have been identified to provide a framework to generate further efficiencies. These are covered in more detail in [Appendix A](#).

An Integrated Approach to Transformation

This Strategy formalises the Council's integrated approach to transformation. It highlights the work that has been done in the last six years to deliver over £3.8m in efficiencies and formalises the Council's principles of partnership working (detailed at [Appendix A](#)). At a strategic level it highlights the important relationship between:

- The Council's Corporate Strategy – which provides the overall direction of the Council, its core values and its four key priorities,
- The Medium Term Financial Plan – a defined plan of how the authority will work towards a balanced budget and maintain viability,
- The Transformation Strategy – a document providing direction in respect of the strategically focussed streams of work to meet the financial targets whilst fulfilling the Council's corporate priorities. As the Transformation Strategy evolves Commercialism is emerging as cross cutting strategy, detailed in [Appendix C](#), to support the sustained delivery of the financial targets.



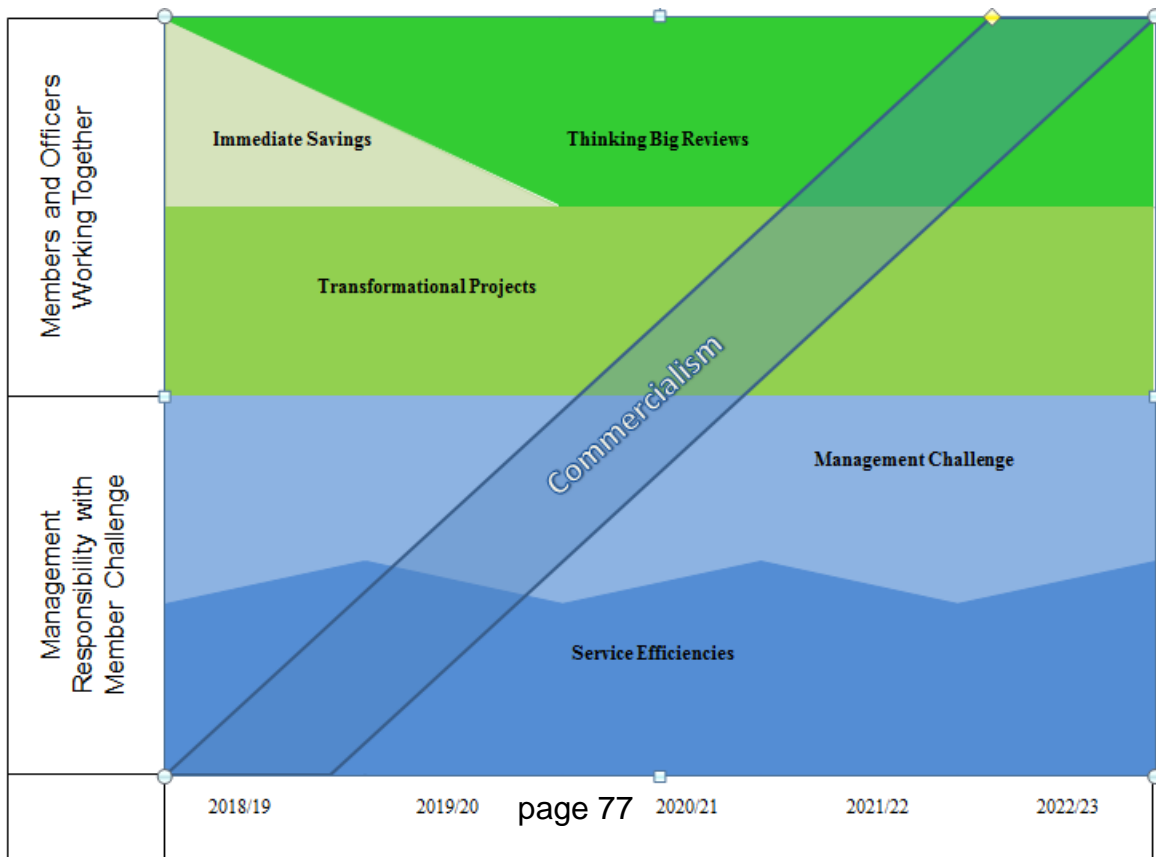
Rushcliffe's Integrated Approach to Transformation

The diagram above also shows how this trio of documents can be influenced by external factors such as central government, public expectation and other stakeholders.

The Transformation Strategy

This document details the different areas of work officers and Members will focus upon to meet the stretching financial targets set whilst continuing to fulfil our corporate priorities. The diagram below highlights the different work streams and shows how they fit together over the next five years. Underpinning the work streams is our approach to Commercialism as documented at [Appendix C](#).

Management Responsibility with Member Challenge



Each year, officers undertake an internal programme of investigations looking specifically at improving efficiency through different ways of working. We also challenge our budgets every year to drive out further savings whilst minimising the impact of front line services. We have a strong leadership focused on corporate priorities using regular performance clinics to manage performance and budgets. We also ensure that every large scale project (where there is deemed to be a significant impact on residents, staff or budgets) has its own project board and governance structure. Activities are challenged through Leader and Portfolio Holder briefings, and constituted and established processes such as Member Groups. Reports on policy changes are passed through the Cabinet, and our Corporate Overview Group and other scrutiny groups regularly scrutinise review findings. Additional Member Groups are created by Cabinet where required.

Service Efficiencies

The culture at Rushcliffe has been to ensure different services are reviewed regularly to make sure they are as focused upon the customer and as streamlined as possible, any identified inefficiency removed from the system and where appropriate services are moved online. The way the service is delivered is also investigated and consideration is given to potential partnership opportunities or alternative methods of delivery to protect the services that residents value without a pre-determined view. Headline efficiency targets have been identified for each area of the Council and these are illustrated at [Appendix B](#).

Management Challenge

The Service Efficiencies are strengthened by on-going management of the services through regular performance clinics and a management challenge as part of the annual budget setting process – each Executive Manager is charged with scrutinising their budget to identify and remove any additional savings or unused budget. Again, top level targets have been identified for each area of the Council and these are illustrated in the table at [Appendix B](#).

Members and Officers Working Together

The upper area of the diagram above focuses on activities where Members and officers work together to identify further savings and different ways of working. These aspects of the Strategy have been arrived at through our budget proposals which have continued to be radical and challenging as we look at ways of bridging the financial gap by 2024/25. Budget workshops, incorporating Members from all political groups, have looked at what has been achieved so far, policy changes that can be made immediately to save money in the coming year, different ways of delivering services in the future, and more long-term 'Thinking Big' options that could significantly change the face of the Council and the services it delivers.

Immediate savings

Each year, Members are presented with a number of policy changes which hit one or more of our core principles of income generation and maximisation, business cost reduction or service redesign. These operational changes form part of the budget setting process each year and generally result in savings or additional income for the following year.

Member Involvement and Budget Workshops

As part of the budget setting process for 2020/21, Members discussed a number of potential options such as increasing green bin charges. These will primarily focus on gathering information upon which Members can base decisions which could potentially change the face of the Borough in the future. These 'Thinking Big' ideas have the potential to contribute significantly to bridging the funding gap we are experiencing without reducing frontline services but they are not decisions to be taken lightly which is why robust investigations are undertaken. Over the last year (2019/20) there have been several "Big Thinking" initiatives focusing on Fairham Pastures and the development of housing and employment land, a new crematorium, the development of the Abbey Road Depot site and potential development of the Bingham Leisure Hub. These are also subject to a combination the involvement of Growth Boards, Scrutiny work or Member Development Groups. The Asset Investment Strategy continues to pay dividends with some investment planned as the Council changes direction from purchasing commercial property to developing assets and services within the Borough's boundaries.

Transformational Projects 2020-2025

As has already been mentioned above, this Strategy is a continuation of the Council's original Transformation Programme and as a consequence a number of key projects which influence service delivery and finances over the next few years are already in progress. Good progress has been made with new Transformational Projects as mentioned above.

Leisure Strategy Activation

Since 2006, the Council's Leisure Strategy has highlighted the authority's ambition to rationalise leisure facilities in West Bridgford to one site – Rushcliffe Arena and to consider the options for built leisure provision in the Bingham area. The new Arena leisure centre and Rushcliffe Borough Council's new offices successfully opened in January 2017. The next phase of the Leisure Strategy is progressing the Bingham Hub. It is planned that Bingham Hub will be operational from 2021/22.

Summary of the Transformation Strategy Work Programme

The diagram below summarises the Transformation Strategy Work Programme for the next five years and provides a framework within which the required efficiencies will be delivered.



Governance

The original version of this strategy (2013) established a framework and timeframe for the individual projects within the programme. While in general these have been achieved, arrangements have been flexible to allow for unforeseen circumstances and to redirect resources to maximise opportunities as they have arisen. It is anticipated that these same principles of agile working will apply to the 2020-2025 rolling Transformation Programme.

Each project within the programme has appropriate governance arrangements depending on the size, complexity and risk. Overall, monitoring of the Strategy will take place quarterly by the Chief Executive and the Executive Management Team. Where it is required by individual projects, consultation and engagement with members of the public will take place.

The following risks have been identified and will be monitored accordingly.

Risk	Probability	Impact	Mitigation
Reviews do not achieve anticipated savings	Probable	>£250k	Individual reviews where there is underachievement may be offset by others with higher savings.
Programme slippage	Possible	>£250k	Monitoring of programme and taking early corrective action
Insufficient capacity to undertake the programme	Possible	>£250k	Procure extra resources – i.e. consultancy
Insufficient interest from alternative providers	Possible	Negative	Find appropriate savings from direct service provision by quality reduction (probably)

Conclusion

The above sets out Rushcliffe's plans over the next five years and the Council's commitment towards delivering these plans. This plan supports the Council's MTFS and is the vehicle upon which the Council will achieve a balanced budget.

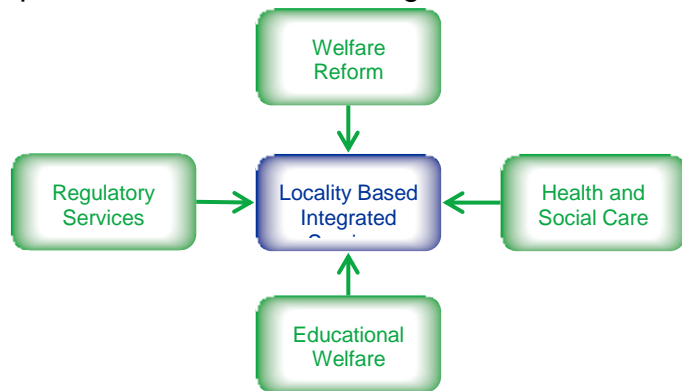
Rushcliffe’s Accepted Models of Partnership Working

1. Localised Integrated Working Partnerships

These types of integrated delivery partnerships involve working with other agencies and organisations whose services are delivered to Rushcliffe Borough residents. These partnerships are aimed at improving the connectivity of public services, public regulation, reducing the need to cross-refer people and issues.

The Government has recognised and begun to embrace the value of partnerships of scope and is increasingly looking to realise both financial and customer benefits from these. Central Government policies around community safety, health outcomes, welfare reform and community budget pilots, all demonstrate recognition of the importance of different agencies working together in a single locality to benefit their residents.

Rushcliffe is a pioneer in this area. The successful development of the Rushcliffe Community Contact Centre bringing together joint customer services for the Police, Job Centre plus, voluntary sector, South Nottinghamshire College and other services has been recognised nationally. This approach has been supported by our ability to work in other locations on a remote access basis. The service has recently been expanded into Bingham where an integrated delivery service model has been deployed and is being delivered from the new Health Centre.



There are also a range of projects underway involving our locality partners, which embed these principles and take services out into the community, including Positive Futures, Sunday Funday, Lark in the Park and Business Partnership events.

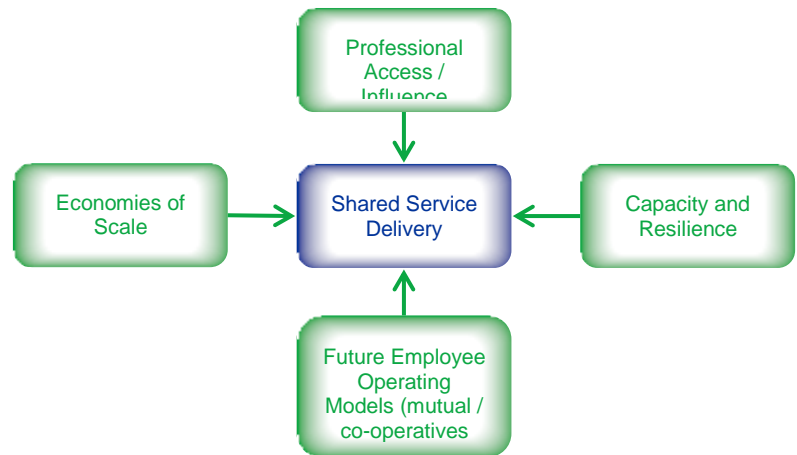
2. Partnerships of Scale

This term describes two or more organisations joining together largely to benefit from economies of scale. These partnerships can, like localised integrated working partnerships, drive efficiencies but unlike scope partnerships they may not, in themselves, directly improve the way in which the service is delivered to Rushcliffe Borough residents. Opportunities exist in this area to share back office services, reducing costs and removing duplication whilst maintaining and improving capacity and resilience.

If scale partnerships are to be successful, previous experience has shown that there is a greater chance for success if they cover a broad range of services but are focussed and aligned on a small number of culturally similar and willing partners. It is possible to develop these partnerships organically – that is, as opportunities arise – and this has been our approach to date following the unsuccessful attempt to enter a partnership with Liberata and Charnwood Borough Council.

As mentioned above, to date partnerships of scale have developed organically – the Council has been successful in developing a number of such partnerships, of which the following, mostly back office services, have come to fruition: payroll services (Gedling), ICT (Broxtowe, Newark & Sherwood), building control (South Kesteven, Newark & Sherwood), procurement (Gedling), homelessness (Gedling) and emergency planning (Nottinghamshire County Council).

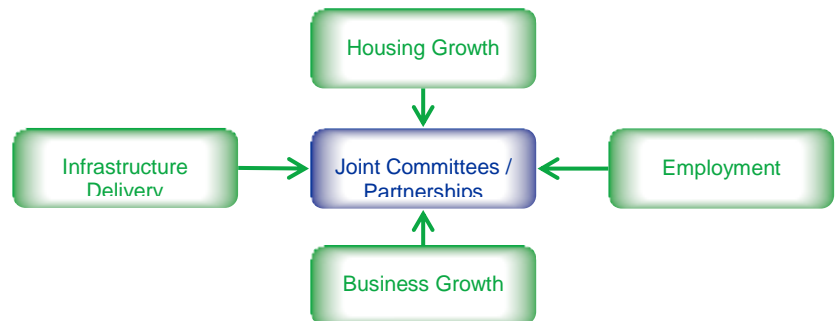
Following continued encouragement from Central Government, there has been an increased willingness and determination from the Leaders within Nottinghamshire to forge closer partnerships of scale (Waste Collection and Management).



3. Partnerships for Governance

There has been a growth of place-based and themed partnership arrangements. These have largely been designed to implement and administer arrangements within defined areas focussed upon common objectives including: The Joint Planning and Advisory Board (Nottingham City, Nottinghamshire County Council, Broxtowe BC, Gedling BC, Erewash DC and Rushcliffe BC).

However, the emergence and growth of other forums has restricted the representation and influencing role of individual districts. The Health and Wellbeing Boards and Local Enterprise Partnerships are prime examples where representation is restricted to one district or borough council.



Therefore, to combat this, it is likely there will be an increase in the number of joint committee arrangements. These will be focused upon agreeing joint objectives, allocating resources and monitoring outcomes which impact regionally and nationally. For example, in January 2014, the Cabinet supported the establishment of the City of Nottingham and Nottinghamshire Economic Prosperity Committee to drive future investment in growth and jobs in the City and County.

If these do grow, there will be an increasing reliance upon forging relationships which can influence outcomes for Rushcliffe residents; for example, agreeing key infrastructure requirements which benefit not only Rushcliffe but neighbouring boroughs and districts. These models of partnership working provide a framework within which officers can be swift to take advantage of opportunities as they arise. They build upon our existing core principles model highlighted above and provide a clear map for the future.

Transformation Programme 2020/21 - 2024/25					
Savings (£'000)	2020/21	2021/22	2022/23	2023/24	2024/25
Service Efficiencies & Management Challenge	1,767	1,757	1,747	1,737	1,737
<u>Thematic Reviews - With Potential Savings</u>					
Bridgford Hall	108	108	108	108	108
Council Publications and Promotion	9	9	9	9	9
Grants and Support	50	50	50	50	50
Leisure Strategy	424	424	424	424	424
Travel costs	56	56	56	56	56
Burial Provision	23	23	23	23	23
Printing for Member Meetings	5	5	5	5	5
Asset Investment Strategy	437	437	437	437	437
Total Thematic Reviews - With Potential Savings	1,112	1,112	1,112	1,112	1,112
<u>Income Reviews</u>					
Wheeled bin charges for new houses	10	10	10	10	10
Fees and charges Generally	104	104	104	104	104
Street Trading Licences	5	5	5	5	5
Car Park – previous car park increases	174	174	174	174	174
RCP - compulsory charging	20	20	20	20	20
Increase charging on Green Bin	382	382	382	382	382
Planning pre-application Advice	30	30	30	30	30
Total Additional Income	725	725	725	725	725

Transformation Programme 2020/21 - 2024/25	2020/21	2021/22	2022/23	2023/24	2024/25
Additional (Growth)/Savings					
Planning Income	100	100	100	100	100
Room Hire	7	7	7	7	7
Net impact of relocation to Eastcroft	(232)	(273)	(273)	(273)	(273)
Leisure Community Interest Company	120	120	120	120	120
Procurement	50	50	50	50	50
Event Sponsorship Income	9	9	9	9	9
Finch Close	67	67	67	67	67
Co-op	69	69	69	69	69
Units at Moorbridge	0	57	63	63	63
Cotgrave Phase 2	0	34	91	91	91
Asset Investment Projects	180	360	825	905	1,015
Total Additional (Growth)/Savings	329	600	1,128	1,208	1,318
Overall Total	3,932	4,193	4,711	4,781	4,891
In Year TP savings	192	261	518	70	110

**Commercialisation of Rushcliffe -
A balanced investment in our future**

With reduction in and eventual removal of Government grants to Local Authorities there is a need for Rushcliffe Borough Council, like other authorities, to consider new opportunities to help ensure the sustainability of the services delivered. Merely cutting costs will, in the long term, not be sufficient to fill the funding black hole. Local Authorities need to explore options to operate in a more commercial manner than would be traditionally expected of them.

This does not mean taking unnecessary risks with public money. It means, in these challenging financial times, the opportunity to continue to deliver the excellent services that our residents depend upon and expect.

Commercialisation for Rushcliffe informs and is integral to the Transformation Plan and Efficiency Strategy. This document should be viewed alongside:

- Corporate Strategy
- Asset Investment Strategy
- Medium Term Financial Plan

Core principles

Commercialisation contributes towards the aims of the medium term financial strategy and the following strategic goals, contained with the Council's Corporate Strategy 2019-2024, improving:

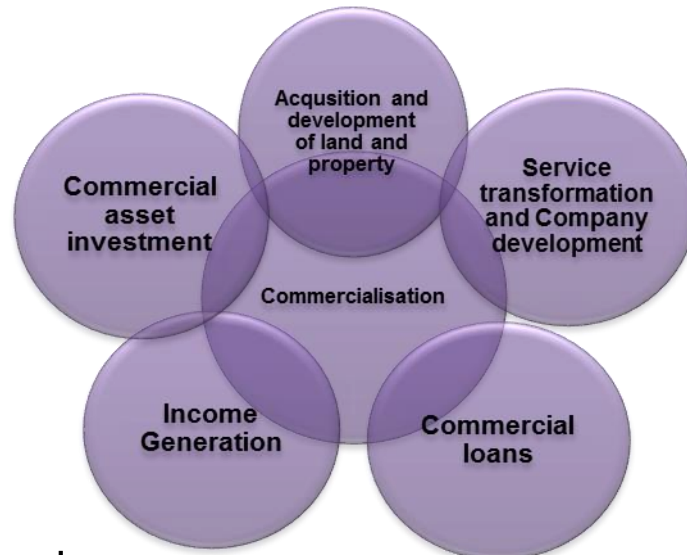
1. Quality of Life
2. Efficient Services
3. Sustainable Growth
4. The Environment

All decisions are considered against and aligned with these strategic goals as well as some core principles to ensure the Council is protecting the interests of our communities. Rushcliffe's core principles for commercialisation are:

- **Values** – commercial opportunities will align with the Council's values and enable the Borough Council to continue to deliver the vital services our communities rely on.
- **Broad/mixed approach** - It is not solely focused on income generation. It also focuses on deployment of resources and doing things differently.
- **Responsive** - be bold and opportunistic and prepared to think outside our comfort zone. This includes an acceptance that not all schemes will succeed but it is the value of the commercial programme as a whole that is critical.
- **Culture** – a strong organisational culture supported by a clear vision and good communication. Rushcliffe ensures that staff have the skills to deliver and where this is not possible external professional advice is sought.
- **Risk** - understand risk, this includes reputational risk, and be risk aware not risk adverse; the risk of doing nothing can sometimes be greater.

The Rushcliffe approach

Rushcliffe has embraced opportunities to operate in more commercial ways and has developed a strong programme of work across 5 key areas of commercialisation:



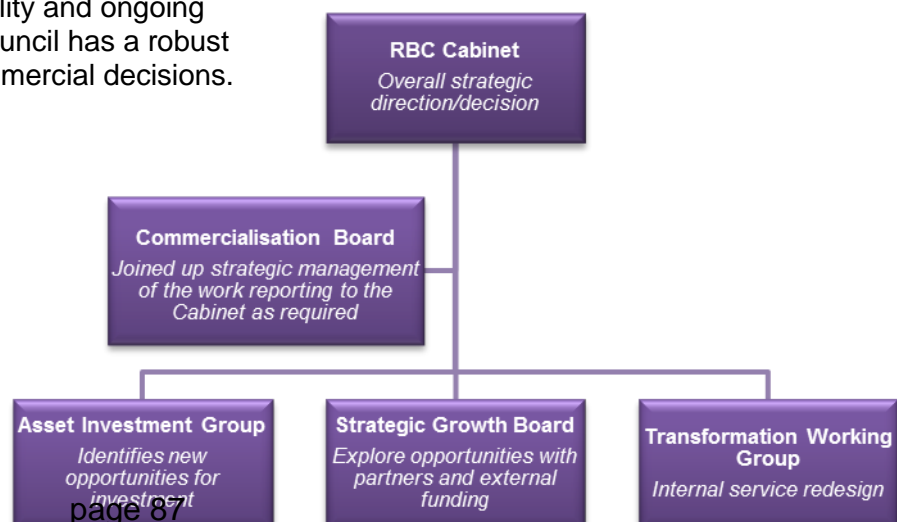
What we have already achieved

- Extending our property portfolio with the construction of 15 new industrial units in Cotgrave.
- Purchase of the Point office complex in the main town centre in the Borough
- Purchase of commercial land for development – Chapel Lane and Moorbridge Road
- Office move to the Arena which has meant the development of new more flexible ways of working and a digital transformation, with the council being a more responsive and leaner organisation.
- Acquisition of commercial property in the East Midlands region.
- Loan to Nottinghamshire County Cricket Club to secure the future of big sporting events including the Ashes in the Borough.
- Significant reviews of a range of services including collaboration in areas like Building Control and the creation of Streetwise Trading Company.
- Significant income generation for example through green waste.

Governance and monitoring

To ensure transparency, accountability and ongoing monitoring and management the Council has a robust structure in place to oversee all commercial decisions.

This work is led by a newly established Commercialisation Board empowering senior officers provide strategic leadership to the commercialisation agenda:



CAPITAL PROGRAMME 2020/21

Ref	Scheme	2020/21	2021/22	2022/23	2023/24	2024/25
		Indicative Estimate	Indicative Estimate	Indicative Estimate	Indicative Estimate	Indicative Estimate
		£000	£000	£000	£000	£000
	Transformation					
	Arena Car Park Enhancements	0	0	0	0	0
	Colliers Way Industrial Units	0	0	0	0	0
	Cotgrave Regeneration & MSC	0	0	0	0	0
	Cotgrave Regeneration PH II	0	0	0	0	0
1	Crematorium	4,800	0	0	0	0
	Industrial Units Moorbridge	0	0	0	0	0
	Fairham Pastures Loan	0	0	0	0	0
	Fairham Pastures Infrastructure	0	0	0	0	0
	The Point Enhancements	20	0	250	250	0
	RCCC Enhancements	0	0	0	0	0
	New Depot	0	0	0	0	0
	Manvers Business Park - Roof Refurbishment	0	0	0	0	0
2	Bingham Leisure Hub (£25m)	10,000	5,000	0	0	0
	Compton Acres Water Course	60	150	0	0	0
	Manvers Business Park - Roller Shutters	0	0	0	0	0
	Manvers Business Park - Car Park Surface/Drainage	0	0	0	0	0
	Colliers BP - Car Park Surface/Drainage	0	0	0	0	0
	Bridgford Pk Toilets Refurbishment	0	0	0	0	0
3	Bingham Mkt Place Enhancements	75	0	0	0	0
	Park Cottage Fabric Upgrade	0	0	0	0	90
	Walkers Yard 1a/b	0	0	0	0	60
	Keyworth Cemetery	0	0	0	20	0
	Transport Safety Infrastructure	0	0	0	0	0
	Sub total	14,955	5,150	250	270	150

	Neighbourhoods					
	Wheeled Bins	0	0	0	0	0
4	Vehicle Replacement	612	612	282	850	1,055
	Support for Registered Housing Providers	216	0	0	0	0
	Hound Lodge - Access Control System	0	0	0	0	0
	Hound Lodge - Annexe Patio Doors	35	0	0	0	0
	Hound Lodge - roof refurbishment/rewire	0	0	150	0	75
	Assistive Technology	12	12	12	12	12
	Discretionary Top Ups	57	57	57	57	57
	Disabled Facilities Grants	490	490	490	490	490
5	Arena Reception and Corridor Floor Upgrade	0	75	0	0	0
	Bowls Hall Replacement Furniture	15	0	0	0	0
	BLC Improvements	0	0	0	0	0
	CLC Pool and Plant Enhancements	0	0	15	200	150
6	CLC - Changing Village Refurb	0	300	0	0	0
	CLC - Refurb Roofs to Sports Hall and Pool					
7	Hall	0	150	0	0	0
	KLC - Plant and Lighting Enhancements	0	0	170	0	0
8	KLC - Refurb Pool Hall and Changing Village	0	250	0	0	0
	KLC - Refurb Pitched/Flat Roof Areas	220	0	0	0	0
	Arena Enhancements	0	0	0	0	0
	Car Park Resurfacing	0	0	0	0	0
	Car Park Improvements - Lighting Other	0	0	0	0	0
	Car Park Improvements - Lighting West					
	Bridgford	0	0	0	0	0
	Sub total	1,657	1,946	1,176	1,609	1,839
	Communities					
	Capital Grant Funding	0	0	0	0	0
9	VE 75th Commemoration	20	0	0	0	0
10	Play Areas W.B. - Special Expense	50	50	50	50	50
	The Hook Play Area	0	0	0	0	0
	The Hook Skatepark	0	0	0	0	0
	West Park Fencing and Drainage	0	0	0	0	0

	West Park Lighting	0	0	0	0	0
	West Park Public Toilet Upgrade	0	0	0	0	0
11	West Park Julien Cahn Pavilion Special Expense	0	75	0	0	0
12,13	Gresham Sports Pitches/Pavilion	1,000	100	25	0	0
14	Gresham Pavilion - Upgrade 3G Pitch Lighting	35	0	0	0	0
	Rushcliffe CP - Buildings Enhancements	0	0	0	0	0
	Rushcliffe CP - Vehicle Access Controls	0	0	0	0	0
	Rushcliffe CP - Front Footpath Imps	15	0	0	0	0
15	Rushcliffe CP - Skatepark	220	0	0	0	0
16	Rushcliffe CP - Visitor Centre	250	0	0	0	0
17	Lutterell Hall Special Expense	50	225	0	0	0
	Skateboard Parks	0	0	0	0	0
	Arena Public Art	0	0	0	0	0
18	Gamston Community Hall Special Expense	45	70	0	50	40
19	Extnl Door/Window Upgrades Various Sites	0	50	0	0	0
	Warm Homes on Prescription	54	54	54	54	54
	Sub total	1,739	624	129	154	144
	Finance and Corporate Services					
20	Information Systems Strategy	335	280	230	230	230
	NCCC Loan	0	0	0	0	0
21	Streetwise Loan	150	150	150	150	150
	Asset Investment Strategy	0	0	0	0	0
	Contingency	100	100	100	100	100
	Sub total	585	530	480	480	480
PROGRAMME TOTAL		18,936	8,250	2,035	2,513	2,613

PROJECT APPRAISAL FORM

Project Name: The Crematorium	Cost Centre: 0684	Ref: 1
<p>Detailed Description: In November 2018, Cabinet approved the principle of providing a new crematorium on a site at Stragglethorpe to provide much needed additional community infrastructure to serve Rushcliffe residents.</p> <p>In December 2019 Cabinet approved purchase of a site and design and procurement of the crematorium. The land purchase and procurement is estimated to take up to 9 months with a further 12 month build period resulting in the new facility opening late 2021 or early 2022.</p>		
Location: Stragglethorpe	Executive Manager: Transformation	
<p>Contribution to the Council's aims and objectives: Corporate Priorities:</p> <ul style="list-style-type: none"> • Quality of Life • Efficient Services • Sustainable Growth • The Environment <p>Strategic Commitments:</p> <ul style="list-style-type: none"> • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Responsible income generation and prudent borrowing where deemed appropriate, to facilitate the delivery of services. • Ongoing appraisal and alignment of resources linked to growth aspirations. • Bringing new business to the Borough. • Reviewing our policies and ways of working to protect natural resources, and to implement environmentally beneficial infrastructure changes. 		
<p>Community Outcomes:</p> <ul style="list-style-type: none"> • To provide additional community infrastructure resulting in additional capacity in the Borough alongside the existing Crematorium at Wilford Hill. • Ensuring we are maximising our property holdings and aligning them with the needs of residents. Properties may be held for operational purposes, for community use, or for investment purposes. • The designs for the crematorium will include carbon offsetting and energy efficiency measures as far as is practicable in line with the Council's commitment to become carbon neutral. 		
<p>Other Options Rejected and Why:</p> <p>The Council could leave the delivery of a new crematorium in the Borough to the wider market. This option would not provide a revenue return to the Council which could be used to contribute to other community infrastructure projects and would reduce Council influence on the design and operation of the facility. Feedback from local residents and businesses following the granting of planning permission has been that they would prefer this to be a Council run facility. Therefore, this option is not currently recommended.</p>		
Start Date:		Completion Date:
Capital Cost (Total) :	Previous Year	Year 1:20/21 Year 2:21/22

£6,500,000	£1,700,000	£4,800,000	
Capital Cost (Breakdown) £: 6,500,000			
Works £5,225,000	Equipment	Other £1,275,000 land	Fees
Additional Revenue cost/(saving)per annum:	Year 1: 20/21 Nil	Year 2: 21/22 Nil	
Year 3: 22/23 (£257,000)	Year 4: 23/24 (£302,000)	Year 5: 24/25 (£349,000)	
Proposed Funding			
External: £2,950,000 Borrowing – internal or external		Internal: £3,550,000 Capital Receipts	

Useful Economic Life (years): 50 years	New/Replacement: New
Depreciation per annum: £130,000	Capital Financing Costs: Principal and interest on borrowing of £2,950,000 is £162,000 p.a. Opportunity Cost in the form of lost interest on the use of Capital Receipts £26,625p.a.
Residual Value: N/A	Category of Asset: Operational Land and Buildings/Investment Property

PROJECT APPRAISAL FORM

Project Name: Bingham Hub	Cost Centre: 0314	Ref: 2	
Detailed Description: To develop the Chapel Lane site in Bingham including a new leisure centre, community hall, and office space by 2022. This scheme is supported by the latest Cabinet report: 14 January 2020.			
Location: Bingham		Executive Manager: Transformation	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services • Sustainable Growth • The Environment Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Responsible income generation and prudent borrowing where deemed appropriate, to facilitate the delivery of services. • Ongoing appraisal and alignment of resources linked to growth aspirations. • Bringing new business to the Borough and nurturing our existing businesses, helping them to grow and succeed. • Reviewing our policies and ways of working to protect natural resources, and to implement environmentally beneficial infrastructure changes. 			
Community Outcomes: <ul style="list-style-type: none"> • To provide modern, high-quality leisure and community facilities, as well as employment opportunities to the growing population in the east of our Borough. • Enhanced opportunities for residents to lead healthy lifestyles through physical activity and social events • Providing a facility to host competitive swimming club events as an integral part of the Rushcliffe portfolio of swimming pools • Addressing the identified community need for a community hall in Bingham capable of hosting large events and stage performances • Ensuring we are maximising our property holdings and aligning them with the needs of our residents. Properties may be held for operational purposes, for community use, or for investment purposes. • Meeting the needs of and supporting local small business providing space for them to start up and grow. 			
Other Options Rejected and Why: A revised specification alternative design could be developed, however this would require an amendment to the planning submission, would lead to increased costs and delay project delivery. The proposed designs cater for a range of community, leisure and business needs, whilst minimising carbon emissions and are within the budget allocated for the project.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Previous Year	Year 1:20/21	Year 2:21/22
£20,000,000	£5,000,000	£10,000,000	£5,000,000

Capital Cost (Breakdown) £:			
Works £17,800,000	Equipment £750,000	Other £350,000	Fees £1,100,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21 (£33,000)	Year 2: 21/22 (£110,000)	
Year 3: 22/23 (£318,000)	Year 4: 23/24 (£353,000)	Year 5: 24/25 (£416,000)	
Proposed Funding			
External: £7,000,000 Borrowing – internal or external; £750,000 GDF grant; £2,800,000 S106 Developer Contributions		Internal: £9,450,000 Capital Receipts	

Useful Economic Life (years): 50 years	New/Replacement: New
Depreciation per annum: £400,000	Capital Financing Costs: Principal and interest on borrowing £7m = £385,000 Opportunity Cost in the form of lost interest on the use of Capital Receipts £70,875 p.a.
Residual Value: N/A	Category of Asset: Operational Land and Buildings and Investment Property

PROJECT APPRAISAL FORM

Project Name: Bingham Market Place – Buttercross		Cost Centre: 0379	Ref: 3
Detailed Description: The Buttercross/Market Cross on Bingham’s market place is a Grade II listed structure. To maintain the structure in a sound and safe condition, an overhaul of the roof and supporting fabric is required by specialist contractors.			
Location: Bingham Market Place		Executive Manager: Transformation	
Contribution to the Council’s aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Sustainable Growth • The Environment Strategic Commitments: <ul style="list-style-type: none"> • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Ongoing appraisal and alignment of resources linked to growth aspirations. • Reviewing our policies and ways of working to protect natural resources, and to implement environmentally beneficial infrastructure changes. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. 			
Other Options Rejected and Why: Doing nothing would put the structure and public at increased risk (roof slate fixings are beginning to fail) and potentially give rise to higher costs as deterioration accelerates.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£75,000	£75,000		
Capital Cost (Breakdown) £:			
Works £71,000	Equipment	Other	Fees £4,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts	
Useful Economic Life (years): 30		New/Replacement: Replacement	
Depreciation per annum: £2,500		Capital Financing Costs: £560 p.a.	
Residual Value: N/A		Category of Asset: Community Asset	

PROJECT APPRAISAL FORM

Project Name: Vehicle Replacement	Cost Centre: 0680	Ref: 4
<p>Detailed Description: The authority owns vehicles ranging from large refuse freighters to small vans and items of mechanical plant. As these vehicles and plant age and become uneconomic to maintain and run, they are replaced on a new for old basis. Although there is a programme for replacements for the next ten years, each vehicle or machine is assessed annually and the programme continually adjusted to take into account actual performance. This provision will be used to acquire new vehicles and plant, undertake refurbishments to extend vehicle life and value and to purchase second hand vehicles and plant as and when appropriate. Going forward low carbon use vehicles will be purchased, likely to have further cost implications.</p>		
Location: Eastcroft Depot	Executive Manager: Neighbourhoods	
<p>Contribution to the Council's aims and objectives: Corporate Priorities:</p> <ul style="list-style-type: none"> • Quality of Life • Efficient Services • The Environment <p>Strategic Commitments:</p> <ul style="list-style-type: none"> • Working with our partners to create great, safe, and clean communities to live and work in. • Ongoing appraisal and alignment of resources linked to growth aspirations. • Reviewing our policies and ways of working to protect natural resources, and to implement environmentally beneficial infrastructure changes. To reduce waste and increasingly reuse and recycle to protect the environment for the future. • Respond to any proposals from the Resources and Waste Strategy for England. • Delivering a high quality waste and recycling collection service. • A commitment to look at cleaner vehicles in line with our commitment to protect the environment, in particularly alternative fuel vehicles <p>The replacement of vehicles is critical to the performance of the front line services. Regular vehicle and plant replacement with new updated engines helps to meet climate change and national indicator targets for emissions and helps maintain a cleaner air quality within the Borough.</p>		
<p>Community Outcomes:</p> <ul style="list-style-type: none"> • To address climate change and the need to reduce carbon emissions. The introduction of new euro standard engines will lower emissions. The new vehicles will also reduce maintenance costs on the vehicles they replace however it should be noted that the remainder of the fleet ages and therefore the fleet profile and maintenance costs overall remain stable. 		
<p>Other Options Rejected and Why: An historic review was undertaken to consider the leasing and hiring in of vehicles. Due to the level of capital resources, it was concluded that it was uneconomical to do either of these two options but as resources reduce these options may need to be revisited again. However, there are also distinct advantages in direct purchase:-</p> <ol style="list-style-type: none"> a) The authority has control over the maintenance of the vehicles. b) It is difficult to change the terms and conditions of a lease. c) High performing vehicles can have their lifespan lengthened. d) Poor performing vehicles can have their lifespan shortened. <p>Not being tied in to lengthy lease/hire contracts means the service can react and adapt to change quickly.</p>		

The Council now actively looks at the possible purchase of 2nd hand vehicles and will refurbish vehicles to extend their life and value.

Start Date: Ongoing		Completion Date:	
Capital Cost (Total) :	Year 1: 20/21	Year 2: 21/22	
£1,224,000 (2 years)	£612,000	£612,000	
Capital Cost (Breakdown)			
Works £0	Equipment £1,224,000	Other £0	Fees £0
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21 £0	Year 2: 21/22 £0	
Year 3: 22/23 £0	Year 4: 23/24 £0	Year 5: 24/25 £0	
As each vehicle replaces an existing vehicle, there is no increase in the overall revenue costs. Whilst newer vehicles can lead to less expenditure on breakdown and repair, older vehicles will cost more. The overall fleet profile remains relatively constant and therefore service budgets remain the same. However with property growth there is the likelihood moving forward that additional revenue expenditure may be incurred and this will be need to be considered for the budget year 2021/22.			
Proposed Funding:			
External: N/A		Internal: Capital Receipts	
Useful Economic Life (years): Various		New/Replacements: New and Replacements	
Depreciation per annum: Various		Capital Financing Costs: £4,590 year 1	
Residual Value: Various		Category of Asset: Vehicle and Plant	

PROJECT APPRAISAL FORM

Project Name: Rushcliffe Arena – Leisure Centre Reception and Corridor Floor Upgrade		Cost Centre: 0425	Ref: 5
Detailed Description: The finish to these areas of floor is a self-levelling cementitious screed with a clear seal. At building handover in 2016 a number of defects were identified with the screed which included stress cracking and discolouration. Wholesale replacement was discounted due to the disruption and instead a financial penalty was imposed on the contractor. A period of monitoring has confirmed that little or no further movement is occurring and the screed is sufficiently stable to receive an applied covering in phased approach.			
Location: The Arena		Executive Manager: Neighbourhoods	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Responsible income generation to facilitate the delivery of services. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choices. 			
Other Options Rejected and Why: Not doing the phased upgrade work would mean 'living with' the obvious defects in the screed finish which are visually unattractive. The cracking in the screed has been filled to prevent moisture entry but this has highlighted the defects.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£75,000		£75,000	
Capital Cost (Breakdown) £:			
Works £70,000	Equipment	Other	Fees £5,000
Additional Revenue cost/ (saving) per annum:	Year 1: 19/20		Year 2: 20/21
Year 3: 21/22	Year 4: 22/23		Year 5: 23/24
Proposed Funding			
External:		Internal: Capital Receipts	
Useful Economic Life (years): 10		New/Replacement: Replacement	
Depreciation per annum: £7,500		Capital Financing Costs: £560 p.a.	
Residual Value: N/A		Category of Asset: Operational Land and Buildings	

PROJECT APPRAISAL FORM

Project Name: Cotgrave Leisure Centre - Changing Village Refurb		Cost Centre: 0402	Ref: 6
Detailed Description: The changing village areas (fixtures/fittings/finishes) are at least 20 years old and as well as looking visually tired, they are also increasingly difficult to maintain in a clean and safe condition. Refurbishment will improve appearance and customer experience, and hopefully reduce the building's energy and water consumption. Refurb will include floor, wall and ceiling finishes; replacement of cubicle partitioning systems and associated mech. and elec. fittings.			
Location: Cotgrave Leisure Centre		Executive Manager: Neighbourhoods	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Do not carry out refurb works – this would result in further deterioration of the fabric/fixtures/finishes which will potentially increase revenue maintenance/operating costs and with worsening visual appearance, diminish customer experience/satisfaction.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1: 20/21	Year 2: 21/22	
£300,000		£300,000	
Capital Cost (Breakdown) £:			
Works £270,000	Equipment	Other	Fees £30,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts	
Useful Economic Life (years): 15		New/Replacement: Replacement	
Depreciation per annum: £20,000		Capital Financing Costs: £2,250 p.a.	
Residual Value: N/A		Category of Asset: Operational Land & Buildings	

PROJECT APPRAISAL FORM

Project Name: Cotgrave Leisure Centre Refurbish Roofs to Sports Hall and Pool Hall		Cost Centre: 0423	Ref: 7
Detailed Description: The sheet roof covering to the sports hall is approx. 30 years old and requires attention – proposal is to apply a warranted liquid coating which will provide a 15/20 year guarantee. The pool hall roof coverings are in excess of 20 years old and although generally in fair condition, require local upgrade works to extend useful life.			
Location: Cotgrave Leisure Centre		Executive Manager: Neighbourhoods	
Contribution to the Council's aims and objectives:			
Corporate Priorities:			
<ul style="list-style-type: none"> • Quality of Life • Efficient Services 			
Strategic Commitments:			
<ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes:			
<ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why:			
Do not carry out refurb works – this would result in further deterioration of the fabric and shortening of the life span of the roof covering to a point where wholesale replacement would become necessary. Visual impact of poorly maintained assets would reflect poorly on customer perception.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£150,000		£150,000	
Capital Cost (Breakdown) £:			
Works £140,000	Equipment	Other	Fees £10,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts	
Useful Economic Life (years): 20		New/Replacement: Replacement	
Depreciation per annum: £7,500		Capital Financing Costs: £1,125 p.a.	
Residual Value: N/A		Category of Asset: Operational Land & Buildings	

PROJECT APPRAISAL FORM

Project Name: Keyworth Leisure Centre - Refurbish Pool Hall and Changing Village		Cost Centre: 0424	Ref: 8
Detailed Description: The pool hall and changing village areas (fixtures/fittings/finishes) are at least 20 years old and as well as looking visually tired they are also increasingly difficult to maintain in a clean and safe condition. Refurbishment will improve appearance and customer experience, and hopefully reduce the buildings energy and water consumption. Refurb will include floor, wall and ceiling finishes; replacement of cubicle partitioning systems and associated mech. and elec. fittings.			
Location: Keyworth Leisure Centre		Executive Manager: Neighbourhoods	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Do not carry out refurb works – this would result in further deterioration of the fabric/fixtures/finishes which will potentially increase revenue maintenance/operating costs and with worsening visual appearance, diminish customer experience/satisfaction.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1: 20/21	Year 2: 21/22	
£250,000		£250,000	
Capital Cost (Breakdown) £:			
Works £230,000	Equipment	Other	Fees £20,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts	

Useful Economic Life (years): 15	New/Replacement: Replacement
Depreciation per annum: £16,700	Capital Financing Costs: £1,875 p.a.
Residual Value: N/A	Category of Asset: Operational Land & Buildings

PROJECT APPRAISAL FORM

Project Name: VE 75 th Commemoration	Cost Centre: 0642	Ref: 9
Detailed Description: Development and delivery of a project to mark the 75 th anniversary of VE day commemorating the end of fighting in World War II. The final content of the project is still to be determined.		
Location: West Bridgford	Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • The Environment Strategic Commitments: <ul style="list-style-type: none"> • The action is in line with the Council's Armed Forces Covenant and Armed forces ERS Gold accreditation • Maximising our community leadership role for influence. 		
Community Outcomes: <ul style="list-style-type: none"> • To ensure that the commitment and sacrifice made by all those involved in safeguarding the nation is commemorated. • Working with the community to enhance and protect our environment. 		
Other Options Rejected and Why: The Council could decide not to undertake a physical capital project and commemorate VE day through promotion of appropriate events and educational information. However, this would have less of a legacy than the proposed project.		
Start Date:		Completion Date:
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22
£20,000	£20,000	
Capital Cost (Breakdown) £:20,000 to be determined		
Works	Equipment	Other
		Fees
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21 £0	Year 2: 21/22 £0
Year 3: 22/23 £0	Year 4: 23/24 £0	Year 5: 24/25 £0
Proposed Funding		
External:		Internal: Capital Receipts
Useful Economic Life (years): to be determined		New/Replacement: New
Depreciation per annum: to be determined		Capital Financing Costs: £150 p.a.
Residual Value: Nil		Category of Asset: to be determined

PROJECT APPRAISAL FORM

Project Name: Play Areas W.B. (Special Expense)	Cost Centre: 0664	Ref: 10
Detailed Description: <p>The priority project for 2020/21 will be the existing bike track at the Boundary Road West Bridgford. This has been well used, however due to being constructed from timber it has come to the end of its useful life. There is ongoing deterioration which requires costly repair to keep the facility safe to use. The Facilities Manager has researched a replacement alternative to wood and the most appropriate proposed solution for a new facility is a sand and gravel subbase for the raised mounds with a crushed limestone wearing coarse similar to the successful provision at Rushcliffe Country Park.</p> <p>The new facility would be aimed at 5 to 12 age range with older teenagers and adults progressing to the larger scheme within Rushcliffe Country Park.</p> <p>Projects for 2021/22 will be assessed and prioritised.</p>		
Location: West Bridgford	Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Delivering a scheme refurbishment identified within the Rushcliffe Play Strategy 		
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. • To provide a facility to engage with young people who may otherwise not take part in formal sports or physical activity. 		
Other Options Rejected and Why: <p>If the Boundary Road project was not progressed, the existing ramps would continue to need costly repair and will be decommissioned within the next few months.</p>		
Start Date: April 2020		Completion Date: March 2021
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22
£100,000	£50,000	£50,000
Capital Cost (Breakdown) £:		
Works £95,000	Equipment	Other
		Fees £5,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21	Year 2: 21/22
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25
Proposed Funding		

External:	Internal: Regeneration and Community Projects Reserve (Special Expense)
Useful Economic Life (years): 15	New/Replacement: Replacement
Depreciation per annum: £3,300	Capital Financing Costs: £375 p.a.
Residual Value: N/A	Category of Asset: Infrastructure/Equipment

PROJECT APPRAISAL FORM

Project Name: West Park Julien Cahn Pavilion – main hall floor refurb (Special Expense)		Cost Centre: 0320	Ref: 11
Detailed Description: The suspended timber floor to the main hall is at the end of its useful life and it is proposed that it be refurbished/updated to maintain the facilities operational performance and standards.			
Location: West Park		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Doing nothing would put at risk the operational performance and efficiency of the facility, reducing customer experience/satisfaction and, in turn, reduce revenue income. In addition, areas of the stripwood boarding are wearing thin reducing physical integrity of the floor.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£75,000		£75,000	
Capital Cost (Breakdown) £:			
Works £70,000	Equipment	Other	Fees £5,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21	Year 2: 21/22	
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25	
Proposed Funding			
External:		Internal: Capital Receipts repayable by way of Special Expense annuity	

Useful Economic Life (years): 20	New/Replacement: Replacement
Depreciation per annum: £3,750	Capital Financing Costs: £560 p.a.
Residual Value: N/A	Category of Asset: Operational Land & Buildings

PROJECT APPRAISAL FORM

Project Name: Gresham Pitches	Cost Centre: 0280	Ref: 12
<p>Detailed Description:</p> <p>The Rushcliffe Playing Pitch Strategy and the Football Association Local Football Plan both identify Gresham Sports Park as a priority site to meet the demand for artificial grass pitch (AGP) provision in the West Bridgford Area. The project would consist of creating an additional AGP onsite in addition to the existing one and undertaking grass pitch improvements.</p> <p>An initial feasibility study has been commissioned through specialist consultants Labosport to determine the extent of any flood risk mitigation required and a capital cost estimate for the scheme. The report has been received which provides details of the constraints of the site and associated design specifications which will inform a grant application to the Football Foundation (who have pledged in principle support for this scheme) and future detailed tendering information.</p> <p>The outline scheme estimate is around £750,000 for the AGP which is in line with expectations. The grass pitch improvements and ancillary works is estimated at £250k. The Council has significant S106 planning gain allocations towards this site which means that it is expected that the project could progress without direct Council capital funding.</p> <p>The new AGP facilities would generate an additional revenue stream of around £40k per annum and the grass pitch improvements would reduce the amount of games lost to being unplayable.</p>		
Location: Gresham Wilford Lane	Executive Manager: Communities	
<p>Contribution to the Council's aims and objectives:</p> <p>Corporate Priorities:</p> <ul style="list-style-type: none"> • Quality of Life • Efficient Services <p>Strategic Commitments:</p> <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 		
<p>Community Outcomes:</p> <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 		
<p>Other Options Rejected and Why:</p> <p>If this project was not progressed the need for an additional AGP to serve the needs of Rushcliffe residents would remain unmet as the site is of strategic importance and it would increase the pressure on existing facilities as housing growth within the area is delivered. The £785k section 106 contributions towards this development would need to be returned to the developers if the scheme was not to come forward.</p>		
Start Date: Spring 2021		Completion Date: Autumn 2021
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22
£1,000,000	£1,000,000	
<p>Capital Cost (Breakdown) £: 750k for AGP and £250k (estimate) of grass pitch improvements and ancillary works</p>		

Additional Revenue cost/(saving)per annum:	Year 1: 20/21	Year 2: 21/22
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25
Proposed Funding		
External: Up to £785k available from S106 Developer Contributions; £500k Football Association grant bid. This totals £1.285m and can support expenditure over the £1m contained in the programme if detailed costings come in higher.		Internal: No impact anticipated on RBC own capital resources.

Useful Economic Life (years): 25	New/Replacement : New and replacement
Depreciation per annum: £40,000	Capital Financing Costs: Nil as fully funded
Residual Value: N/A	Category of Asset: Operational Land & Buildings

PROJECT APPRAISAL FORM

Project Name: Gresham Sports Pavilion		Cost Centre: 0347	Ref: 13
Detailed Description: General refurbishment of facility including wholesale internal/external redecoration; targeted replacement vinyl floor coverings; upgrade to lighting; remedial works to suspended ceilings etc.			
Location: Gresham Wilford Lane		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Do not carry out refurb works – this would result in further deterioration of the fabric/fixtures/finishes which will potentially increase revenue maintenance/operating costs and with worsening visual appearance, diminish customer experience/satisfaction.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1: 20/21	Year 2: 21/22	
£100,000		£100,000	
Capital Cost (Breakdown) £:			
Works £90,000	Equipment	Other	Fees £10,000
Additional Revenue cost/(saving)per annum:	Year 1: 20/21	Year 2: 21/22	
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25	
Proposed Funding			
External:		Internal: £100k Capital Receipts	
Useful Economic Life (years): 15		New/Replacement: Replacement	
Depreciation per annum: £6,700		Capital Financing Costs: £750 p.a.	
Residual Value: N/A		Category of Asset: Operational Land & Buildings	

PROJECT APPRAISAL FORM

Project Name: Gresham Pavilion - Upgrade 3G Pitch Lighting		Cost Centre: 0324	Ref: 14
Detailed Description: The existing pitch lighting is 10 years old and the light fittings and control gear are becoming increasingly unreliable and are expensive to maintain. It is proposed to replace this equipment with modern LED lighting units which will ensure that required lighting levels/performance are achieved whilst reducing energy consumption.			
Location: Gresham		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services • The Environment Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. • Comply with our Carbon Management Plan. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. • Reducing energy consumption in line with our Carbon Management Plan. 			
Other Options Rejected and Why: Do not upgrade the lighting systems – this would potentially put at risk operational performance of the facility, increase maintenance costs, reduce customer perception/satisfaction and miss an opportunity to reduce year on year revenue running costs.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£35,000	£35,000		
Capital Cost (Breakdown) £:			
Works	Equipment £33,000	Other	Fees £2,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21 Not quantifiable at this stage, but should see revenue spend on electricity consumption and reactive repair work reduce.	Year 2: 21/22 As 20/21	
Year 3: 22/23 As 20/21	Year 4: 23/24 As 20/21	Year 5: 24/25 As 20/21	
Proposed Funding			
External:		Internal: Capital Receipts	

Useful Economic Life (years): 10	New/Replacement: Replacement
Depreciation per annum: £3,500	Capital Financing Costs: £260 p.a.
Residual Value: N/A	Category of Asset: Plant/Equipment

PROJECT APPRAISAL FORM

Project Name: Rushcliffe Country Park Skatepark	Cost Centre: 0672	Ref: 15
Detailed Description: <p>The existing skate-park at the Country park is well used, however due to being constructed from timber there is ongoing deterioration which requires costly repair to keep the facility safe to use. One ramp was removed during 2019 due to the extent of deterioration of the surface and sub-frame. The Rushcliffe Playing Pitch Strategy highlights the priority to replace existing timber skate-parks across Rushcliffe with concrete skate-parks which are much more sustainable from a user and maintenance perspective. To facilitate this strategic approach, the Council set up a Skatepark grant fund from which £110k has been earmarked for this project (subject to final bid approval in early 2020).</p> <p>User group consultation work has been commissioned through Skate Nottingham (social enterprise who supported the development of the Hook Skatepark) to inform the project brief prior to tender.</p>		
Location: Ruddington	Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Delivering a priority identified within the Rushcliffe Playing Pitch Strategy 		
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. • To provide a facility to engage with young people who may otherwise not take part in formal team sports based physical activity 		
Other Options Rejected and Why: If this project was not progressed the existing skate-park ramps would continue to need costly repair and would be likely to be decommissioned within the next few years.		
Start Date: April 2020		Completion Date: March 2021
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22
£220,000	£220,000	
Capital Cost (Breakdown) £:		
Works £210,000	Equipment	Other
		Fees £10,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21	Year 2: 21/22
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25

Proposed Funding	
External:	Internal: Capital Receipts
Useful Economic Life (years): 20	New/Replacement: Replacement
Depreciation per annum: £11,000	Capital Financing Costs: £1,650 p.a.
Residual Value: N/A	Category of Asset: Infrastructure

PROJECT APPRAISAL FORM

Project Name: Rushcliffe Country Park Visitor Centre		Cost Centre: 0504	Ref: 16
Detailed Description:			
<p>The visitor centre facilities at Rushcliffe Country Park are dated and require an upgrade to meet the needs of visitors, staff and the regular volunteer workforce. A recent feasibility study for a major new café facility established that this was not seen as financially justifiable, therefore further feasibility work is required to determine low cost facility improvements that could improve the following – catering, energy efficiency, office environment and dedicated indoor space for the friends of RCP group. The friends group have some funding that may be available to enhance this project to meet their needs. The priority early in 2020/21 is to undertake further feasibility work to determine the scope of the scheme to be delivered.</p>			
Location: Ruddington		Executive Manager: Communities	
Contribution to the Council's aims and objectives:			
Corporate Priorities:			
<ul style="list-style-type: none"> • The Environment • Quality of Life • Efficient Services 			
Strategic Commitments:			
<ul style="list-style-type: none"> • Implementing environmentally beneficial infrastructure changes • Working to achieve a carbon neutral status for the Council's operations • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes:			
<ul style="list-style-type: none"> • Maximising our community leadership role to influence the behaviours of partners, businesses and our residents • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why:			
<p>The Council could decide not to improve facilities at this award winning site. This would not address residents strongly stated desire (as identified through a 1,000 response survey in the previous feasibility study) for improved catering at this site and could lead to disillusionment of the volunteer friends group. Furthermore, over the longer term it could lead to loss of Green Flag status and associated reputational impact.</p>			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£250,000	£250,000		
Capital Cost (Breakdown) £: to be determined			
Works	Equipment	Other	Fees
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21		Year 2: 21/22

Year 3: 22/23	Year 4: 23/24	Year 5: 24/25
Proposed Funding		
External:		Internal: Capital Receipts

Useful Economic Life (years): to be determined	New/Replacement: to be determined
Depreciation per annum: to be determined	Capital Financing Costs: £1,875 p.a.
Residual Value: N/A	Category of Asset: to be determined

PROJECT APPRAISAL FORM

Project Name: Lutterell Hall Enhancements (Special Expense)		Cost Centre: 0326	Ref: 17
Detailed Description: Refurb/upgrade works are proposed to the kitchens and customer toilets in 2020/21 – the kitchen/toilet fixtures and fittings are approx. 10 years old and approaching the end of their useful life - replacement will maintain operational standards and performance. Refurbishment of the main hall floor and tiled covering to the pitched roof areas is planned for 2021/22 – the suspended timber floor to the main hall is at the end of its useful life and it is proposed that it be refurbished/ upgraded to maintain the facilities operational performance and standards. Similarly, the plain tile coverings to the main roof areas are estimated to be 90 years old and at the end of their useful life. Replacement with a sympathetic tiled covering is proposed which will extend roof life for decades to come. Opportunities to improve thermal efficiency will also be explored as part of these works.			
Location: West Bridgford		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Doing nothing would put at risk the operational performance and efficiency of the facility and risk further deterioration of the building fabric, these issues in turn would potentially increase revenue operating costs and also impact customer experience/satisfaction. The opportunity to potentially improve the buildings energy efficiency would also be missed.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£275,000	£50,000	£225,000	
Capital Cost (Breakdown) £:			
Works £248,000	Equipment	Other	Fees £27,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts repayable by Special Expense annuity	

Useful Economic Life (years): Kitchen/Toilets 10 Floor/Roof 40	New/Replacement: Replacement
Depreciation per annum: Kitchen/Toilets £5,000 Floor/Roof £5,625	Capital Financing Costs: £2,060 p.a. on total outlay
Residual Value: N/A	Category of Asset: Operational Land and Buildings

PROJECT APPRAISAL FORM

Project Name: Gamston Community Hall Enhancements (Special Expense)		Cost Centre: 0317	Ref: 18
Detailed Description: Refurb/upgrade works are proposed to the customer toilets in 2020/21 – the toilet fixtures and fittings are approx. 20 years old and approaching the end of their useful life - replacement will maintain operational standards and performance. Refurbishment of the main hall floor finish is planned for 2021/22 – the traditional Granwood floor finish is over 20 years old, has localised defects and approaching the end of its useful life. Replacement with a modern finish will improve customer experience and hopefully reduce life cycle cleaning/maintenance.			
Location: Gamston		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Doing nothing would put at risk the operational performance and efficiency of the facility, reducing customer experience/satisfaction and, in turn, potentially reduce revenue income.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£115,000	£45,000	£70,000	
Capital Cost (Breakdown) £:			
Works £100,000	Equipment	Other	Fees £15,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21		Year 2: 21/22
Year 3: 22/23	Year 4: 23/24		Year 5: 24/25
Proposed Funding			
External:		Internal: Capital Receipts repayable by way of Special Expense annuity	

Useful Economic Life (years): Toilets 10 Floor 20	New/Replacement: Replacement
Depreciation per annum: Toilets £4,500 Floor £3,500	Capital Financing Costs: £860 p.a. on total outlay
Residual Value: N/A	Category of Asset: Operational Land and Buildings

PROJECT APPRAISAL FORM

Project Name: External Doors and Window Upgrades Various Sites (some will be Special Expenses)		Cost Centre: 0505	Ref: 19
Detailed Description: External windows and doors at several sites including buildings at the Rushcliffe Country Park, Gamston Community Centre and Julien Cahn Pavilion are beyond economic repair and require replacement/upgrading.			
Location: Various		Executive Manager: Communities	
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Quality of Life • Efficient Services Strategic Commitments: <ul style="list-style-type: none"> • Protecting our residents' health and facilitating healthier lifestyle choices. • Provide high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council. • Creating opportunities for young people to realise their potential. • Ongoing appraisal and alignment of resources linked to growth aspirations. 			
Community Outcomes: <ul style="list-style-type: none"> • To ensure the provision of high quality community facilities which meet community need. • To protect our residents' health and facilitate healthier lifestyle choice. 			
Other Options Rejected and Why: Do not carry out the replacement/upgrade works - this would potentially put at risk operational performance/safety of the facility (some are fire doors), increase day to day maintenance costs, reduce customer perception/satisfaction and an opportunity to improve thermal performance would be missed.			
Start Date:		Completion Date:	
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22	
£50,000		£50,000	
Capital Cost (Breakdown) £:			
Works £46,000	Equipment	Other	Fees £4,000
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21	Year 2: 21/22	
Year 3: 22/23	Year 4: 23/24	Year 5: 24/25	
Proposed Funding			
External:		Internal: Capital Receipts repayable by Special Expense annuity where appropriate	
Useful Economic Life (years): 15		New/Replacement: Replacement	
Depreciation per annum: £3,300		Capital Financing Costs: £375 p.a.	
Residual Value: N/A		Category of Asset: Operational Land and Buildings	

PROJECT APPRAISAL FORM

Project Name: Information Systems Strategy	Cost Centre: 0596	Ref: 20
<p>Detailed Description: The ICT Strategy 2017 to 2021 agreed on 12th September 2017 is an emerging ICT Strategy that embraces the wider ICT partnership established in July 2011 between Rushcliffe Borough Council, Broxtowe Borough Council and Newark and Sherwood District Council. While the strategy contains broad strategic objectives along with the rationale behind those objectives, including the benefits and deliverables that will be achieved it does not set out to provide a strict formula or action plan dictating the approach. An emerging strategy will therefore exist enabling an agile approach to operational delivery, taking advantage of new proven developments and partnership opportunities. The ICT Technical Delivery Plan details all technical projects, and the schedule for implementation, during the lifetime of the ICT Strategy.</p>		
Location: Rushcliffe Arena	Executive Manager: Finance and Corporate	
<p>Contribution to the Council's aims and objectives: Corporate Priorities:</p> <ul style="list-style-type: none"> • Efficient Services <p>Strategic Commitments:</p> <ul style="list-style-type: none"> • Ongoing appraisal and alignment of resources linked to growth aspirations. • Include digital principles in our communications and ways of undertaking business 		
<p>Community Outcomes:</p> <ul style="list-style-type: none"> • To ensure that we make best use of digital development where appropriate to deliver better services and operate more efficiently. • To enable residents to do business with us in a digital way if that is their preference. <p>The ICT Strategy is closely aligned to the Council's "Four Year Plan" reviews and ICT will be instrumental in delivering the outcomes identified during these reviews. The Strategy will deliver:</p> <ul style="list-style-type: none"> • Enabling Efficiency <ul style="list-style-type: none"> ○ Using Digital by Design principles to enabling the Council to redesign processes/services to be more accessible and efficient, producing better, quicker and more consistent outcomes for customers. • Responding flexibly and with agility to customer needs <ul style="list-style-type: none"> ○ To facilitate channel shift where appropriate by creating digital service that our customers view as their access channel of choice moving transactions away from face to face and telephony towards self-service facilities via Internet, automated telephony and kiosk technologies. • Increase our ability to work in effective partnerships <ul style="list-style-type: none"> ○ To continue the work to facilitate common policies, standards, systems and infrastructure to drive out cost and create opportunities for greater resilience, efficiencies and savings. • Modern architecture supporting efficient and agile working culture <ul style="list-style-type: none"> ○ Enabling the greater flexibility and agility of both employees and members through the deployment of appropriate technology including effective collaboration systems and tools. • Robust arrangements for business continuity, information management and governance and security <ul style="list-style-type: none"> ○ Safeguarding the Council's data by ensuring compliance with all relevant legislative, financial and central government security standards. Improving maturity of the management and governance of information assets and delivering appropriate arrangements to ensure compliance with such as the General Data Protection Regulation (GDPR). 		

Other Options Rejected and Why: Every project is the subject of a business case to be presented to, and approved by, the Executive Management Team (EMT) in order to ensure that the most appropriate IT solution is chosen, having due regard to the alignment of technologies across the partnership, value for money and resilience. The option of not doing so would lead to out dated or incompatible technology which would result in lower performance, higher maintenance costs and hinder the drive for greater efficiencies.			
Start Date: On-going		Completion Date: On-going	
Capital Cost (Total) :	Year 1:20/21	Year 2: 20/21	
£615,000 (2 years)	£335,000	£280,000	
Capital Cost (Breakdown): To be determined			
Works	Equipment	Other	Fees
Additional Revenue cost/ (saving) per annum:	Year 1: 20/21	Year 2: 21/22	
Proposed Funding			
External: N/A		Internal: Capital Receipts	

Useful Economic Life (years): 3	New/Replacement: New and Replacement
Depreciation per annum: £112,000 year 1	Capital Financing Costs: £2,510 year 1
Residual Value: Nil	Category of Asset: Intangible Assets and Equipment

PROJECT APPRAISAL FORM

Project Name: Streetwise Loan	Cost Centre: 0656	Ref: 21
Detailed Description: This provision to facilitate a loan to Streetwise Environmental Ltd to assist with the purchase of new and replacement vehicles. The loans will be repayable over 4 years, quarterly intervals at a market rate of interest to be agreed by the S151 Officer.		
Location: Unit 10 Moorbridge - Streetwise premises		Executive Manager: Finance and Corporate
Contribution to the Council's aims and objectives: Corporate Priorities: <ul style="list-style-type: none"> • Efficient Services • Sustainable Growth Strategic Commitments: <ul style="list-style-type: none"> • Ongoing appraisal and alignment of resources lined to growth aspirations • Reviewing service delivery models to ensure that residents are receiving consistently excellent services either delivered directly by the Council, or by our arm's length companies, or by private and public sector partners. • Bringing new business to the borough and nurturing our existing businesses, helping them to grow and succeed. 		
Community Outcomes: <ul style="list-style-type: none"> • To ensure that we have an integrated and strategic approach to how we provide our services. 		
Other Options Rejected and Why: Offering the loan from ourselves maintains the strong working partnership between RBC and Streetwise Environmental Ltd. The loans will be repaid in full and thereby sums returned to the capital receipts pot. RBC revenue budget will be supported by the interest earned on the loans.		
Start Date: On-going		Completion Date:
Capital Cost (Total) :	Year 1:20/21	Year 2: 21/22
£300,000 (2 years)	£150,000	£150,000
Capital Cost (Breakdown) £:		
Works	Equipment	Other £300,000 - loan
		Fees
Additional Revenue cost/(saving)per annum:	Year 1: 20/21 (£5,800)	Year 2: 21/22 (£9,900)
Year 3: 22/23 (£6,700)	Year 4: 23/24 (£3,600)	Year 5: 24/25 (£1,000)
Proposed Funding		
External:		Internal: Capital Receipts
Useful Economic Life (years): N/A		New/Replacement: N/A
Depreciation per annum: N/A		Capital Financing Costs: Net nil as loan repaid
Residual Value: N/A		Category of Asset: Long/Short Term Debtor

CAPITAL AND INVESTMENT STRATEGY 2020/21 – 2024/25

Introduction

1. The Local Government Act 2003 requires the Council to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out capital and treasury management activities.
2. The Department for Communities and Local Government (CLG) issued revised Guidance on Local Authority Investments in February last year that requires the Council to approve an investment strategy before the start of each financial year.
3. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the MHCLG Guidance.

The Capital Strategy

4. The Council's capital expenditure plans are summarised below and forms the first of the prudential indicators. Capital expenditure needs to have regard to:
 - Corporate objectives (e.g. strategic planning);
 - Stewardship of assets (e.g. asset management planning);
 - Value for money (e.g. option appraisal);
 - Prudence and sustainability (e.g. implications for external borrowing and whole life costing);
 - Affordability (e.g. implications for council tax); and
 - Practicability (e.g. the achievability of the Corporate Plan)
5. Each year the Council will produce a Capital Programme to be approved by Full Council in March as part of the Council Tax setting.
6. Each scheme is supported by a detailed appraisal (which may also be a Cabinet Report), as set out in the Council's Financial Regulations. The capital appraisals will address the following:
 - a) A detailed description of the project;
 - b) How the project contributes to the Council's aims and objectives;
 - c) Anticipated outcomes;
 - d) A consideration of alternative solutions;
 - e) An estimate of the capital costs and sources of funding;
 - f) An estimate of the revenue implications, including any savings and/or future income generation potential;
 - g) Any other aspects relevant to the appraisal of the scheme as the S151 Officer may determine.

The appraisal requirement applies to all schemes except where there is regular grant support and if commercial negotiations are due to take place and further reporting to Cabinet or Full Council is therefore required.

7. From time to time unforeseen opportunities may arise, or new priorities may emerge, which will require swift action and inclusion in the Capital Programme. These schemes are still subject to the appraisal process and the Capital Programme will contain a contingency sum to allow such schemes to progress without disrupting other planned capital activity.

Capital Prudential Indicators

a) Capital Expenditure Estimates

8. Capital expenditure can be financed immediately through the application of capital resources, for example, capital receipts, capital grants or revenue resources. However, if these resources are insufficient or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need. Table 1 summarises the capital expenditure projections and anticipated financing.

Table1: Projected Capital Expenditure and Financing

	2019/20 Original £'000	2019/20 Revised £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Capital Expenditure	16,506	25,230	18,936	8,250	2,035	2,513	2,613
Less Financed by:							
Capital Receipts	4,414	8,564	14,922	3,076	1,122	1,600	1,800
Capital Grants/ Contributions	2,439	2,152	2,428	2,726	613	613	613
Reserves	50	481	70	50	300	300	200
Underlying need to Borrow	9,603	14,033	1,516	2,398	-	-	-

9. The key risks to the capital expenditure plans are that the level of grants estimated is subject to change, anticipated capital receipts are not realised or are more than expected in the medium term; and what is the future of New Homes Bonus (NHB) from 2020 given it will be subject to a consultation this summer. The legacy payments for previous years are anticipated to reduce by 1 year each year resulting in the NHB payments ceasing in 2023/24

b) The Council’s Underlying Need to Borrow and Investment position

10. The Capital Financing Requirement (CFR) represents the Council’s underlying need to borrow for capital expenditure. This underlying need to borrow will increase the CFR (i.e. the use of internal borrowing, which reduces our investment balance). This increase is offset by MRP raised through Council Tax, as a result of financing requirements in relation to the Arena development, and in later years Bingham Leisure Hub.
11. The Council also holds usable reserves and working capital which represent the underlying resources available for investment. The Council’s current strategy is to use these resources to avoid borrowing, sometimes known as internal borrowing.
12. The table below summarises the overall position with regard to borrowing and available investments and shows an increase in CFR reflecting the capital commitment on projects such as the crematorium and Bingham Hub

Table 2: CFR and Investment Resources

	2019/20 Projected £'000	2020/21 Forecast £'000	2021/22 Forecast £'000	2022/23 Forecast £'000	2023/24 Forecast £'000	2024/25 Forecast £'000
Opening CFR	8,300	15,067	21,849	23,173	21,926	20,679
CFR in year	7,767	7,782	2,398	-	-	-
Less: MRP etc	(1,000)	(1,000)	(1,074)	(1,247)	(1,247)	(1,247)
Closing CFR	15,067	21,849	23,173	21,926	20,679	19,432
Less: External Borrowing	-	(5,000)	(9,902)	(9,772)	(9,642)	(9,512)
Internal Borrowing	15,067	16,849	13,271	12,154	11,037	9,920
Less:						
Usable Reserves	(14,820)	(16,676)	(16,627)	(18,001)	(18,145)	(15,510)
Working Capital	(17,061)	(14,501)	(13,316)	(14,243)	(14,243)	(14,243)
Available for Investment(-)	(16,814)	(14,328)	(16,672)	(20,090)	(21,351)	(19,833)

13. The Council is currently debt free although there is an underlying assumption in the capital expenditure plans that the Council may need to externally borrow £5 million in both 2020-21 and 2021-22. Available resources (usable reserves and working capital) remain steady over the medium term, with usable reserves being used to finance both capital and revenue expenditure over time.
14. The total amount borrowed will not exceed the authorised borrowing limit of £25m. The maximum period between borrowing and expenditure is expected to be 2 years, although the Authority is not required to link particular loans with particular items of expenditure.
15. CIPFA’s Prudential Code for Capital Finance in Local Authorities recommends that the Authority’s gross external debt should be lower than its highest forecast CFR over the next three years. Table 2 shows that the Authority expects to comply with this recommendation.

16. The new accounting standard IFRS16 comes into force on 1st April 2020. IFRS 16 affects how leases are measured, recognised and presented in the accounts and essentially means that some leases may have to be classified as capital expenditure. The full impact of this change is still yet to be determined and this is likely to impact on the CFR. As we currently have no external borrowing this is unlikely to affect the Authorised Limit.

Minimum Revenue Provision Policy

17. Revised CLG Regulations have been issued which require the Governance Scrutiny Group to consider a Minimum Revenue Provision (MRP) Statement in advance of each year. Further commentary regarding financing of the debt is provided in paragraphs 30-35. A variety of options are provided to Councils, so long as there is prudent provision. The Council has chosen the Asset Life Method (Option 3 within the Guidance) with the following recommended MRP Statement:

- *MRP will be based on the estimated life of the assets, in accordance with Option 3 of the regulations. Estimated life periods within this limit will be determined under delegated powers, subject to any statutory override. (DCLG revised guidance states maximum asset lives of 40 and 50 years for property and land respectively)*

As some types of capital expenditure incurred by the Council are not capable of being related to an individual asset, asset lives will be assessed on a basis which most reasonably reflects the anticipated period of benefit that arises from the expenditure. Also, whatever type of expenditure is involved, it will be grouped together in a manner which reflects the nature of the main component of expenditure and will only be divided up in cases where there are two or more major components with substantially different useful economic lives.

This option provides for a reduction in the borrowing need over approximately the asset's life.

Treasury Management Strategy 2020/21 to 2024/25

18. The CIPFA Treasury Management Code defines treasury management activities as:

“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

The code also covers non-cash investments which are covered at paragraph 65 below.

19. The CIPFA Code of Practice for Treasury Management in the Public Services (the “CIPFA Treasury Management Code”) and the CIPFA Prudential Code require local authorities to produce a Treasury Management Strategy Statement on an annual basis.
20. This Strategy Statement includes those indicators that relate to the treasury management functions and help ensure that the Council’s capital investment plans are affordable, prudent and sustainable, while giving priority to the security and liquidity of those investments.

The Current Economic Climate and Prospects for Interest Rates.

21. The major external influence on the Authority’s treasury management strategy for 2020/21 will be the economic growth consequences of the UK’s exit from the European Union and the trading arrangements agreed with the EU and the rest of the world. Uncertainties over the future are weighing on growth.
22. Economic growth is projected to fall slightly to 1.1% over the coming year, owing to high uncertainties surrounding the outcome of Brexit negotiations. Unemployment remains low at 3.8% and is projected to reach 4.1% during 2020.
23. The current Bank of England base rate remains 0.75% and has been since 2 August 2018. The Bank of England is closely watching the British economy to see how it responds to Brexit. Link forecasts that rates will rise to 1.00% in 2020/21 however when estimating investment returns we have prudently assumed the rate to remain at 0.75% for the foreseeable future.
24. Inflation levels are expected to increase to 2.01% in 2020.
25. The table below shows the assumed average interest (which reflects a prudent approach) that will be made over the next five years for budget setting purposes.

Table 3: Budgetary Impact of Assumed Interest Rate Going Forward

	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Anticipated Interest Rate (%)	1.87	1.87	1.87	1.87	1.87
Expected interest from investments (£)	293,800	311,900	389,900	442,200	438,800
Other interest (£)	83,000	78,000	74,000	70,000	64,000
Total Interest (£)	376,800	389,900	463,900	512,200	502,800

Sensitivity:	£	£	£	£	£
- 0.25% Interest Rate	(1,000)	(4,000)	(12,000)	(16,000)	(16,000)
+ 0.25% Interest Rate	1,000	4,000	12,000	16,000	16,000

26. As previously reported in the event that a bank suffers a loss the Council could be subject to bail-in to assist with the recovery process. The impact of a bail-in depends on the size of the loss incurred by the bank or building society, the amount of equity capital and junior bonds that can be absorbed first and the proportion of insured deposits, covered bonds and other liabilities that are exempt from bail-in.
27. The Council has managed bail-in risk by both reducing the amount that can be invested with each institution to £10 million and by investment diversification between creditworthy counterparties.

Borrowing Strategy 2020/21 to 2024/25

Prudential Indicators for External Debt

28. Table 2 above identifies that the Council may need to externally borrow over the MTFS if it is not possible to internally borrow. This would result in borrowing costs. Possible levels of external borrowing are reflected in the figures.
29. The approved sources of long-term and short-term borrowing are:
- Internal borrowing
 - Municipal Bond Agency
 - Public Works Loan Board (or the body that will replace the PWLB in the future)
 - Local authorities
 - UK public and private sector pension funds
 - Commercial banks
 - Building Societies in the UK
 - Money markets
 - Leasing
 - Capital market bond investors
 - Special purpose companies created to enable local authority bond issue

a) Authorised Limit for External Debt

30. The authorised limit is the “affordable borrowing limit” required by section 3 (1) of the Local Government Act 2003 and represents the limit beyond which borrowing is prohibited. It shows the maximum amount the Council could afford to borrow in the short term to maximise treasury management opportunities and either cover temporary cash flow shortfalls or use for longer term capital investment.

Table 4: The Authorised Limit

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Authorised Limit	25,000	25,000	25,000	25,000	25,000	25,000

b) Operational Boundary for External Debt

31. The operational boundary is the expected borrowing position of the Council during the course of the year. The operational boundary is not a limit and actual borrowing can be either below or above the boundary subject to the authorised limit not being breached. The Operational Limit has been set at £20m as the Council is expected to borrow over the period of the MTFS.

Table 5: The Operational Boundary

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Operational Boundary	20,000	20,000	20,000	20,000	20,000	20,000

Prudential Indicators for Affordability

32. Affordability indicators provide details of the impact of capital investment plans on the Council's overall finances.

a) Actual and estimates of the ratio of net financing costs to net revenue stream

33. This indicator identifies the trend in net financing costs (borrowing costs less investment income) against net revenue income. The purpose of the indicator is to show how the proportion of net income used to pay for financing costs (a credit indicates interest earned rather than cost) is changing over time. The trend below is consistent with the fact that our treasury investments will decline initially due to non-treasury investments in Cotgrave Masterplan/Phase 2, Industrial units at Moorbridge, and other Asset Investment Strategy investments and capital commitments (Crematorium and Bingham Hub).

Table 6: Proportion of Financing Costs to Net Revenue Stream

	2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
General Fund	6.77%	6.01%	7.31%	8.58%	7.91%	8.07%

Investment Strategy 2019/20 to 2024/25

34. The movement in investments are due to increases in Capital Receipts related to Sharphill and S106 receipts as shown below.

Table 7: Investment Projections

	2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Investments at 31 March	16,814	14,328	16,672	20,090	21,351	19,833

35. Both the CIPFA Code and the CLG Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitable low investment income. Accordingly, the Council ensures that robust due diligence procedures cover all external investment.

36. The Council will not knowingly invest directly in businesses whose activities and practices pose a risk of serious harm to individuals or groups, or whose activities are inconsistent with the Council’s mission and values. This would include avoiding direct investment in institutions with material links to:
- a) Human rights abuse (e.g. child labour, political oppression);
 - b) Environmentally harmful activities (e.g. pollutants, destruction of habitat, fossil fuels); and
 - c) Socially harmful activities (e.g. tobacco, gambling).
37. The Council will keep under review the sensitivity of its treasury assets and liabilities to inflation and will seek to manage the risk accordingly in the context of the whole of the Council’s inflation exposures.
38. The Council will invest its surplus funds with approved counterparties. Where appropriate, the Council is registered as a professional client (under “MIFID II”) with the counterparty limits shown below in Table 8 and counterparties included at Appendix (i):

Table 8: Counterparty Details

Credit Rating	Banks* Unsecured	Banks* Secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£ Unlimited 20 Years	n/a	n/a
AAA	£3.0m 3 years	£10.0m 10 years	£10.0m 20 years	£3.0m 10 years	£5.0m 10 years
AA+	£3.0m 2 years	£10.0m 10 years	£10.0m 5 years	£3.0m 4 years	£5.0m 4 years
AA	£3.0m 1 year	£10.0m 4 years	£10.0m 3 years	£3.0m 2 years	£5.0m 4 years
AA-	£3.0m 1 year	£10.0m 2 years			£5.0m 4 years
A+	£3.0m 6 months	£10.0m 2 years			£5.0m 2 years
A	£3.0m 6 months	£10.0m 1 year			£5.0m 2 years
A-	£3.0m 3 months	£10.0m 6 months			£5.0m 2 years
Pooled Funds**	£10m per fund				

*Banks includes Banks and Building Societies.

**Pooled funds do not have a defined maturity date. Monies in Money Market Funds can be withdrawn on the same date; monies in other pooled funds can be withdrawn giving the requisite notice, generally between 1 and 7 days.

Monies in the CCLA Property Fund can be withdrawn on each monthly redemption date, if required; it is the Council's intention to hold its investment over a reasonable time frame for property investments, which is 5 years, subject to cash flow requirements.

39. Although the above table details the counterparties that the Council could invest funds with it would not invest funds with counterparties against the advice of Link (Our new TM Advisors -see paragraph 60) even if they met the criteria above.
40. Changes to any of the above can be authorised by the Section 151 Officer or the Financial Services Manager and thereafter will be reported to the Governance Scrutiny Group. This is to cover exceptional circumstances so that instant decisions can be made in an environment which is both fluid and subject to high risk.
41. The Authority may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments but are still subject to the risk of a bank bail-in, and balances will therefore be kept below £2,000,000 per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Authority maintaining operational continuity.
42. Credit rating information is provided by Link on all active counterparties that comply with the criteria above. A counterparty list will be maintained from this information and any counterparty not meeting the criteria will be removed from the list.
43. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:
 - no new investments will be made,
 - any existing investments that can be recalled or sold at no cost will be, and
 - full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.
44. Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as "rating watch negative" or "credit watch negative") so that it may fall below the approved rating criteria, then only investments that can be withdrawn [on the next working day] will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

Credit Risk

45. The CIPFA Treasury Management Code recommends that organisations should clearly specify the minimum acceptable credit quality of its counterparties; however they should not rely on credit ratings alone and should recognise their limitations. Full regard will therefore be given to other available information on the credit quality of the organisations, in which it invests, including credit default swap prices, financial statements, information on potential government support and reports in the quality financial press. No investments will be made with an organisation if there are substantial doubts about its credit quality, even though it may meet the credit rating criteria.
46. When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will cause a reduction in the level of investment income earned but will protect the principal sum invested.

Current investments

47. The Council uses its own processes to monitor cashflow and determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Authority's medium term financial strategy and cash flow forecast.
48. Surplus funds are invested based on the most up to date forecasts of interest rates and in accordance with the Council's cash flow requirements in order to gain the maximum benefit from the Council's cash position throughout the year. Funds are separated between specified and non-specified investments as detailed below.

Specified investments

49. The CLG guidance defines specified investments as those:
 - Denominated in pound sterling,
 - Due to be repaid within 12 months of arrangements,
 - Not defined as capital expenditure by legislation, and
 - Invested with one of:
 - The UK Government
 - A UK local authority, parish council, or community council, or
 - A body or investment scheme of "high credit quality"

50. The Council now defines “high credit quality” organisations as those having a credit rating of A- and above.

Non-specified investments

51. Any investment not meeting the definition of a specified investment is classed as non-specified. The Council does not intend to make any investments denominated in foreign currencies, nor any that are defined as capital expenditure by legislation, such as company shares. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement, and investments with bodies and scheme not meeting the definition on high credit quality. Limits on non-specified investments are shown in the following table:

Table 9: Non-specified Investment Limits

	Cash Limit
Total long-term investments	£15m
Total investments without credit ratings or rated below A- (except UK Government and local authorities)	£5m
Total investments (except pooled funds) with institutions domiciled in foreign countries rated below AA+	£3m
Total non-specified investments	£15m

Investment Limits

52. The Authority’s revenue reserves available to cover investment losses in a worst-case scenario are forecast to be £14.51 million on 31st March 2021. In order that no more than 40% of available reserves will be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government) will be £10.0 million. A group of banks under the same ownership will be treated as a single organisation for limit purposes. Limits will also be placed on fund managers, investments in brokers’ nominee accounts, foreign countries and industry sectors as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

Table 10: Investment limits

	Cash limit
Any single organisation, except the UK Central Government	£10m each
UK Central Government	Unlimited
Any group of organisations under the same ownership	£10m per group
Any group of pooled funds under the same management	£10m per manager
Negotiable instruments held in a broker's nominee account	£10m per broker
Foreign countries	£3m per country
Registered providers	£5m in total
Unsecured investments with any building society	£3m in total
Loans across unrated corporates	£5m in total
Money Market Funds	£25m in total

Treasury Management limits on activity

53. The Council measures and manages its exposures to treasury management risks using the following indicators.

a) Interest Rate Exposures

54. This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the amount of net interest payable will be:

Table 11: Interest Rate Exposure

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Upper Limit on fixed interest rate exposure	50%	50%	50%	50%	50%	50%
Upper Limit on variable interest rate exposure	100%	100%	100%	100%	100%	100%

55. Fixed rate investments and borrowings are those where the rate of interest is fixed for at least 12 months, measured from the start of the financial year or the transaction date if later. All other instruments are classed as variable rate.

Principal Sums Invested over 1 year

56. This limit is intended to contain exposure to the possibility of any loss that may arise as a result of the Council having to seek early repayment of any investments made. The limits on the long-term principle sum invested to final maturities beyond the period end are set at 50% of the sum available for investment (to the nearest £100k), as follows:

Table 12: Principal Sums Invested over 1 year

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Limit on Principal invested over 1 year	8,400	7,200	8,300	10,000	10,700	9,900

Policy on the use of financial derivatives

57. Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans and callable deposits). The general power of competence in Section 1 of the Localism Act 2011 removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).
58. The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Authority is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.
59. Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria. The current value of any amount due from a derivative counterparty will count against the counterparty credit limit and the relevant foreign country limit.

Treasury Management Advisors

60. During 2019/20 the Council held a competitive tender process and as a result has new Treasury Management Advisors. Link Asset Services have been appointed as the Council's treasury management advisors until 31st October 2022. The company provides a range of services which include:

- Technical support on treasury matters and capital finance issues
- Economic and interest rate analysis
- Generic investment advice on interest rates, timing and investment instruments; and
- Credit ratings/market information service comprising the three main credit rating agencies.

61. Whilst the treasury management advisors provide support to the internal treasury function, the current market rules and the CIPFA Treasury Management Code confirms that the final decision on treasury management matters rests with the Council. The service provided by the Council's treasury management advisors is subject to regular review.

Member and Officer Training

62. The increased member consideration of treasury management matters and the need to ensure that officers dealing with treasury management are trained and kept up to date requires a suitable training process for members and officers. In general, members training needs are reported through the Member Development Group, however, the Council will also specifically address this important issue by:

- Periodically facilitating workshops for members on finance issues;
- Interim reporting and advising members of Treasury issues via GSG;
- Identifying officer training needs on treasury management related issues through the Performance Development and Review appraisal process;

With regards to officers:

- Attendance at training events, seminars and workshops; and
- Support from the Council's treasury management advisors.

Other Options Considered

63. The CLG Guidance and the CIPFA Code do not prescribe any particular treasury management strategy for local authorities to adopt. The Executive Manager – Finance and Corporate Services, having consulted the Cabinet Member for Finance, believes that the above strategy represents an appropriate balance between risk management and cost effectiveness. Some alternative strategies, with their financial and risk management implications, are listed below.

Alternative	Impact on income and expenditure	Impact on risk management
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses may be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related defaults, but any such losses may be smaller

Commercial Investments

64. The definition of investments in CIPFA's definition of treasury management activities above (paragraph 20) covers all financial assets of the organisation as well as other non-financial assets which the organisation holds primarily for financial returns, such as investment property portfolios. This may therefore include investments which are not managed as part of normal treasury management or under treasury management delegations. All investments require an appropriate investment management and risk management framework, which is outlined below.
65. The Council is committed to becoming self-sustainable as Central Government funding reduces. This includes ensuring that the Council maximises any income from existing assets and, where there is a business case, invests in assets where there is a commercial return. The Council is holding significant capital funding resources although going forward it may need to undertake borrowing. Current resources are invested with various financial institutions in line with the Treasury Management Strategy. However, other investments represent an opportunity to generate higher returns on these funds.
66. In recent years the Council identified specific sums for its Asset Investment Strategy (AIS) within the Capital Programme which has totalled £20m and includes commercial investment in areas such as investment in property and subsidiaries, or loans that support service outcomes.
67. The Council will maintain a summary of current material investments, subsidiaries, joint ventures and liabilities, including financial guarantees and the organisation's risk exposure. The current summary is included at Appendix (ii).
68. Individual commercial investment proposals included within the Asset Investment Strategy are subject to specific business appraisals. The governance surrounding such decisions is included in the AIS. As well as considering the Net Present Value, Internal Rate of Return and impact on the General Fund of any commercial investment proposals, the decision to invest also takes into account the following assessment matrix:

ASSESSMENT CRITERIA	Excellent / very good	Good	Satisfactory	Marginal	Uncertain
Tenancy strength	Multiple tenants with strong financial covenant	Single tenant with strong financial covenant	Single or multiple tenants with good financial covenant	Tenants with average financial covenant	Tenants with poor financial covenant strength
Lease length and break (for main tenants/income)	>15 years	11 - 15 years	10 - 8 years (10 year lease)	7 - 5 years (5 year break)	<5 years or vacant (break Dec 2021 &)
Rate of Return - % rent against capital	>8%	7%-8%	5%-7%	3%-5%	<3%
Portfolio mix (asset type is balanced in portfolio - no more than x% of)	<50%	50%-60%	>60%-70%	70%-80%	>80% of portfolio
Property Sector & Risk	Industrial (lower risk)	Office (lower-mid risk)	Warehouse Retail (med risk)	Retail, Leisure (higher risk)	Residential (not part of investment strategy)
Void (after Lease end including marketing, fit out and rent free)	0-9 months	9-12 months	12-18 months	18-24 months	>24 months
Location	Prime	Not prime but in established location	Secondary	Remote from other developments	Isolated, undeveloped area, limited infrastructure links
Tenure	Freehold	Lease >200 years	Lease 100 - 199 years	Lease 75 - 99 years	Lease <75 years
Repairing terms links to Building quality	Full repairing & insuring	Internal repairing 100% recoverable	Internal repairing partially recoverable	Internal repairing non recoverable	Landlord
Building Quality/Age	<10 years	10-20 years	21-30	31-35	>35
Rental Growth	within 1 year	within 2-5 years	within 5-7 years	within 7-10 years	>10 years
Purchase Price	<£2m	Between £2m and £3m	Between £3m and £4m	Between £4m and £7m	>£7m
Proximity to Borough	within Borough	within Nottinghamshire	within East Midlands	within the Midlands	National
Energy Rating (2018 legislation can't let with F/G assessment)	A/B	C	D	E	F/G

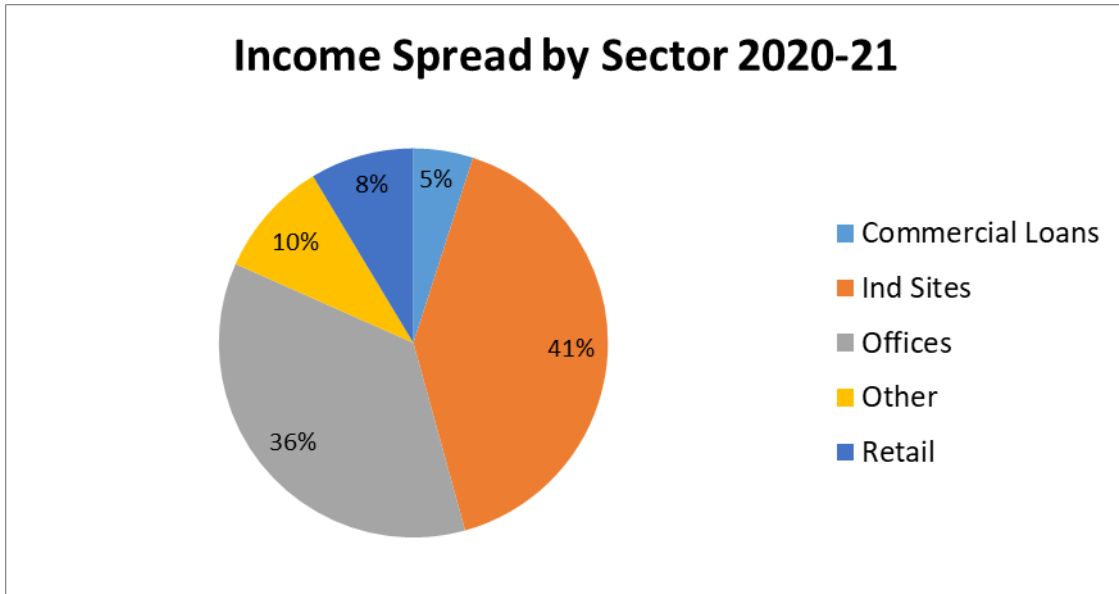
69. To be considered for investment 50% of the criteria above must be excellent, good or satisfactory.
70. The matrix above is supplemented by additional contextual information covering resale opportunities (liquidity), location, risks, benefits and economic conditions.
71. The Government has issued revised guidance on Local Government Investments, effective from April 2018. This guidance introduces additional disclosure requirements some of which are specific to investments of a commercial nature. These disclosures and indicators cover items included in the Council's Asset Investment Strategy, as well as pre-existing commercial investments and are detailed below:
- a. **Dependence on commercial income and contribution non-core investments make towards core functions**
72. The expected contributions from commercial investments included in the Asset Investment Strategy are shown in Table 13. In order to manage the risk to the Council's budget, income from commercial investments should not be a significant proportion of the Council's income. Our objective is that this ratio should not exceed 30%, subject to annual review (as demonstrated below).

Table 13: Commercial Investment income and costs

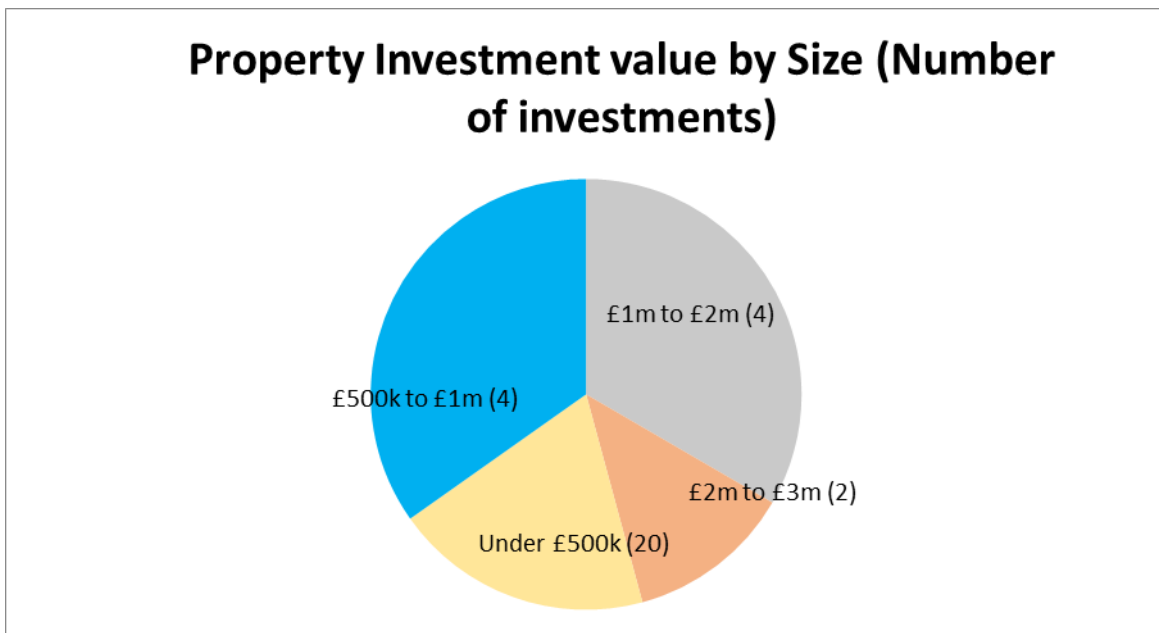
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000	£'000
Commercial Property Income	(1,330)	(1,524)	(1,718)	(2,038)	(2,083)	(2,130)
Running Costs	382	356	357	357	357	357
Net Contribution to core functions	(948)	(1,168)	(1,361)	(1,681)	(1,726)	(1,773)
Interest from Commercial Loans	(84)	(80)	(76)	(71)	(67)	(63)
Total Contribution	(1,032)	(1,248)	(1,437)	(1,752)	(1,793)	(1,836)
Sensitivity:						
+/- 10% Commercial Property Income	133	152	172	204	208	213
Indicator:						
Investment Income as a % of total Council Income	18.3%	19.8%	20.7%	24.1%	24.2%	24.7%

b) Risk Exposure Indicators

73. The Council can minimise its exposure to risk by spreading investments across sectors and by avoiding single large scale investments. Generally there is a spread of investment across sectors. The Council's commitment to economic regeneration (not purely financial return) has meant that many of its investments have been in industrial units, which have been very successful.



c) Security and Liquidity



74. Commercial investments are held for longer term asset appreciation as well as yield. Investments or sales decisions will normally be planned as part of the consideration of the 5 year capital strategy to maximise the potential return. Nevertheless, the local and national markets are monitored to ensure any gains are maximised or losses minimised.
75. To help ensure asset values are maintained the assets are given quarterly inspections, together with a condition survey every 3 years. Any works required to maintain the value of the property will then form part of Council's spending plans.
76. The liquidity of the assets is also dependent on the condition of the property, the strength of the tenants and the remaining lease lengths. The Council keeps these items under review with a view to maximising the potential liquidity and value of the property wherever possible.
77. The liquidity considerations for commercial investments are intrinsically linked to the level of cash and short term investments, which help manage and mitigate the Council's liquidity risk.

Counterparty Registrations under MIFID II

The Council is registered with the following regulated financial services organisations who may arrange investments with other counterparties with whom they have themselves registered:

- BGC Brokers LP
- Royal London Asset Management
- Tradition Uk Ltd
- King & Shaxson
- Aberdeen Asset Management
- Aviva
- Institutional Cash Distributors Ltd
- Federated Investors (UK) LLP
- NEX Treasury
- Invesco Asset Management Ltd
- CCLA
- Goldman Sachs Asset Management
- Black Rock
- HSBC Asset Management

Existing Material Investments

	Current Book Value £000	Previous Book Value £000
The Point Office Accommodation	3.200	3.200
Hollygate Lane, Cotgrave Industrial Units	2.435	2.421
Bardon Single Industrial Unit	1.800	1.800
Trent Boulevard	1.400	1.445
Colliers Business Park Phase 2	1.250	1.200
Bridgford Hall Aparthotel and Registry Office	1.220	1.300
Finch Close	0.925	0.925
Bingham Hub*	0.900	1.593
Boundary Court	0.805	-
Unit 10 Chapel Lane*	0.670	-
Colliers Business Park Phase 1	0.610	-
New Offices Cotgrave	0.345	1.080
Cotgrave Precinct Shops	0.450	1.080
TOTAL INVESTMENT PROPERTY	16.010	16.044
Notts County Cricket Club Loan	2.700	2.700
TOTAL	18.710	18.744

* subsequently split into 2 assets - Unit 10 Chapel Lane and Bingham Hub

<u>Use of Earmarked Reserves in 2020/21</u>	Projected Opening Balance	Projected Income	Projected Expenditure	Net Change in Year	REF	Projected Closing Balance
	£'000	£'000	£'000	£'000		£'000
Investment Reserves						
Regeneration and Community Projects	1,566	147	(50)	97	1	1,663
Sinking Fund - Investments	151	136	(20)	116	2	267
Council Assets and Service Delivery	274	0	0	0		274
New Homes Bonus (NHB)	7,104	2,311	(1,000)	1,311	3	8,415
Invest to Save	150	0	0	0		150
Corporate Reserves						
Organisation Stabilisation	2,448	460	(98)	362	4	2,810
Risk and Insurance	100	0	0	0		100
Planning Appeals	350	0	0	0		350
Elections	51	50	0	50	5	101
Operating Reserves						
Planning	164	0	0	0		164
Leisure Centre Maintenance	116	0	0	0		116
Planned Maintenance	100	0	0	0		100
	12,574	3,104	(1,168)	1,936		14,510

Notes

1. Net £97k being the movement on this reserve to support Special Expenses capital schemes
2. £136k from Investment Property income to support future capital expenditure. £20k used for works at The Point
3. £2.270m Receipts; £1m release for Arena MRP
4. £47k Surplus Housing Grant, £400k NDR Central Pool, £13k I & E Surplus; £83k release Positive Futures Grant; £15k release for Tree Protection;
5. £50k to replenish the Elections Reserve.

Rushcliffe Borough Council Pay Policy Statement 2020-21

1. Introduction

- 1.1 This Statement sets out the Council's policies in relation to the pay of its workforce, particularly its Senior Officers, in line with Section 38 of the Localism Act 2011. The Statement is approved by full Council each year and published on the Council's website demonstrating an open and transparent approach to pay policy.
- 1.1 This Statement draws together the Council's policies relating to the payment of the workforce particularly:
- Senior Officers
 - Its lowest paid employees; and
 - The relationship between the pay of Senior Officers and the pay of other employees
- 1.2 For the purposes of this statement 'pay' includes basic salary, pension and all other allowances arising from employment.

2. Objectives of this Statement

- 2.1 This Statement sets out the Council's key policy principles in relation to pay evidencing a transparent and open process. It does not supersede the responsibilities and duties placed on the Council in its role as an employer and under employment law. These responsibilities and duties have been considered when formulating the Statement.
- 2.2 This Statement aims to ensure the Council's approach to pay attracts and retains a high performing workforce whilst ensuring value for money. It sits alongside the information on pay that the Council already publishes as part of its responsibilities under the Code of Practice for Local Authorities on Data Transparency. Further details of this information can be found on the Council's website at the following address:

<http://www.rushcliffe.gov.uk/councilanddemocracy/aboutthecouncil/seniorofficers/roleandremuneration/> -

3. Senior Officers

3.1 For the purposes of this Statement, Senior Officers are defined as those posts with a salary above £50,000 in line with the Local Government Transparency Code 2014 as amended. Using this definition Senior Officers within Rushcliffe currently consists of 12 posts out of an establishment of 262 The posts are as follows:-:

- Chief Executive
- Executive Manager – Finance and Corporate Services (Section 151 Officer)
- Executive Manager - Transformation
- Executive Manager - Neighbourhoods
- Executive Manager - Communities
- Chief Information Officer ¹
- Borough Solicitor (Monitoring Officer)
- Service Manager – Finance and Commercial
- Service Manager – Transformation
- Service Manager – Neighbourhoods
- Service Manager – Communities
- Lead Specialist – Communities ²

4 The Policies

4.1 The Council consults when setting pay for all employees. The Council will meet or reimburse authorised travel, accommodation and subsistence costs for attendance at approved business meetings and training events. The Council does not regard such costs as remuneration but as non-pay operational costs.

5. Pay of the Council's Lowest Paid Employees

5.1 The total number of Council employees is presently 262 The Council has defined its lowest paid employees by taking the average salary of five permanent staff (employed on a part-time basis) on the lowest pay grade the Council operates, who are not undergoing an apprenticeship. On this basis the lowest paid full-time equivalent employee of the Council earned £17,364 The Council currently pays £9.00 per hour for its lowest paid employees; this is above the Government's National Living Wage which is currently £8.21 per hour for employees aged 25 or over and exceeds the National minimum wage maximum of £7.70 for employees aged 21-24.

6.2 The Council does not explicitly set the pay of any individual or group of posts by reference to a pay multiple. The Council feels that pay multiples cannot capture the complexity of a dynamic and highly varied workforce in terms of job content, skills and experience required. In simple terms, the Council sets different levels of basic pay to reflect differences in levels of responsibility. Additionally, the highest paid employee of the Council's salary does not exceed 10 times that of the lowest paid group of employees.

1. The Chief Information Officer was a shared post and the cost was divided between Broxtowe Borough Council and Newark and Sherwood District Council and Rushcliffe Borough Council. The post holder was on Secondment for 6 of the 12 months covered by this Pay Policy Statement and his costs have been covered by the Host Authority. The postholder obtained another role and this post has not been filled on the same basis.
2. This role is usually below the threshold for reporting but has been involved in special projects that mean the salary has been increased to reflect the extra responsibility.

6.3 The Head of Paid Service, or their delegated representative, will give due regard to the published Pay Policy Statement before the appointment of any Officers. Full Council will have the opportunity to discuss any appointment exceeding £100,000 before an offer of appointment is made, in line with the Council's Officer Employment procedure rules within Part 4 of the Council's Constitution.

Additional Payments Made to Chief Officers – Election Duties

7.1 The Chief Executive is nominated as the Returning Officer. In accordance with the national agreement, the Chief Executive is entitled to receive and retain the personal fees arising from performing the duties of Returning Officer, Acting Returning Officer, Deputy Returning Officer or Deputy Acting Returning Officer and similar positions which he or she performs subject to the payment of pension contributions thereon, where appropriate.

7.2 The role of Deputy Returning Officer may be applied to any other post and payment may not be made simply because of this designation. Payments to the Returning Officer are governed as follows:

- for national elections, fees are prescribed by legislation;
- for local elections, fees are determined within a local framework used by other district councils within the county. This framework is applied consistently and is reviewed periodically by lead Electoral Services Officers within Nottinghamshire. This includes proposals on fees for all staff employed in connection with elections. These fees are available for perusal on the Council's website.

7.3 As these fees are related to performance and delivery of specific elections duties, they are distinct from the process for the determination of pay for Senior Officers

Appendix to the Pay Policy Policies on other aspects of pay

Process for setting the pay of Senior Officers

The pay of the Chief Executive is based on an agreed pay scale which is agreed by Council prior to appointment. Changes to this are determined by the Leader, Deputy Leader and Leader of the Opposition, who are advised by an agreed external professional and the Strategic Human Resources Manager.

The pay of all Officers including Senior Officers is determined by levels of responsibility, job content and the skills and experience required. Consideration is also given to benchmarking against other similar roles, market forces and the challenges facing the authority at that time and to maximise efficiency. The pay of these posts is determined through the Chief Executive, or his nominated representative, in consultation with the Strategic Human Resources Manager and in line with the Council's pay scales and its agreed scheme of delegation.

The Council moved away from the national conditions of service in 1990 and pay scales are set locally.

As with all employees, the Council would look to appoint on the best possible terms to secure the best candidate for the job. However, there are factors that could influence the rate offered to an individual, including the relevant experience of the candidate, their current rate of pay and market forces.

All Senior Officers are expected to devote the whole of their service to the Authority and are excluded from taking up additional business, ad hoc services or additional appointments without consent as set out in the Council's code of conduct.

Terms and Conditions – All Employees

All employees are governed by the local terms and conditions as set out in the Employee handbook.

Local Government Pension Scheme

Every employee is automatically enrolled into the Local Government Pension Scheme. Employer and employee contributions are based on pensionable pay, which is salary plus, for example, shift allowances, bonuses, contractual overtime, statutory sick pay and maternity pay as relevant.

For more comprehensive details of the local government pension scheme see: www.lgps.org.uk and www.nottspf.org.uk

Neither the scheme nor the Council adopt different policies with regard to benefits for any category of employee and the same terms apply to all staff. It is not normal Council policy to enhance retirement benefits but there is flexibility contained within the policy for enhancement of benefits and the Council will consider each case on its merits.

Car Allowances

The Council pays mileage rates at HMRC recommended rates.

Pay Increments

Where applicable pay increments for all employees are paid on an annual basis until the maximum of the scale is reached. The Chief Executive, or his nominated representative, has the discretion to award and remove increments of officers' dependant on satisfactory or unsatisfactory performance.

Relocation Allowance

Where it is necessary for a newly appointed employee to relocate to take up appointment, the Council may make a contribution towards relocation expenses. The same policy applies to Senior Officers and other employees. Payment will be made against a range of allowable costs for items necessarily incurred in selling and buying a property and moving into the area. The costs include estate agents' fees, legal fees, stamp duty, storage and removal costs, carpeting and curtains, short term rental etc. The Council will pay 80% of some costs and 100% of others or make a fixed sum available. If an employee leaves within two years of first employment, they may be required to reimburse a proportion of any relocation expenses.

Professional fees

The Council currently meets the cost of professional fees and subscriptions for employees where it is a requirement of their employment or their contract.

Returning Officer Payments

In accordance with the national agreement the Chief Executive is entitled to receive and retain the personal fees arising from performing the duties of returning officer, acting returning officer, deputy returning officer or deputy acting return officer and similar positions which he or she performs subject to the payment of pension contributions thereon, where appropriate.

Fees for returning officer and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific elections duties, they are distinct from the process for the determination of pay for Senior Officers.

Managing Organisational Change Policy

The original Managing Organisation Change Policy was agreed by Council in March 2007 (revised 2010). The Council's policy on the payment of redundancy payments is set out in this policy. The redundancy payment is based on the length of continuous local government service which is used to determine a multiplier which is then applied to actual pay.

The policy provides discretion to enhance the redundancy and pension contribution of the individual and each case would be considered taking into account individual circumstances. Copies of the policy are available on the Council's website.

Payments on termination

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued leave which by agreement is untaken at the date of leaving or payments that are agreed or negotiated in line with current employment law practices.

Publication of information relating to remuneration of Senior Officers

The Pay Policy Statement will be published annually on the Council's website following its approval by full Council each year.

Gender Pay gap reporting

The Council publishes its Gender Pay Gap information annually on the Council's website and on the Governments website.



Council

Thursday, 5 March 2020

Council Tax Resolution 2020/21

Report of the Executive Manager – Finance and Corporate Services

Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson

1. Purpose of report

- 1.1. The purpose of this report is to approve the statutory Council Tax Resolution for 2020/21. The resolution is a statutory requirement for billing authorities to approve prior to the billing and collection of Council Tax for the forthcoming financial year.
- 1.2. The resolution consolidates the precepts of Nottinghamshire County Council, Nottinghamshire Police and Crime Commissioner, Nottinghamshire Fire Authority, Rushcliffe Borough Council and individual Town and Parish Councils. The report and recommendations are subject to the budget meetings of Nottinghamshire County Council and Nottinghamshire Fire Authority respectively on 27 and 28 February 2020. If there are any amendments a revised report will be provided.

2. Recommendation

It is RECOMMENDED that the Council approve the Council Tax Resolution for 2020/21 as detailed at Appendix A.

3. Reasons for Recommendation

To comply with relevant legislation in setting both the Council's budget and associated local taxation levels.

4. Supporting Information

Council Tax Resolution 2020/21

- 4.1. The resolution is set out at Appendix A of this report.
- 4.2. The Council Tax for Nottinghamshire County Council, Nottinghamshire Police and Crime Commissioner and Nottinghamshire Fire Authority were set at separate meetings on 27 February 2020, 06 February 2020 and 28 February 2020 respectively.
- 4.3. The table below illustrates the Council Tax increases approved by each of the major precepting bodies. It also shows the new average weekly and yearly Council Tax levels.

Based on Band D	Increase	New Weekly (£)		New Yearly (£)	
	%	Amount	Increase	Amount	Increase
Nottinghamshire County Council	1.99	26.94	0.56	1400.66	29.37
Nottinghamshire County Council – Adult Social Care precept	2.00	2.58	0.57	134.29	29.52
Rushcliffe Borough Council	3.59	2.75	0.10	142.74	4.95
Nottinghamshire Police	4.55	4.41	0.19	229.32	9.99
Nottinghamshire Fire	1.95	1.56	0.03	81.36	1.56

*This is calculated in accordance with The Council Tax (Demand Notices)(England)(Amendment) Regulations 2017 and advice from the Department for Communities and Local Government (DCLG). The calculation to arrive at the 2% increase is as follows:

NCC 2019/20 Precept	£1371.29
NCC ASC 2019/20 Precept	£104.77
Total	£1,476.06
2% of Total	£29.52

In addition to the major precepting bodies, Town and Parish Councils can elect to raise a local precept; these will also form part of the Council Tax Resolution.

5. Alternative options considered and reasons for rejection

- 5.1. In order to comply with relevant legislation the Council must set and approve the Council Tax levels for the forthcoming year. There are no alternative options.

6. Risks and Uncertainties

- 6.1. If the Council Tax levels are not set by 11 March 2020, there is a risk that billing will be delayed resulting in cash flow issues for the Council.

7. Implications

7.1. Financial Implications

The financial impact of the Council Tax setting is described in the report.

7.2 Legal Implications

To accord with both the Local Government Finance Act 1992 (as amended by the Local Audit and Accountability Act 2014), Localism Act 2011, The Council Tax (Demand Notices) (England)(Amendment) Regulations 2017 and The Referendums Relating to Council Tax Increases (Principles) (England) Report 2020/21; the Council has to set its Council Tax Base, Council Tax

Requirement, Parish Precepts and tax levels and state whether Council Tax referendum limits will be exceeded or not.

7.3 Equalities Implications

None.

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

None.

8. Link to Corporate Priorities

Quality of Life	Setting the Council Tax to ensure that the services the residents value continue to be provided
Efficient Services	No direct link
Sustainable Growth	No direct link
The Environment	No direct link

9. Recommendations

It is RECOMMENDED that Council approve the Council Tax Resolution for 2020/21 as detailed at Appendix A.

For more information contact:	Peter Linfield Executive Manager – Finance and Corporate 0115 914 8439 plinfield@rushcliffe.gov.uk
Background papers available for Inspection:	Relevant websites and Council tax setting reports for Nottinghamshire County Council, Nottinghamshire Fire Authority and the Nottinghamshire Police and Crime Commissioner
List of appendices:	Appendix A – Council Tax Resolution 2020/21

Council Tax Resolution 2020/21

Report of the Executive Manager – Finance and Corporate Services

The Council is recommended to resolve as follows:

That it be noted that the Council calculated the following amounts for the year 2020/21 in accordance with the Local Government Finance Act 1992 as amended (the “Act”);

- a) Rushcliffe Borough Council’s Council Tax Base for 2020/21 has been calculated as 43,987.7 [Item T in the formula in Section 31B of the Local Government finance Act 1992 as amended by Section 74 of the Localism Act 2011 (the “Act”)];
- b) For dwellings in those parts of the Borough to which a Parish Precept relates as detailed in Appendix Ai;
- c) The Council Tax requirement for the Council’s own purposes for 2020/21 (excluding Parish Precepts) is £6,278,800;
- d) That the following amounts be now calculated by the Council for the year 2020/21 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by Section 74 of the Localism Act 2011;
 - i. £38,385,686 being the aggregate of the amounts which the Council estimates for the items set out in Section 31 A (2)(a) to (f) of the Act taking into account all precepts issued to it by Parish Councils. (Gross expenditure, parish and special expenses, any contingencies, any provisions for reserves);
 - ii. £29,125,200 being the aggregate of the amounts which the Council estimates for the items set out in Section (A) (3) (a) to (d) of the Act. (Gross income, any use of reserves);
 - iii. £9,260,486 being the amount by which the aggregate at (d)(i) above exceeds the aggregate of (d) (ii) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax Requirement. [Item R in the formula in Section 31B of the Act] (Expenditure less income);
 - iv. £210.52 being the amount at (d) (iii) above [Item R], all divided by Item T (a) above, calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of its council tax for the year (including parish precepts and special expenses);

- v. £2,981,686 being the aggregate amount of the Parish Precepts and Special Expenses referred to in Section 34 (3) of the Act. (Total amount of parish precepts as per Appendix Ai);
- vi. £142.74 being the amount at (d) (iii) above less (d) (v) above dividing the result by item T ((1) (a) above), calculated by the Council, in accordance with section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precepts or Special Expenses relate. (i.e. the Borough Council's precept of £6,278,800 divided by the Council Tax base of 43,987.7 this Council's own Council Tax at Band D);
- e) That it be noted for the year 2020/21 Nottinghamshire County Council, Nottinghamshire Police and Crime Commissioner and Nottinghamshire and City of Nottingham Fire Authority have issued precepts in accordance with Section 40 of the Act for each of the categories of dwellings shown in Table 1;
- f) That the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the Appendices A(i) and A(ii) for 2020/21 for each part of the Borough and for each of the categories of dwellings;
- g) The Council has determined that its relevant basic amount of Council Tax for 2020/21 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (as amended by the Local Audit and Accountability Act 2014). As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2020/21 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Table 1

Band	Rushcliffe Borough Council	Nottinghamshire County Council	Nottinghamshire Police & Crime Commissioner	Nottingham and Nottinghamshire Fire Authority	Total
	£	£	£	£	£
A	95.16	1,023.30	152.88	54.24	1,325.58
B	111.02	1,193.85	178.36	63.28	1,546.51
C	126.88	1,364.40	203.84	72.32	1,767.44
D	142.74	1,534.95	229.32	81.36	1,988.37
E	174.46	1,876.05	280.28	99.44	2,430.23
F	206.18	2,217.15	331.24	117.52	2,872.09
G	237.90	2,558.25	382.20	135.60	3,313.95
H	285.48	3,069.90	458.64	162.72	3,976.74

Appendix A (i)

Council Tax to be Levied Within the Borough for the Year Ending 31 March 2021

2020/21 PARISH/AREA	TAX BASE	PRECEPT	SPECIAL CHARGES	TAX RATE PARISH AREA	MAJOR PRECEPTS	COUNCIL TAX BAND D
ASLOCKTON	430.5	11,905		27.65	1,988.37	2,016.02
BARTON-IN-FABIS	210.1	5,446		25.92	1,988.37	2,014.29
BINGHAM	3,612.3	300,265		83.12	1,988.37	2,071.49
BRADMORE	168.6	3,122		18.52	1,988.37	2,006.89
BUNNY	293.7	21,900		74.57	1,988.37	2,062.94
CAR COLSTON	84.2	0		0.00	1,988.37	1,988.37
CLIPSTON	31.1	0		0.00	1,988.37	1,988.37
COLSTON BASSETT	125.6	11,220		89.33	1,988.37	2,077.70
COSTOCK	299.4	19,500		65.13	1,988.37	2,053.50
COTGRAVE	2,418.5	228,966		94.67	1,988.37	2,083.04
CROPWELL BISHOP	656.0	95,751		145.96	1,988.37	2,134.33
CROPWELL BUTLER	337.8	12,420		36.77	1,988.37	2,025.14
EAST BRIDGFORD	848.5	41,150		48.50	1,988.37	2,036.87
EAST LEAKE	3,180.3	312,384		98.22	1,988.37	2,086.59
ELTON-ON-THE-HILL	45.8	0		0.00	1,988.37	1,988.37
FLAWBOROUGH	26.9	0		0.00	1,988.37	1,988.37
FLINTHAM	220.4	14,600		66.24	1,988.37	2,054.61
GOTHAM	613.1	38,146		62.22	1,988.37	2,050.59
GRANBY-CUM-SUTTON	176.7	10,266		58.10	1,988.37	2,046.47
HAWKSWORTH	66.9	10,400		155.46	1,988.37	2,143.83
HICKLING	252.6	7,821		30.96	1,988.37	2,019.33
HOLME PIERREPONT & GAMSTON	1,085.7	37,250		34.31	1,988.37	2,022.68
KEYWORTH	2,689.7	180,350	10,100	70.81	1,988.37	2,059.18
KINGSTON-ON-SOAR	136.5	4,400		32.23	1,988.37	2,020.60
KINOULTON	422.7	6,500		15.38	1,988.37	2,003.75
KNEETON	22.7	0		0.00	1,988.37	1,988.37
LANGAR-CUM-BARNSTONE	356.0	38,794		108.97	1,988.37	2,097.34
NEWTON	322.9	19,300		59.77	1,988.37	2,048.14
NORMANTON-ON-SOAR	187.5	13,865		73.95	1,988.37	2,062.32
NORMANTON-ON-THE-WOLDS	154.8	8,500		54.91	1,988.37	2,043.28
ORSTON	218.3	9,501		43.52	1,988.37	2,031.89
OWTHORPE	49.7	0		0.00	1,988.37	1,988.37
PLUMTREE	122.6	4,942		40.31	1,988.37	2,028.68
RADCLIFFE-ON-TRENT	3,256.1	306,529		94.14	1,988.37	2,082.51
RATCLIFFE-ON-SOAR	53.2	0		0.00	1,988.37	1,988.37
REMPSTONE	202.1	5,095		25.21	1,988.37	2,013.58
RUDDINGTON	2,743.9	310,470	11,300	117.27	1,988.37	2,105.64
SAXONDALE	15.0	0		0.00	1,988.37	1,988.37
SCARRINGTON	84.6	750		8.87	1,988.37	1,997.24
SCREVEYTON	78.3	0		0.00	1,988.37	1,988.37

SHELFORD	116.0	10,000		86.21	1,988.37	2,074.58
SHELTON	62.3	545		8.75	1,988.37	1,997.12
SIBTHORPE	58.5	1,700		29.06	1,988.37	2,017.43
STANFORD-ON-SOAR	64.0	5,000		78.13	1,988.37	2,066.50
STANTON-ON-THE-WOLDS	213.7	7,240		33.88	1,988.37	2,022.25
SUTTON BONINGTON	652.2	28,500		43.70	1,988.37	2,032.07
THOROTON	70.6	0		0.00	1,988.37	1,988.37
THRUMPTON	73.7	3,680		49.93	1,988.37	2,038.30
TOLLERTON	812.1	62,750		77.27	1,988.37	2,065.64
UPPER BROUGHTON	161.9	8,500		52.50	1,988.37	2,040.87
WEST BRIDGFORD	14,233.5	0	690,500	48.51	1,988.37	2,036.88
WEST LEAKE	68.0	2,100		30.88	1,988.37	2,019.25
WHATTON-IN-THE-VALE	379.5	15,832		41.72	1,988.37	2,030.09
WIDMERPOOL	170.2	6,395		37.57	1,988.37	2,025.94
WILLOUGHBY-ON-WOLDS	289.6	10,836		37.42	1,988.37	2,025.79
WIVERTON & TITHBY	53.3	0		0.00	1,988.37	1,988.37
WYSALL & THORPE IN THE GLEBE	207.3	15,200		73.32	1,988.37	2,061.69
TOTAL RUSHCLIFFE BOROUGH COUNCIL	43,987.7	2,269,786	711,900	67.78	1,988.37	2,056.15

ALL PRECEPTS PARISH AREA	COUNCIL TAX BAND							
	A	B	C	D	E	F	G	H
ASLOCKTON	1,344.01	1,568.02	1,792.02	2,016.02	2,464.02	2,912.03	3,360.03	4,032.04
BARTON-IN-FABIS	1,342.86	1,566.67	1,790.48	2,014.29	2,461.91	2,909.53	3,357.15	4,028.58
BINGHAM	1,380.99	1,611.16	1,841.32	2,071.49	2,531.82	2,992.15	3,452.48	4,142.98
BRADMORE	1,337.93	1,560.91	1,783.90	2,006.89	2,452.87	2,898.84	3,344.82	4,013.78
BUNNY	1,375.29	1,604.51	1,833.72	2,062.94	2,521.37	2,979.80	3,438.23	4,125.88
CAR COLSTON	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
CLIPSTON	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
COLSTON BASSETT	1,385.13	1,615.99	1,846.84	2,077.70	2,539.41	3,001.12	3,462.83	4,155.40
COSTOCK	1,369.00	1,597.17	1,825.33	2,053.50	2,509.83	2,966.17	3,422.50	4,107.00
COTGRAVE	1,388.69	1,620.14	1,851.59	2,083.04	2,545.94	3,008.84	3,471.73	4,166.08
CROPWELL BISHOP	1,422.89	1,660.03	1,897.18	2,134.33	2,608.63	3,082.92	3,557.22	4,268.66
CROPWELL BUTLER	1,350.09	1,575.11	1,800.12	2,025.14	2,475.17	2,925.20	3,375.23	4,050.28
EAST BRIDGFORD	1,357.91	1,584.23	1,810.55	2,036.87	2,489.51	2,942.15	3,394.78	4,073.74
EAST LEAKE	1,391.06	1,622.90	1,854.75	2,086.59	2,550.28	3,013.96	3,477.65	4,173.18
ELTON-ON-THE-HILL	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
FLAWBOROUGH	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
FLINTHAM	1,369.74	1,598.03	1,826.32	2,054.61	2,511.19	2,967.77	3,424.35	4,109.22
GOTHAM	1,367.06	1,594.90	1,822.75	2,050.59	2,506.28	2,961.96	3,417.65	4,101.18
GRANBY-CUM-SUTTON	1,364.31	1,591.70	1,819.08	2,046.47	2,501.24	2,956.01	3,410.78	4,092.94
HAWKSWORTH	1,429.22	1,667.42	1,905.63	2,143.83	2,620.24	3,096.64	3,573.05	4,287.66
HICKLING	1,346.22	1,570.59	1,794.96	2,019.33	2,468.07	2,916.81	3,365.55	4,038.66
HOLME PIERREPONT & GAMSTON	1,348.45	1,573.20	1,797.94	2,022.68	2,472.16	2,921.65	3,371.13	4,045.36
KEYWORTH	1,372.79	1,601.58	1,830.38	2,059.18	2,516.78	2,974.37	3,431.97	4,118.36
KINGSTON-ON-SOAR	1,347.07	1,571.58	1,796.09	2,020.60	2,469.62	2,918.64	3,367.67	4,041.20
KINOULTON	1,335.83	1,558.47	1,781.11	2,003.75	2,449.03	2,894.31	3,339.58	4,007.50
KNEETON	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
LANGAR-CUM- BARNSTONE	1,398.23	1,631.26	1,864.30	2,097.34	2,563.42	3,029.49	3,495.57	4,194.68
NEWTON	1,365.43	1,593.00	1,820.57	2,048.14	2,503.28	2,958.42	3,413.57	4,096.28
NORMANTON-ON-SOAR	1,374.88	1,604.03	1,833.17	2,062.32	2,520.61	2,978.91	3,437.20	4,124.64
NORMANTON-ON-THE- WOLDS	1,362.19	1,589.22	1,816.25	2,043.28	2,497.34	2,951.40	3,405.47	4,086.56
ORSTON	1,354.59	1,580.36	1,806.12	2,031.89	2,483.42	2,934.95	3,386.48	4,063.78
OWTHORPE	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
PLUMTREE	1,352.45	1,577.86	1,803.27	2,028.68	2,479.50	2,930.32	3,381.13	4,057.36
RADCLIFFE-ON-TRENT	1,388.34	1,619.73	1,851.12	2,082.51	2,545.29	3,008.07	3,470.85	4,165.02
RATCLIFFE-ON-SOAR	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
REMPSTONE	1,342.39	1,566.12	1,789.85	2,013.58	2,461.04	2,908.50	3,355.97	4,027.16
RUDDINGTON	1,403.76	1,637.72	1,871.68	2,105.64	2,573.56	3,041.48	3,509.40	4,211.28
SAXONDALE	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
SCARRINGTON	1,331.49	1,553.41	1,775.32	1,997.24	2,441.07	2,884.90	3,328.73	3,994.48
SCREVETON	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
SHELFORD	1,383.05	1,613.56	1,844.07	2,074.58	2,535.60	2,996.62	3,457.63	4,149.16
SHELTON	1,331.41	1,553.32	1,775.22	1,997.12	2,440.92	2,884.73	3,328.53	3,994.24
SIBTHORPE	1,344.95	1,569.11	1,793.27	2,017.43	2,465.75	2,914.07	3,362.38	4,034.86
STANFORD-ON-SOAR	1,377.67	1,607.28	1,836.89	2,066.50	2,525.72	2,984.94	3,444.17	4,133.00
STANTON-ON-THE-WOLDS	1,348.17	1,572.86	1,797.56	2,022.25	2,471.64	2,921.03	3,370.42	4,044.50
SUTTON BONINGTON	1,354.71	1,580.50	1,806.28	2,032.07	2,483.64	2,935.21	3,386.78	4,064.14
THOROTON	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
THRUMPTON	1,358.87	1,585.34	1,811.82	2,038.30	2,491.26	2,944.21	3,397.17	4,076.60
TOLLERTON	1,377.09	1,606.61	1,836.12	2,065.64	2,524.67	2,983.70	3,442.73	4,131.28
UPPER BROUGHTON	1,360.58	1,587.34	1,814.11	2,040.87	2,494.40	2,947.92	3,401.45	4,081.74
WEST BRIDGFORD	1,357.92	1,584.24	1,810.56	2,036.88	2,489.52	2,942.16	3,394.80	4,073.76
WEST LEAKE	1,346.17	1,570.53	1,794.89	2,019.25	2,467.97	2,916.69	3,365.42	4,038.50
WHATTON-IN-THE-VALE	1,353.39	1,578.96	1,804.52	2,030.09	2,481.22	2,932.35	3,383.48	4,060.18
WIDMERPOOL	1,350.63	1,575.73	1,800.84	2,025.94	2,476.15	2,926.36	3,376.57	4,051.88
WILLOUGHBY-ON-THE - WOLDS	1,350.53	1,575.61	1,800.70	2,025.79	2,475.97	2,926.14	3,376.32	4,051.58
WIVERTON & TITHBY	1,325.58	1,546.51	1,767.44	1,988.37	2,430.23	2,872.09	3,313.95	3,976.74
WYSALL & THORPE IN THE GLEBE	1,374.46	1,603.54	1,832.61	2,061.69	2,519.84	2,978.00	3,436.15	4,123.38



Council

Thursday 5 March 2020

Midlands Engine Development Corporation

Report of the Chief Executive

Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson

1. Purpose of report

- 1.1. In October 2018 the Government announced funding of up to £2m to explore the business case for a locally led development delivery vehicle for the East Midlands. This would cover three geographical sites in the East Midlands: Ratcliffe on Soar power station, Toton and Chetwynd Barracks, and East Midlands Airport. In June 2019 Nottinghamshire County Council, on behalf of the Midlands Engine, commissioned the preparation of an outline business case for a Development Corporation.
- 1.2. The outline business case for the Development Corporation is due to be submitted to Government for consideration in Spring 2020. Legislation shall need to be passed to establish the Development Corporation, it is therefore unlikely that the Development Corporation would be established until 2022 at the earliest. In the interim period a non-statutory interim vehicle is proposed with the agreement of partners. The interim arrangements will be developed during the coming months and will continue to involve all the directly affected local authorities as part of the oversight function. Due to the possible funding and resource implications a Development Corporation Reserve of £100k from 2019/20 is proposed in order to support the project.
- 1.3. Of the three proposed sites for the Development Corporation, one is located in Rushcliffe (Ratcliffe on Soar powerstation). The establishment of the Development Corporation would therefore have an impact on Rushcliffe Borough Council and so it is important that Councillors support the ongoing involvement of the Council in the development of the business case and the Development Corporation as the work progresses.

2. Recommendation

It is RECOMMENDED that Council:

- a) endorses the statement of intent,
- b) supports Rushcliffe Borough Council's involvement in the establishment of the Development Corporation and the required interim arrangements,

- c) notes the potential budget impact of the interim arrangements,
- d) sets up a member working group to be regularly consulted on the progress of the development corporation work over the next two years, during the period of the interim delivery vehicle.

3. Reasons for recommendation

- 3.1. The recommendations were endorsed by Cabinet on 11 February 2020 with a further recommendation to take the report to Council for endorsement on 5 March.
- 3.2. If established and supported with the required resources and expertise the Development Corporation would attract nationally and internationally significant investment and development into the East Midlands and more specifically in to the Ratcliffe on Soar Power Station site. This type of investment is not something that Rushcliffe or the power station could attract on their own.
- 3.3. Following the Government announcement regarding the decommissioning of coal-fired power stations in 2017 Ratcliffe on Soar Power Station is due to be decommissioned by 2025. A further announcement was made by the Prime Minister on 4 February 2020 that this should be brought forward to 2024, it is understood that Government will issue a consultation on this. The closure will have a significant impact on the Borough both financially (loss of business rates) and with the potential to have a very large derelict site at the entrance to the Borough from the A453. The Development Corporation would provide greater certainty on the redevelopment of the site, leveraging investment and resources to support delivery.

4. Supporting information

- 4.1. In October 2018 Government announced £2m of funding to explore the business case for a locally led development delivery vehicle for the East Midlands. The catalyst for establishing a focussed delivery vehicle was HS2 and proposals for a new hub station at Toton. The East Midlands HS2 Growth Strategy published in September 2017 established the regions ambitions to maximise the opportunity presented by a scale of investment not seen for several generations.
- 4.2. Development corporations have been used successfully since the post-war period to deliver complex and co-ordinated delivery of development and infrastructure at scale. These have included New Town Development Corporations (NTDCs) and Urban Development Corporations (UDCs) for the renewal of former industrial areas such as Canary Wharf in London. More recently other forms of development corporation are now emerging, that are locally led, and which can pump prime investment and economic growth in those areas.

- 4.3. The Midlands Engine development corporation programme was asked to consider three geographical areas in the East Midlands including Ratcliffe on Soar Power Station and Toton and Chetwynd Barracks in Nottinghamshire, and East Midlands Airport in Leicestershire.

The Proposition

- 4.4. For the purposes of Government assessment, the team are considering a range of different scenarios. The initial analysis indicates that the emerging proposition could deliver:
- 4,500 homes
 - total employment of over 40,000¹ jobs across the three areas, with a net additional 84,000 jobs across the region
 - 1 million tonnes of freight handled at East Midlands Airport per annum
 - A 'wildway' connecting the three areas through the existing blue and green infrastructure
 - £4.8bn GVA growth per annum for the region.
- 4.5. The potential of each site has been considered by the consultant team and this has generated the above numbers. The propositions are summarised as follows:

Ratcliffe on Soar Power station, privately owned by Uniper UK Ltd

Employment-led development proposals through a joint university and industry research and demonstrator facility are being drawn up. This would build on the energy-generating heritage of the site and wider region. A range of complementary uses are also being explored, including a new skills centre, energy generation, data storage, and advanced manufacturing. Consideration is also being given to the potential for 'freeport'² status with East Midlands Airport. In total, the emerging proposition highlights the potential to deliver up to 20,000 jobs.

Toton and Chetwynd Barracks

Proposals centre on Toton and Chetwynd Barracks that include a mix of housing and employment, including the potential to deliver around 4,500 homes and up to 6,500 knowledge driven jobs. This will provide a highly connected community. The area will have unrivalled national, regional and local public transport links. The vision of a station in a park with a mixed-use innovation campus connected to the three development locations via a network of blue and green infrastructure, including the River Erewash and the Erewash canal.

East Midlands Airport

East Midlands Airport is a major economic driver for the East Midlands economy. Some 9,500 people are employed at over 100 businesses across

¹ Includes existing and new employment

² Freeports, also known as 'free zones' or 'free trade zones', are a type of special economic zone. They are within a country's physical border but are considered to be outside of the customs border and attract economic benefits.

the airport site. To the immediate north of the airport lies the 700 acre East Midlands Gateway served by a major new rail freight terminal. The gateway will create 7,000 additional jobs on completion. The development proposition will include sustainable growth and acceleration of the freight handling capacity beyond existing growth plans. There is also consideration being given to the potential for 'freeport' status in the area.

- 4.6. Each key site is significantly in excess of 200 hectares and therefore offers a scalable proposition. Together they have the potential to drive a level of coordinated investment in the enabling infrastructure not seen for several generations. It is intended that the whole region stands to benefit from this infrastructure; together with the skills, knowledge and capacity offered by a development corporation. These qualities are likely to be transferable to the region and the programme will continue to actively engage with, and consider, how proposals will complement and align with the plans and aspirations of partners across the region including the Local Industrial Strategies of the region's LEPs.
- 4.7. The infrastructure under consideration will include social, environmental and physical infrastructure including transport, digital and utilities. Specific measures will include improved roads and a concerted focus on a comprehensive approach to public transport provision reflecting the findings and recommendations of the East Midlands Gateway Connectivity Study. Delivery will involve close working with Midlands Connect. Ultimately, the proposition will demonstrate the investment case for much needed supporting infrastructure and how it will optimise and accelerate the potential of the area.
- 4.8. In considering inclusive growth, the initiative will consider skills and training. It will provide an opportunity to consider integrated approaches working with industry, education and research institutions. This will reflect the on-going restructuring of the economy with continued technological advancement. A hub and spoke approach should help to link areas of higher deprivation to the opportunities here.
- 4.9. Finally, the proposal makes provision to enhance the natural environment by creating a 'wildway', linking the areas distinctive green infrastructure that connects the three development locations alongside the River Trent; River Erewash; River Soar and the canal network; and Attenborough Nature Reserve which all underscore the areas credentials as an attractive place to live and do business.

Programme Governance

- 4.10. The Development Corporation work is subject to an Oversight Board supported by an Executive Group. The Oversight Board is made up of leaders from the region's County and City Unitary local authorities and directly affected districts (including Rushcliffe) alongside private sector; business community; central government; LEP's; and university representatives. The Executive Group is a smaller group of executive officers (shared rotating representation with North West Leicestershire District Council, Broxtowe Borough Council and Erewash

Borough Council). Both are chaired by Sir John Peace, as chairman of the Midlands Engine.

- 4.11. The business case will set out to Government the preferred option and demonstrate how it meets the criteria for public-sector intervention. It establishes a case for change, a value for money assessment, commercial viability, financial affordability, and a route to delivery. The detail of some of the key elements is still being developed. The local authority Chief Executives have proposed a statement of intent (Appendix A) to set out the shared aspirations of the local authorities for the development corporation proposition.
- 4.12. The Development Corporation programme team is actively engaging local stakeholders to inform the thinking. This includes through the Oversight Board and Executive Group; weekly conference calls with local authority chief executives; active participation in the programme team; regular briefings with LEPs and local authorities; and with other stakeholders.
- 4.13. Work is continuing on an outline business case for the Development Corporation with a formal submission to Government anticipated for Spring 2020. The initial work has developed a strategic case. It has also critically highlighted the lack of any off-the-shelf model in statute to deliver the region's aspirations for a locally led approach of the kind envisaged. Coincidentally and concurrently in late 2019, the Government undertook a consultation on the effectiveness of the legislation governing development corporations.
- 4.14. The Government consultation is understood to, at least in part, seek views and ideas on whether the current and complex legal framework might inhibit the establishment of certain types of development corporation otherwise attractive to local areas and possible solutions. The Midlands Engine submitted a response to this consultation with the benefits of the learning from the work being undertaken to date in the East Midlands to the effect that there is a need for a new hybrid model. The outcome of the consultation is awaited, and further updates will be provided.
- 4.15. The need for legislation to establish this hybrid model of development corporation, means that a statutory development corporation may take some time to come into effect. In the meantime, a non-statutory interim vehicle may be established with the agreement of partners. The arrangements and the team to set up and operate this vehicle will emerge during the coming months, but it will continue to involve all the directly affected local authorities as part of the oversight function. It may require further funding and resources being sought from partners both in terms of expertise as well as possibly some financial support. It is therefore proposed to create a Development Corporation Reserve of £100k from 2019/20 projected underspends in order to support the project. This will be ratified at Council when the 2020/21 budget is approved.

MIPIM 2020

- 4.16. As part of the programme, the Midlands Engine team will be looking to test the emerging proposition for the Development Corporation with the international

investment community. MIPIM (in French, Le Marché International des Professionnels de L'immobilier) is the world's leading property exposition, bringing together the most influential players from across international property and associated investment sectors. Many of the UK's key development projects are showcased here and the regions of the UK are represented as part of profiling and securing investment for their areas. It takes place from 10-13 March 2020.

5. Alternative options considered and reasons for rejection

- 5.1. As part of the business case process two different scenarios (the reference case and the proposition) are being tested to help demonstrate the value that a development corporation could bring; this is standard practice for the assessment of business cases by Government.
- 5.2. The alternative for Rushcliffe Borough Council is to not support this proposal. However, the Development Corporation could continue without the support of local authority partners, although this would be far from ideal. Therefore, it is important that the Council continues to be involved so that it can play a key role in shaping the Development Corporation to ensure the delivery of maximum benefit for Rushcliffe and the region.

6. Risks and uncertainties

- 6.1. There is a risk that the Development Corporation will progress anyway without Rushcliffe's involvement meaning we do not have a seat at the table to shape the vision for the Development Corporation its impact on Rushcliffe and the region.
- 6.2. In addition, there are risks that the Development Corporation does not get approval or the required level of funding and so it does not progress. This would mean that the Council needed to continue to work proactively and closely with Uniper on the future development of their site.
- 6.3. There are still a number of uncertainties around the exact implications on things such as planning powers and business rates. The statement of intent (Appendix A) however is designed to mitigate those concerns in lieu of the detail. As further details emerge however further reports and updates will be provided as required.
- 6.4. During the next proposed phase in the interim non-statutory vehicle the Council would remain as local planning authority. Beyond this planning powers would be subject to further consideration as part of the establishment of the legal entity.
- 6.5. The initial vision from Government was around maximising the benefit of HS2. Government have recently announced their commitment to HS2 with a review to identify cost savings and other improvements, it is not clear when this review will take place or what its outcome will be. There is still benefit in continuing to explore the development corporation proposition due to the scale of the sites

and the resources and expertise required to develop these sites to be nationally and internationally significant. The Government appears to be committed to the proposition of development corporations and is inviting interest for up to ten new development corporations across the country.

- 6.6. The impact on Business Rates is difficult to assess and is complicated by the changes expected to the Business Rates System, currently unknown, with the system due to change late in 2020.

7. Implications

7.1 Financial implications

The main financial implication of this proposal is the potential loss of any business rates to the Council, which are already at risk due to the decommissioning of the Ratcliffe on Soar site in 2025.

Development Corporations do not have the powers to collect business rates in the UK and are unable to do so without legislative change. A number of alternative approaches have been used to retain business rates within designated areas which could be considered if there is an appetite to do so. Three such approaches reviewed by the Development Corporation consultant team are Enterprise Zones (EZ), Combined Authorities, and Special Economic Areas

The discussions currently are that it is not intended that existing business rates are redirected from local authorities to the Development Corporation (as reflected in the statement of intent, often referred to as 'no detriment'). Further analysis of business rate uplift and associated models will be explored.

In addition, there are potential financial implications in the establishment of the programme team for the Development Corporation, both at the interim stage and once established. There may be a request for partners to contribute financially or with staff. This will be considered should any request be forthcoming and be brought to councillors as required. It is therefore proposed to create a Development Corporation Reserve of £100k utilised from 2019/20 projected revenue efficiencies in order to support the project. This will be ratified at Council when the 2020/21 budget is approved.

7.2 Legal implications

The proposed interim structure will include a shareholders' board which would be made up of local authority representatives. The expectations of this role and documents that underpin it on the individual and the authority will be reviewed before any commitment is made.

Once the necessary legislation is in place for the Development Corporation this could impact on the statutory responsibilities of the Council in the identified area. By being involved in this process councillors and officers from Rushcliffe

are able to review the proposals as they emerge and their impact, and update councillors as required.

7.3 Equalities implications

Inclusive growth is a key theme in the business case ensuring that, as far as possible, the Development Corporation brings benefits for all. As well as creating jobs the focus is on the quality as well as the accessibility of those jobs.

7.4 Section 17 of the Crime and Disorder Act 1998 implications

There are no crime and disorder implications associated with this report.

8. Link to Corporate Priorities

Quality of Life	The DC has the potential to benefit local residents' quality of life through the provision of new jobs, open space and green infrastructure.
Efficient Services	
Sustainable Growth	<p>The development of Ratcliffe on Soar Power station through the Development Corporation could attract a significant number of new businesses and approx. 20,000 jobs.</p> <p>The Development Corporation could deliver significant improvements to connectivity enabling more people to access opportunities at the 3 sites and in the wider region.</p>
The Environment	<p>Beyond the economic benefits, the developments will enhance and improve the environment, take account of the need to reduce emissions and achieve net gains in natural capital.</p> <p>The proposal for Ratcliffe on Soar is for a National Centre for Integrated Zero Carbon Futures putting Rushcliffe at the forefront of tackling climate change.</p> <p>In addition, an integral part of the proposition is the connectivity between the sites and more broadly across the region. The focus of this is green infrastructure and public transport, minimising the impact on the environment.</p> <p>The proposition includes the creation of a wildway which is an active transport link between the sites enhancing and protecting the existing areas specifically around Attenborough Nature Reserve, River Trent and the canal network.</p>

9. Recommendations

It is RECOMMENDED that Council:

- a) endorses the statement of intent,
- b) supports Rushcliffe Borough Council's involvement in the establishment of the Development Corporation and the required interim arrangements,
- c) notes the potential budget impact of the interim arrangements,
- d) sets up a member working group to be regularly consulted on the progress of the development corporation work over the next two years, during the period of the interim delivery vehicle.

For more information contact:	Kath Marriott Chief Executive kmarriott@rushcliffe.gov.uk 0115 9148349
Background papers available for Inspection:	None.
List of appendices:	Appendix A – Statement of Intent

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Statement of Intent

1. The developments will generate next generation **inclusive and sustainable growth** – high quality jobs, housing and transport, accessible and tailored to meet the needs and aspirations of current and future generations.
2. The focus for the developments is on **next generation innovation**, enterprise, the future of industry, not lower value, but more productive forms of employment.
3. Local people as well as those who come here to live and learn will be equipped with the **skills to benefit from the job opportunities** resulting from the creation of the development corporation.
4. Beyond the economic benefits, the developments will enhance and improve the environment, reduce emissions and **achieve net gains in natural capital**.
5. Partners in the region recognise and support the development corporation as a **regional endeavour with a common purpose** and a commitment to maximise this opportunity for the East Midlands; **the whole being greater than the sum of the parts**.
6. The developments will enhance the region and **add value to the region's economy**, adding to existing strengths in the cities and counties across the East Midlands.
7. The development corporation will be funded by a range of sources and use a range of financial instruments. It is **not intended that existing business rates are redirected** from local authorities to the development corporation. (Further analysis of business rate uplift and associated models will be explored)
8. There will be appropriate mechanisms for **local democratically elected representation to oversee** the work of the development corporation board and its **independent chair**. The Board will be selected through a skills based recruitment process.
9. Lessons learned from the work on the initial 3 sites will be used to help drive further opportunities in other parts of the region, **including additional sites and development corporations** for the East Midlands.

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Council

Thursday, 5 March 2020

Colston Bassett Neighbourhood Plan

Report of the Executive Manager – Communities

Portfolio Holder for Housing Councillor Roger Upton

1. Purpose of report

- 1.1. It was decided at Cabinet on 11 February 2020 that a referendum for the Colston Bassett Neighbourhood Plan should be held. The referendum will be held on Thursday 26 March 2020. The decision which has to be made is whether, subject to the result of the referendum in favour of using the Neighbourhood Plan, the Borough Council should 'make' (adopt) the Neighbourhood Plan.

2. Recommendation

It is RECOMMENDED that, subject to a majority vote in the referendum:

- a) the Council 'makes' (adopts) the Colston Bassett Neighbourhood Plan; and
- b) authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

3. Reasons for Recommendation

- 3.1. The Borough Council, as Local Planning Authority, has a statutory duty to assist in the production of Neighbourhood Plans where communities wish to produce them under the Localism Act 2011.
- 3.1. It was decided at Cabinet on 11 February 2020 that, in accordance with relevant regulations, a referendum should be held for the Colston Bassett Neighbourhood Plan. Cabinet was the decision taker in this instance because the decision as to whether or not the Plan should proceed to referendum had, in accordance with regulatory requirements, to be taken within five weeks of receiving the report of the Neighbourhood Plan Examiner on 3 January 2020.
- 3.2. The purpose of the referendum will be to ask voters whether the Neighbourhood Plan should be used to help decide planning applications in Colston Bassett Parish. If there is a majority vote in favour of this proposal then the Borough

Council would be required, subject to certain prescribed criteria, to make the Neighbourhood Plan part of the statutory development plan.

4. Supporting Information

- 4.1. The Colston Bassett Neighbourhood Plan has been produced by Colston Bassett Parish Council, in conjunction with the local community. It was submitted to the Borough Council in July 2019 and contains a number of policies which would form part of the statutory development plan and be applied by the Borough Council in determining planning applications. The Borough Council is required by the Localism Act to assess whether the Plan and its policies meet certain criteria (the 'Basic Conditions' and other legal requirements).
- 4.2. In order to assist in this process, the Borough Council was required to invite representations on the Plan and appoint an independent Examiner to review whether the Plan meets the Basic Conditions and other legal requirements. The submitted Plan was publicised and representations were invited from the public and other stakeholders, with the period for representations closing on 16 September 2019. The Plan has been assessed by an independent Examiner and, on 3 January 2020, he published his report which concluded that, subject to the modifications proposed in his report, the Plan should proceed to referendum. The Examiner's report is available as a background document.
- 4.3. The Examiner's report was considered by Cabinet on 11 February 2020. Cabinet decided that the Plan, incorporating the Examiner's recommended modifications, meets the 'Basic Conditions' and other regulatory requirements and therefore a referendum should be held to determine whether residents of Colston Bassett parish support the Plan and whether it should become part of the statutory development plan. The Plan, incorporating the Examiner's recommended modifications, and a decision statement, which was published by the Borough Council following Cabinet's decision for a referendum to take place, are both available as background documents.
- 4.4. The referendum will be held on Thursday 26 March 2020. It will follow a similar format to an election. All electors registered to vote and eligible to vote in local government elections within the neighbourhood area (the Parish of Colston Bassett) would be given the opportunity to vote in the referendum. In accordance with regulatory requirements, the ballot paper would have the following question: *'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Colston Bassett to help it decide planning applications in the neighbourhood area?'* Voters would be given the opportunity to vote 'yes' or 'no'.
- 4.5. If more than 50% of those voting in the referendum vote 'yes', then the Borough Council is required to 'make' (adopt) the Neighbourhood Plan part of the development plan for Rushcliffe. If the result of the Referendum is 'no', then nothing further happens. The Parish Council would then have to decide what it wishes to do.

- 4.6. If the Neighbourhood Plan is made part of the development plan then planning applications within the parish would then have to be determined in accordance with both the Rushcliffe Local Plan and the Colston Bassett Neighbourhood Plan, unless material considerations indicate otherwise.

5. Alternative options considered and reasons for rejection

- 5.1. It is a legal requirement under section 61E(4)(b) of the Town and Country Planning Act 1990 (as amended) that if more than half of those voting in the referendum vote in favour of the Neighbourhood Plan then the Borough Council must make it part of the statutory development plan for Rushcliffe. To not follow these legislative requirements could lead the Borough Council open to legal challenge.

6. Risks and Uncertainties

- 6.1. To not follow the legislation and regulations correctly could expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

7. Implications

7.1. Financial Implications

- 7.1.1 Following the setting of a date for the referendum, £20,000 can be claimed from the Ministry of Housing, Communities, and Local Government. This financial support ensures that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning and will offset any additional costs incurred. These duties include provision of advice and assistance, holding the examination and making arrangements for the referendum.

7.2. Legal Implications

- 7.2.1 The Neighbourhood Plan, as proposed, is considered to meet the Basic Conditions which are set out at Schedule 4B of the Town and Country Planning Act 1990 (as amended). This is the view taken by the Examiner, as confirmed in his report. It is also considered that the Neighbourhood Plan meets all of the relevant legal and procedural requirements. To not comply with the legislation and regulations correctly could expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

7.3. Equalities Implications

7.3.1 There are considered to be no particular equality implications that need addressing from matters arising from this report.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1 There are no direct community safety implications arising from matters covered in this report.

8. Link to Corporate Priorities

Quality of Life	The Neighbourhood Plan's vision seeks to preserve and protect the distinct and attractive rural character and tranquillity of the conservation village. It also strives to ensure that the strong sense of community will be maintained and strengthened.
Efficient Services	A key part of the Neighbourhood Plan's vision is the improvement where possible of community facilities to meet the needs of a diverse population.
Sustainable Growth	The adoption of the Neighbourhood Plan will help support the Borough Council's corporate priority for sustainable growth, including supporting others to deliver what our community needs to grow in a sustainable way.
The Environment	The Neighbourhood Plan includes a number of policies aimed at protecting the environment from inappropriate development.

9. Recommendations

It is RECOMMENDED that, subject to a majority vote in the referendum:

- a) the Council 'makes' (adopts) the Colston Bassett Neighbourhood Plan; and
- b) authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

For more information contact:	Richard Mapletoft Planning Policy Manager Tel: 0115 9148457 rmapletoft@rushcliffe.gov.uk
Background papers available for Inspection:	Electronic copies of the documents relating to the draft Colston Bassett Neighbourhood Plan and its examination can be found at: https://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/#d.en.42671 Examiner's Report for the Colston Bassett Neighbourhood Development Plan

	<p>https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/colstonbassett/4%203bii%20Examiner's%20Report.pdf</p> <p>Colston Bassett Decision Statement, 11 February 2020 https://democracy.rushcliffe.gov.uk/documents/s6333/20200203164115_000403_0000928_ColstonBassettNPAppendix2.pdf</p> <p>Colston Bassett Neighbourhood Plan Referendum Version, January 2020: https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/colstonbassett/4%203bi%20Referendum%20Draft.pdf</p>
List of appendices:	None.

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Council

Thursday, 5 March 2020

Adoption of a new Street Trading Policy 2019 - 2024

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety Councillor Rob Inglis

1. Purpose of report

- 1.1. This report seeks Council approval for a new Street Trading Policy which would apply across the Borough.
- 1.2. The report also seeks to advise the Council of the responses to the consultation on the policy.

2. Recommendation

It is RECOMMENDED that Council approves and adopts the draft Street Trading Policy 2019 – 2024.

3. Reasons for Recommendation

- 3.1. The Street Trading Policy will support the Council with greater control of street trading within the Borough. The policy will also provide greater clarity to the trade on when and where street trading can take place.

4. Supporting Information

- 4.1. The draft street trading policy was endorsed by the licensing committee at its meeting on 13 November 2019.
- 4.2. In accordance with the Local Government (Miscellaneous Provisions Act) 1982, all of the streets in the Borough are proposed to be designated as either “Consent Streets” or “Prohibited Streets”. This will effectively mean that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader. On prohibited streets no street trading can take place.
- 4.3. The revised draft Street Trading Policy was put out to public consultation on 20 September 2019, seeking comments by 21 October 2019. A total of five consultation comments were received and a summary is provided in Appendix B. The most significant comments related to the potential negative impact of the policy on locally run markets which have been developed to drive growth and support the retail economy in our town and village centres. This has been

noted and as a result the policy has been amended to specifically exempt markets and events accordingly.

- 4.4. The Council currently permits street trading on certain “consented streets” which are mostly situated around Trent Bridge. The new policy will enable the Council to control street trading anywhere in the Borough. It is important to note that the policy does not enable street trading to take place anywhere, the landowner’s permission will be required. It will also enable the Council to take action against unlicensed pedlars. Officers’ will be able to refuse any application that does not meet the requirements of the policy; for example, improved hygiene and environmental standards including the use of single use plastics given the Council’s new environment priority.
- 4.5. The policy introduces a requirement for operators to have a DBS (Disclosure, Barring Service) check to ensure that those approved are appropriate to hold a licence.
- 4.6. In accordance with legal requirements a public notice has been advertised setting out the policy. No responses have been received.

5. Alternative options considered and reasons for rejection

- 5.1. It is considered that this new policy provides an improvement to the status quo; however, the alternative would be to continue with the current policy which controls street trading on the designated consented streets within Trent Bridge only.

6. Risks and Uncertainties

- 6.1. None.

7. Implications

7.1. Financial Implications

The amendments to the policy could result in a small increase in street trading licenses however the additional income generated is not expected to be material.

7.2. Legal Implications

The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading through the designation of streets in its area under one of three statutory designations. Through the designation of streets for trading, the Council is able to authorise trading on those streets in accordance with the policy and is able to regulate unauthorised trading.

7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken which identified no major or adverse impacts.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

This policy seeks to extend greater protections to children and vulnerable adults across the Borough.

8. Link to Corporate Priorities

Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will positively impact on our residents.
Efficient Services	None
Sustainable Growth	This draft policy helps to ensure a clear and level playing field for responsible street trading to thrive
The Environment	Ensuring traders use best practice to minimise their impact on the environment.

9. Recommendations

It is RECOMMENDED that Council approves and adopts the draft Street Trading Policy 2019 - 2024.

For more information contact:	Geoff Carpenter Environmental Health Manager Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	<i>None</i>
List of appendices:	Appendix A - Street Trading Policy 2019-2024 Appendix B – Summary of consultation responses Appendix C – Equality Impact Assessment

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Rushcliffe
Borough Council



Neighbourhood Services Street Trading Policy

2020-2025

Officer(s)	Mr Peter Harris, Senior Licensing Officer Mr Martin Hickey, Principal Officer
Department	Neighbourhoods, Licensing
Address	Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG
Telephone	0115 981 9911
E-mail	licensing@rushcliffe.gov.uk
Report Reference number	STC 2019v2
Date	February 2020

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Introduction

Purpose

The Council's street trading policy's aim is to create a street trading environment which compliments premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

This policy has been developed to ensure that Street Trading consents are granted that meet this aim and to assist persons applying for Street Trading Consent in Rushcliffe Borough Council. It has been agreed by the, Licensing Committee and for determining applications for, and enforcement of, street trading activities in the Rushcliffe area.

Definitions of terms used in this policy

Within the terms of the Rushcliffe Borough Council's Street Trading Consent Scheme the following definitions apply:

<i>The Council</i>	Means Rushcliffe Borough Council
<i>Street Trading</i>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street, Local Government (Miscellaneous Provisions Act) 1982
<i>Street</i>	Includes: (a) any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<i>Consent Street</i>	Means a street in which street trading is prohibited without the consent of Rushcliffe Borough Council.
<i>Consent</i>	Means a consent to trade on a street by Rushcliffe Borough Council.
<i>Consent Holder</i>	Means the person or company to whom the consent to trade has been granted by Rushcliffe Borough Council.
<i>Static Street Trader</i>	Means a trader granted permission by Rushcliffe Borough Council to trade from a specified position.
<i>Mobile Trader</i>	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
<i>Authorised Officer</i>	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

A Pedlar

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.....

What is street trading

Street trading means the selling, exposing or offering articles for sale on roads, pavements and other areas to which the public have unrestricted access without payment. The law applies equally to public and private land.

A "Street" is defined as any road, footway, beach or other area to which the public have access without payment (this includes private land), and a service area as defined in Section 329 of the Highways Act 1980.

The Council has determined under the [Local Government \(Miscellaneous Provisions Act\) 1982](#) that all of the streets in the Borough are designated as "Consent Streets" or "prohibited streets", which in effect means that no trading (**unless exempted**) may take place without the Council having first issued the appropriate Trading Consent to the trader and on prohibited streets no street trading can take place.

Exempted Street Trading Activities

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Anything done in a market or fair, the right to hold which, was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a news vendor.
5. Trading which:
 - a. is carried on at premises used as a petrol filling station; or
 - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
6. Selling things, or offering or exposing them for sale, as a roundsman.
7. The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point 6 above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls because they are not round men.

Markets/ Markets Charters

Markets (including Temporary Markets) and Special Events **operated and promoted by Rushcliffe Borough Council** held in the Borough fall outside of the scope of the Street Trading Policy.

A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event.

Rushcliffe has no rights to hold a market under a charter.

However, within Rushcliffe Bingham was granted a Market Charter in 1314 and a market was held here until the end of the 19th century. The market was revived in 1975 and the bustling Thursday market is an attractive feature of Bingham today. The large open Market Place lies at the heart of the Conservation Area, and its octagonal Butter Cross is a distinctive focal point. Other markets held in Rushcliffe are listed at

<https://www.rushcliffe.gov.uk/aboutus/aboutrushcliffe/whatalotrushcliffehastooffer/marketsandfairs/>

Nottingham City Council is the owner of Market Rights granted by Royal Charter and also under the 1984 Food Act. Any person or organisation wishing to operate a rival market within 6 $\frac{2}{3}$ miles of one of the council's markets may only do so with the council's agreement. A licence can be issued which will waive the council's right to take legal action for that event. See <http://www.nottinghamcity.gov.uk>

The Council can seek legal protection from any violation of those rights; i.e. any rival markets. This protection extends to 6 $\frac{2}{3}$ miles from any City Council run market including the Sunday Colwick car boot sale, and so extends beyond the Council's local government boundary.

The licence only relates to the Council's market rights. The organiser must obtain any other consents and permissions needed, whether statutory or private.

Similarly, East Leake, and surrounding villages, falls under the market charter restrictions from within the Loughborough area.

See https://www.charnwood.gov.uk/pages/rival_markets

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from Rushcliffe Borough Council.

Other Street Trading Consents for which fees are not payable

The following Street Trading activities have been deemed by Rushcliffe Borough Council to not require the payment of fees to the Council, however, a standard administration charge may still be payable, please refer to the fees and charges section:

1. Non-Commercial (community) Car Boot Sales.
2. Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

One-Off and Community Based Events

One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature then it would be caught by the policy and an application required. A letter of intent/confirmation from the community organisers would normally satisfy this Council. It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event.

Car Boot Sales

Where the events are of a commercial nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Farmers Markets

Where the events are commercial in nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Paying for access

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent.

Trading on private land

In order to trade on private land (including car parks) within Rushcliffe Borough Council, you will also be required to produce written permission from the landowner before the Council can consider the site suitable for trading.

Applicants should note that planning permission maybe required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and are liable to planning enforcement action if no planning permission is granted.

Each case will be considered on its own merits with a copy of the full planning decision required for the Council to make a decision.

Application & Procedure for determining Street Trading Consent

Application process

The application process for new, renewals or transfers is by application and must be accompanied with the [correct fee](#). The procedure set out in the following flowchart will be followed. For renewal or transfer certain aspects of the process may not be required as set out in the notes to the flow chart below. The applications forms are available at [Street trading pages and application form](#).

Submission of application

An application for a Street Trading Consent must be made to Rushcliffe Borough Council in writing or submitted online. The application forms are available online at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/otherlicences/streettrading/>

Applicants will need to submit the following documents and fees with the application:

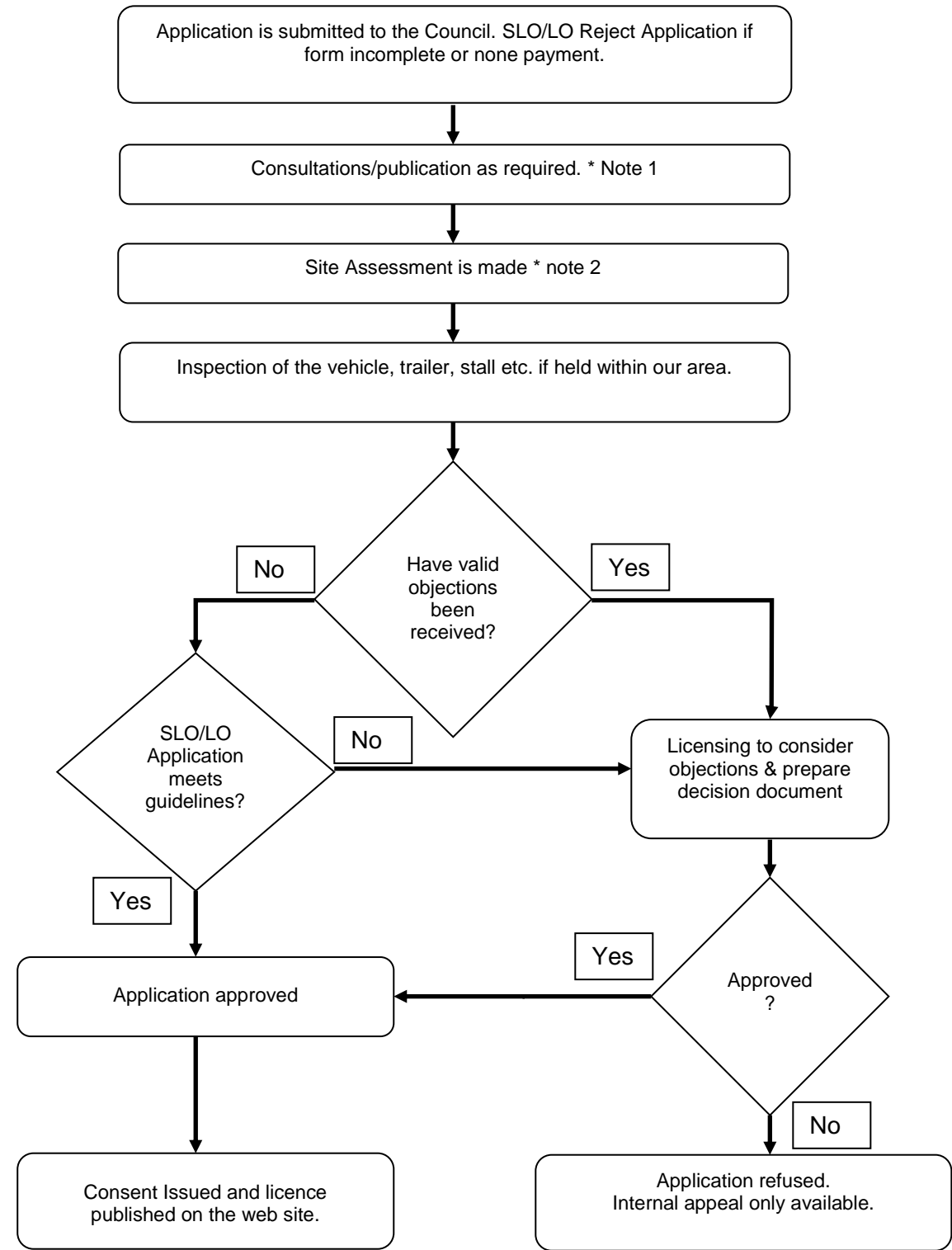
1. A completed and signed Street Trading Consent application form.
2. Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the application).
3. Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.
4. A Payment of the annual fee with the application. The fee will be refunded if the application is withdrawn or refused less the admin charges. Fees for trading periods of less than 15 days will require submission of the full fee with the application.
5. Where the proposed street trading activity is from a fixed position, 1 copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line.
6. Four different colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity (Showing All sides).
7. An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
8. Written permission from a landowner if the street trading activity is to be carried out on private land or from any road /layby within the borough (VIA Nottinghamshire County Council)
9. Block consent applications will require colour photographs of the area the consent is being applied for.
10. Mobile catering vehicles and Ice cream vans will require a valid MOT certificate.
11. A Basic Criminal Background Check on the applicant from either Disclosure England (on line) or a Subject Access Disclosure from the local police station. On application the check will not be accepted if it is submitted later than three months from the date of issue of the check. This will need to be completed upon application every three years.
12. Block consent applications will require proof that all food traders are registered with a Local Authority.
13. Written permission for toilet provisions for the street trader and all staff to use.
14. For trade waste, original proof of a contract set up with a trade waste collection contractor.

Where available all application will be by online application. If not available applications should be made in person or by post to the Council at:

Rushcliffe Customer Service Centre, Fountain Court, Gordon Road, West Bridgford, Nottingham, NG2 5LN.

NB An appointment is necessary if visiting the office for advice or assistance.

Flow chart for application process



Note 1 Renewals consultation not required
 Note 2 For Transfers site assessment may not be required

Notes on application process

To apply for a renewal application for a street trading consent the applicant will need to submit relevant application and supporting paperwork at least 8 weeks before the expiry of the current Street Trading Consent. Data is subject to Appendix E Data Protection Privacy Notice requirement subject to legal exemptions.

Fees for Annual Consents must be paid on application and in accordance to any fee structure in place; failure to maintain payments of the fee will be a breach of the conditions attached to the Consent.

Should a consent holder wish to transfer a current Street Trading Consent into another person's name, then a transfer form will need to be completed with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and it will require a fee to be paid.

Please note, should the Police object to the change of ownership then the trader may be requested to cease trading until such time the application has been determined by the Council.

In addition should the new applicant wish to operate under different hours to those currently on the Street Trading Consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with the Responsible Authorities and other persons.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken.

No changes to mode of operation or hours will be permitted through the transfer of consent process.

Refunds

Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

The fee will be repaid if the application is withdrawn or refused less any administrative charges or as per any published fee structure.

Types Of Consent

There are three different types of consents that can be applied for, they are Static Consent, Mobile Consent and Block Consent.

Further details of each are provided below:-

Static Consent

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast food van which trades every day from the same lay-by. Please note, even though a static consent allows you to trade from a specific

location, the unit must be moved from the trading site outside of permitted trading hours.

Mobile Consent

Mobile Consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

Block Consent

Block consents are often applied for by organisers of street trading events involving more than one trader. For block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up to date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all of the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders.

A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the consent is used.

Where an application is made for the grant of a Street Trading Consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:

NB If you are visiting the offices please go to the Rushcliffe Customer Service Centre, Fountain Court, Gordon Road, West Bridgford, Nottingham, NG2 5LN.

Telephone 01159 819911

E-mail licensing@rushcliffe.gov.uk

Changes to trading hours

Should the applicant wish to extend trading hours then a full application will need to be submitted and will be treated as a new application.

When applying for additional hours, the Council will determine each application on its own individual merits. Generally, street trading will only be permitted between 06.00 hours and midnight on any one day.

Any trading outside of these hours will have to be approved by the Council.

Surrendering of Street Trading Consent

Should an applicant no longer wish to hold a Street Trading Consent, they will need to provide written confirmation of this fact detailing the last trading day.

Once they have ceased trading, they will be required to return their Street Trading Consent plate and paper consent to the Council within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

Choosing a Location To Trade

When choosing a prospective pitch/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

The Council has determined that applications for a Street Trading Consent or a Mobile Trading Consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- In close proximity to a place of worship;
- In close proximity to a place of education;
- In close proximity to a place of healthcare;
- In close proximity to a place of cultural or historical local / national significance;
- In close proximity to primarily residential properties;
- In close proximity to a business offering the same goods / services;
- Likely to undermine the safety and / or convenience of the general public and / or road users.

Nottingham Forest and Trent Bridge Street Trading.

There is a higher demand for street trading in these areas during events and a number of streets are prohibited streets to protect the residents in the area and promote the objectives of the council. The prohibited streets are shown in Appendix A. Sites around these areas for street consent are therefore limited.

During other events at the City Ground or Trent Bridge the Safety Advisory Groups or the police will request street trading will not take place at certain times or during events. As such any licences issued in this area (see

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford) will not be able to trade during these period or will have a consent which limits dates and trading times.

Hours

The Council will determine each application on its own merits but generally will only permit street trading between 06.00 hours and midnight on any one day.

Any trading outside of these hours will have to be approved by the Council.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23.00 hours and 05.00 hours the applicant will also be required to apply for a Premises Licence under the Licensing Act 2003.

Appeals

Appeals to any decisions are to the Council within 21 days by the applicant from the date of any determination of any application or issue of refusal or revocation letter/notice.

Disclosure and Barring Service (DBS) check

A DBS check from Disclosure England will be required with each grant or every 3 years for a renewal application for the applicant.

<https://www.gov.uk/request-copy-criminal-record>

[the street trading application form](#) requires a declaration to be completed by the applicant to confirm that they have not received any convictions and/or cautions or to list any they have. The applicant must also provide a list of all working assistants associated with the street trading consent, as detailed in the conditions.

When considering the relevance of convictions and cautions the Council will have regard to Appendix C Policy for determining the Relevancy of Criminal Convictions

In assessing whether an applicant is a “fit and proper” person, that being morally suitable to comply with regulatory requirements, the Council will consider each case on its own merit.

The Council will take account of unspent convictions and cautions, but only insofar as they are relevant to an application for a consent to determine if the applicant has demonstrated being a “fit and proper” person to hold a consent. Consultations on applications.

Consultation

Before a Street Trading Consent is granted, renewed or transferred the Council will carry out a consultation process of up to 21 days with various Responsible Authorities. Wording for the notice will be supplied by the Council to the applicant to display on a yellow backed notice.

Applicants must produce and affix the yellow notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation has ended.

Written observations from “Responsible Authorities” and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a yellow notice of the application in the immediate vicinity of the site of the proposed event. Consultation on such application by the Council will only be by way of e-mail to the Responsible Authorities. No consultation will be undertaken by the Council with the general public.

New applications process

In particular, we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors.
2. Local Residents (with properties within 100 meters of the proposed trading site)
3. Nottinghamshire Police (for Crime and Disorder issues)
4. Nottinghamshire Fire and Rescue Service.
5. Rushcliffe Borough Council Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used).
6. Nottinghamshire County Council Highways Department (VIA)
7. Highways England If within a motorway Junction.
8. Rushcliffe Borough Council Environmental Health
9. Rushcliffe Borough Council Property Services.
10. The land owner (If the proposed street trading site is on private land).
11. Streetwise Team
12. Nottinghamshire County Council Public Health Team
13. Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation.

Renewal applications process

In particular we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors.
2. Nottinghamshire Police (for Crime and Disorder issues)
3. Nottinghamshire Fire and Rescue Service.
4. Rushcliffe Borough Council Planning department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used).
5. Nottinghamshire County Council Highways department (VIA)

6. Highways England
7. Rushcliffe Borough Council Environmental Health
8. Rushcliffe Borough Council Property Services.
9. The land owner if the proposed street trading site is on private land.
10. Streetwise Team
11. Nottinghamshire County Council Public Health Team

Renewal applications will be placed online for public consultation.

Transfer applications process

This Council will consult with:

1. Nottinghamshire Police (for Crime and Disorder issues) only

Site Assessment

Street Trading Consents from static locations will not normally be granted where:

1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
9. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Inspection of the Street-Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

1. Environmental Protection Act 1990
2. Equality Act 2010

3. Food Information Regulations 2014
4. Food Premises (Registration) Regulations 1991
5. Food Safety Act 1990
6. Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004"
7. Health Act 2006
8. Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
9. Licensing Act 2003

There must be a waste contract in place and information of this available for inspection upon request submitted as part of any application.

Where the consent relates to the sale of food the vendor, will be required to be registered with their relevant local authority.

There current Food Hygiene Rating Scheme score **must be 3 or higher**. Where the trader is inspected and their rating falls below a 3, a period of time will be allowed for improvements and a rescore inspection to be carried out. This should not normally exceed 16 weeks.

Food safety records and any documented food safety procedures to be made available at the time of any inspection by an officer of the council of competent officer of the Food Authority.

Further advice on any of the above requirements can be obtained by:

telephoning: 0115 981 9911.

Objections to the application

If objections are received against the granting of a Street Trading Consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Principal Officer for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of crime and disorder problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any justified objections, within the consultation period. If no resolution is agreed, the application will be referred to the Principal Officer for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Principal Officer, and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Principal Officer and notified of the outcome.

Determination of the application

The Council will use the criteria listed below in the determination of Street Trading Consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

Where Trading Will Not Likely Be Permitted

The Council has determined that applications for a Street Trading Consent or a Mobile Trading Consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- **In close proximity to a place of worship;**
- **In close proximity to a place of education;**
- **In close proximity to a place of healthcare;**
- **In close proximity to a place of cultural or historical local / national Significance;**
- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Relevant Considerations Applicable To All Applications

Public Safety

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 6 on site assessment criteria.

Prevention of Crime and Disorder

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Nottinghamshire Police will be taken into consideration under this heading.

Avoidance of Nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells, refuse or fumes to households and businesses in the vicinity of the proposed street trading site. Litter and food waste can be a significant cause of nuisance, defacement of the street scene and lead to public health concerns due to attracting vermin. Observations/ complaints and ongoing concerns about the suitability of a site and the recurrence of nuisance/litter from Council Officers shall be taken into consideration under this heading which may include rejecting or revoking any consent.

Compliance with legal requirements

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from Council Officers on the compliance with the requirements of Food Safety and Hygiene, Health and Safety and Environmental Protection legislation shall be taken into consideration. The street

trader will need to ensure they comply with any conditions and legal requirements to avoid the occurrence of litter as a result of the street trading which will include litter from customers.

Consultees Observations

In relation to points above consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Permitted Trading Hours

The Council will determine each application on its individual merits but generally will only permit street trading between 6.00 am and 2300 on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the need to have a premises licence under the Licensing Act 2003.

Environmental Impacts

Use of Single Use Plastics

The Council is committed to reduce the amount of single use plastics which are prevalent in the fast food communities. The Council will expect all traders to cease the use of single use plastics by July **2021 where this is practicable and reasonable to do so**, after this date street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a **justified reason for the continued use**.

Failure to do so may mean that the trader will not have the street trading licence granted or renewed.

Trade Waste

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled and dispose of correctly. All Street Traders are businesses that this requirement applies to and have a legal duty to ensure that waste is stored securely pending collection and only given it to authorised waste contractors.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres which includes being taken back to private residents or disposed of in on-street litter bins.

Failure to provide adequate waste disposal upon application and trade waste arrangements are in place will not be granted a Street Trading Consent.

Approval of applications

On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at Appendix D Street Trading Consent Conditions. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the Consent being granted by the Council.

The conditions attached to the Consent form part of the approval to carry out street trading in Rushcliffe. They **MUST** be complied with at all times and failure to do so may result in the consideration of enforcement action.

Consent Holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

Issue of Street Trading Consent

Street Trading Consents will be issued for a maximum period of 12 months. Annual Consents issued will be renewable on the date specified in the Consent. Shorter term Consents may be issued on a daily, weekly or monthly basis.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

Fees for Annual Consents must be paid on application and in accordance to any fee structure in place.

Failure to maintain payments of the fee will be a breach of the conditions attached to the Consent.

Where available online payment will be used. Payment can be made in person or over the telephone by credit or debit card or in the form of a cheque. ***The current fees and charges can be found on the licensing pages of the Council website on this [link](#).***

Street Trading Consents and unit identification plates will be issued only at the Licensing Team Offices, currently at the Community Contact centre at West Bridgford. The applicant or a person representing the applicant (with written consent) must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

Refusal of applications

The Council will consider an appeal and will provide a written decision within 21 working days from receipt of your appeal, unless further information is required in order to consider the appeal. In this situation the Council will provide a written decision within 21 working days from receipt of this information. The Council's written decision will refer to all information taken into account when considering the application and appeal information and reasons for reaching the decision.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision.

General Information on Street Trading Consents

Trading Unit Identification Plates

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the Consent Holder ceases to trade and surrenders his/her Consent.

Block consent- The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all stalls/ units under the Block consent shall be visible to the public.

Reimbursement of Fees

Where a consent is surrendered or revoked, the council will remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

Persons under the age of 17 years

The Council will refuse to grant a consent, where the consent to be granted, would be in contravention of the Children and Young Persons Act 1933. Please refer to <https://www.nottinghamshire.gov.uk/jobs-and-working/support-for-businesses/employing-13-16-year-old>.

Access by Council and Police Officers

Consent Holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by Rushcliffe Borough Council.

If you have any doubts about a person claiming to be from Rushcliffe Borough Council ask to see their official identification card. If you remain uncertain please contact the Council on 01159 819911 and ask to speak to the Licensing department.

Street Trading Consents Changes/Transfer

The conditions attached to all Street Trading Consents stipulate that a Consent Holder cannot underlet or sublet a Street Trading Consent.

Should a Consent Holder wish to transfer a current Street Trading Consent into another person's name, then a transfer form will need to be completed which will be provided upon request with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and a fee is payable.

Please note, should the Police object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by the Council.

In addition should the new applicant wish to operate under different hours to those currently on the consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with Other Persons and the Responsible Authorities.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or hours will be permitted through the transfer process.

Should a consent holder wish to change their operating hours, by extending them in some way, during the course of their existing consent period they will have to apply using the normal application form clearly specifying that this is for a change of hours only.

Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to consider the matter. An application for extended hours will attract a non-refundable fee.

Change of Trading Unit process

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three colour photographs of the unit showing the front side and rear of the unit that will be used for the street trading activity.

Policy Review

The Council will keep the policy under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every Five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised street trading policy statement.

Enforcement

Enforcement options

Rushcliffe Borough Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. Due regard will be given to the Council's Enforcement Policy before any action is taken.

<https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentalwaste/environmentalhealth/protectionampsafety/Corporate%20enforcement%20policy%20-%20revised%20June%202017.doc.pdf> and the Regulators Code at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

Where licensable activities are conducted without the relevant permissions having been granted by the Council, or where conditions / permitted trading hours are

breached, the Council will gather evidence and take the necessary enforcement actions as required.

The Licensing Officers will firstly seek to advise traders of the requirements of their Trading Consent, and should it be necessary issue Warnings. Should a trader continue to fail to comply with the requirements of the Council's Street Trading Policy or the conditions applicable to his / her Street Trading or Mobile Trading Consent, the traders' suitability to continue to hold the Trading Consent will be reviewed by Rushcliffe Borough Council.

The options available are to:

- Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading Consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.
- Review and (if necessary) **suspend or revoke** a Street Trading or Mobile Trading Consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.
- Take no further action, if having reviewed matters, it is deemed that the Trader is not responsible for the issues that led to the Hearing being held.

Pedlars and non-licenced traders

A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills. A pedlar must hold a certificate granted by a chief constable. The certificate is valid for one year and applies throughout the United Kingdom.

To apply for a pedlar's certificate, contact your local police station. Someone who acts as a pedlar without a certificate commits an offence.

- A pedlar must not remain stationary for long periods of time.
- A pedlar must not set up a stall and wait for people to approach.

The Pedlars Act 1871 specifically precludes the now common place practice of a pedlar standing in one place for an extended period of time to sell their goods or services. The Pedlars act defines the difference between street traders and pedlars as "Street traders travel to trade, whereas a pedlar should trade as they travel."

Non licenced street traders and pedlar's who illegally participate in street trading in prohibited or consent streets could face enforcement action **including summary prosecution** under the Local Government (Miscellaneous Provisions) Act 1982.

Complaints against the Service

Rushcliffe Borough Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Licensing Services in relation to street trading please contact the Council on 0115 9819911 and ask to speak to the senior Licensing Officer .

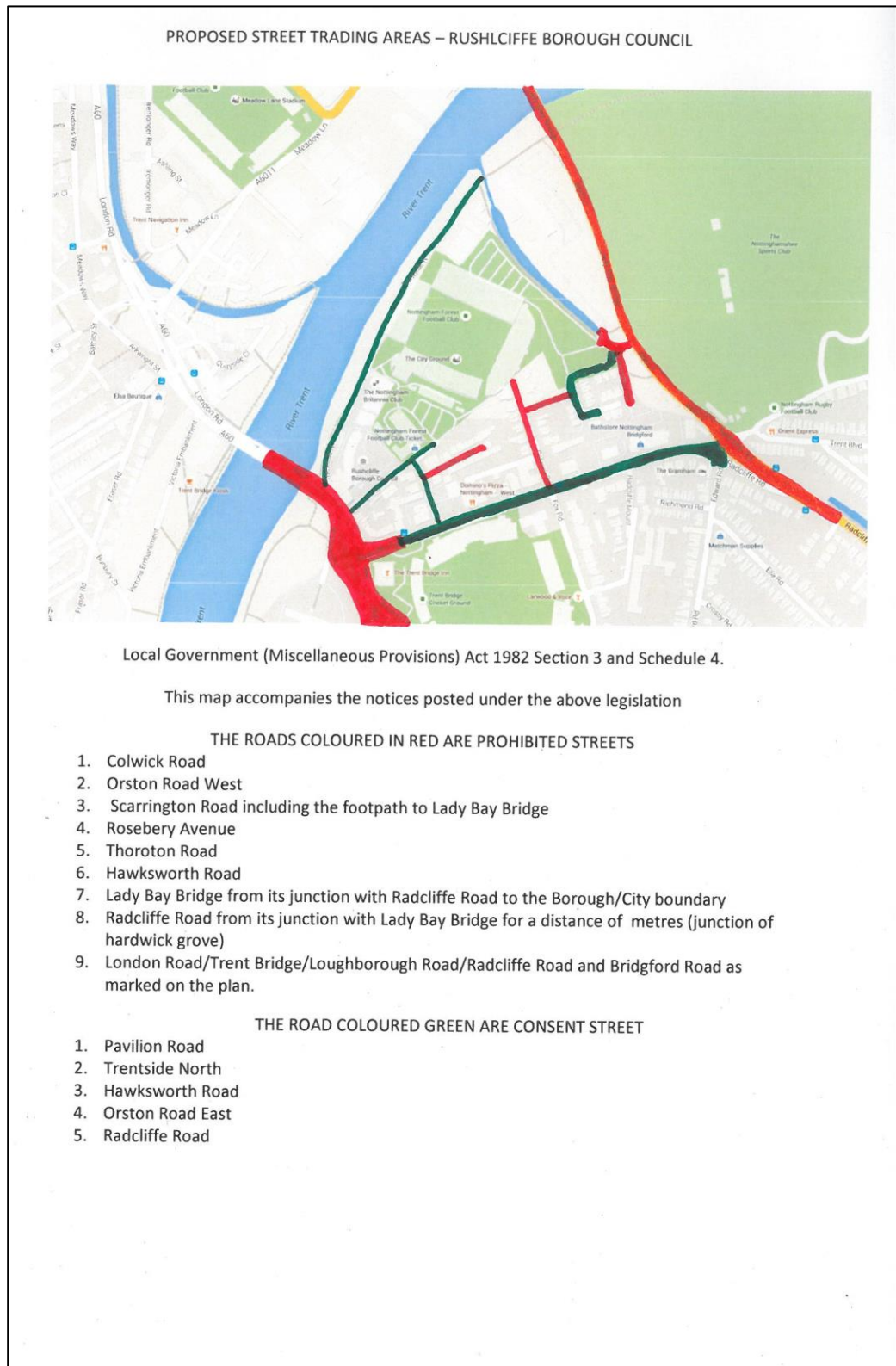
If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme accessible at <https://www.rushcliffe.gov.uk/complaints/>

Data Protection

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998. The Councils Privacy Policy is available at <https://www.rushcliffe.gov.uk/privacy/>

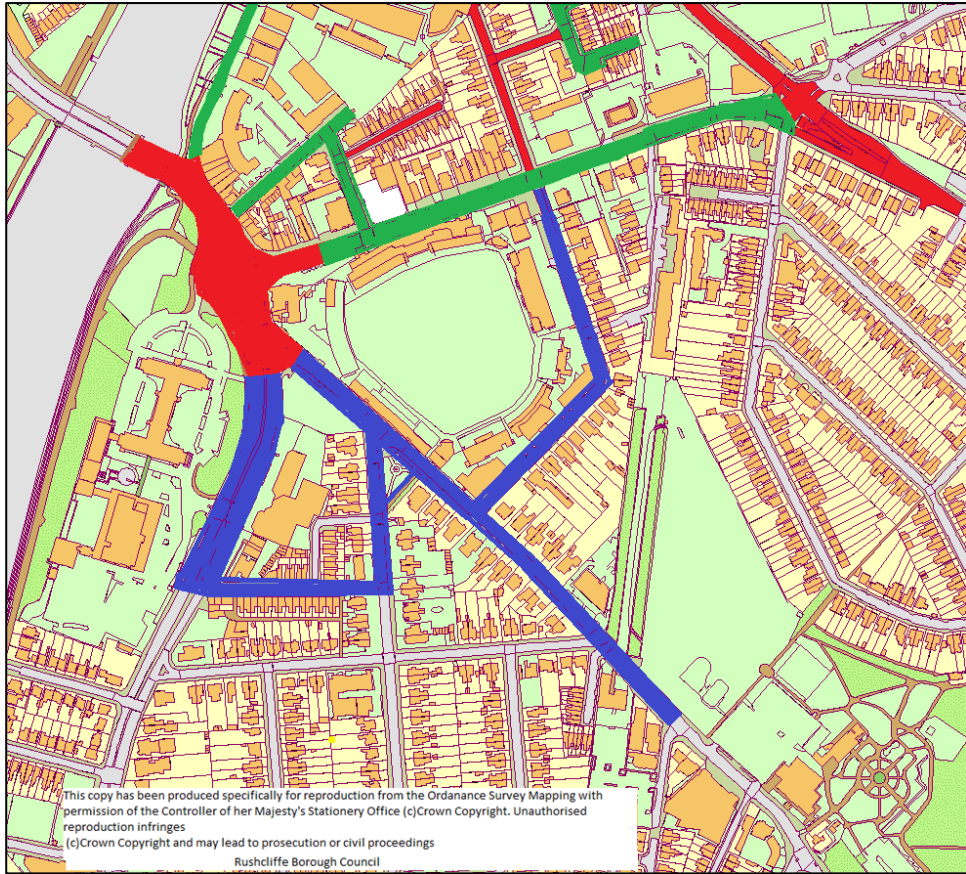
Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford

Plan A



Plan B

Restricted trading during events (shown in blue)



Appendix B Proof Of Eligibility To Work In The UK

In accordance with the amendment to the Immigration, Asylum, and Nationality Act 2006, effective from 29 February 2008, you are required to provide proof of the Right to Work in the UK from the two lists below. These detail the documents which provide evidence of this right.

List 1

Any **one** of the documents listed below will provide the necessary evidence of the right to work in the UK. The document provided must be the **original**.

- A passport showing that the holder is a British citizen, or has the right of abode in the United Kingdom.
- A document showing that the holder is a national of a European Economic Area country* or Switzerland. This must be a national passport or national identity card.
- A residence permit issued by the United Kingdom to a national from the European Economic Area country or Switzerland.
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work the employer is offering if they do not have a work permit.
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

* The following countries are part of the EEA:

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Iceland; Ireland; Italy; Liechtenstein; Luxembourg; Netherlands; Norway; Portugal; Spain; Sweden; United Kingdom; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia; Bulgaria and Romania.

List 2

Two of the documents in the combinations listed below will provide evidence of the right to work in the UK. The documents provided must be the **originals**.

First Combination

- A)** A document giving a person's permanent National Insurance number and name. This could be a: P45, P60, National Insurance card, or a letter from a Government agency

AND one of the following documents

- B)** A full birth certificate issued in the United Kingdom, which includes the names of the holder's parents **or**
- C)** A birth certificate issued in the Channel Islands, the Isle of Man or Ireland **or**

- D)** A certificate of registration or naturalisation stating that the holder is a British citizen
or
- E)** A letter issued by the Home Office which indicates that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- F)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- G)** A letter issued by the Home Office which indicates that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering **or**
- H)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering.

Second combination

- A)** A work permit or other approval to take employment that has been issued by Work Permits UK

AND one of the following documents

- B)** A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question
or
- C)** A letter issued by the Home Office confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

Appendix C Policy for determining the Relevancy of Criminal Convictions

Applications

1. When submitting an application for the grant or renewal of a Street Trading Consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or where so ever arising, which have resulted in neither an absolute discharge nor a conviction or caution.

Public Safety

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex- offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Council will in all cases verify the applicant's identity and require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
 - How relevant the offences were to the type of consent applied for
 - The relative gravity of the offences committed and
 - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
 - Dishonesty
 - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
 - Drugs including cultivation, sale, supply or the recreational use thereof
 - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years.
9. The Council reserve the right to seek intelligence from all 'appropriate sources'.
10. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.
11. Existing holders of a Street Trading Consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading Consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing

Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.

13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.
17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

18. As a Street Trading Consent Holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader.
21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Rehabilitation of Offenders Act

22. Other than as stated above in sections 1 to 20 of this appendix, the Council will take account of the following tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.

Sentence – Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Sentence – Under 18 when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 3.5 years	(2)
	More than 6 months and less than (or equal to) 30 months	5 years	Sentence + 2 years	(3)
	Less than (or equal to) 6 months	3.5 years	Sentence + 18 months	(4)
Detention and Training Order (over 6 months)		5 years (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Detention and Training Order (6 months or less)		3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Sentence of detention (over 6 months but not exceeding 30 months)		5 years	As prison sentences	(5)
Sentence of detention (6 months or under)		18 months	As prison sentences	
Removal from Her Majesty's service		3.5 years	6 months	(6)
Service detention		2.5 years	6 months	(7)
Community order		2.5 years	6 months	(10)
Youth Rehabilitation Order		Longer of 1 year / end of the order	6 months	(11)
Fine		2.5 years	6 months	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years/ 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Youth caution, warning, reprimand		None	None	(14)

Appendix D Street Trading Consent Conditions

GENERAL CONDITIONS

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce the Consent on demand when so required by a duly authorised officer of Rushcliffe Borough Council, or by a Police Officer.
2. A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The Consent Holder shall notify the Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, within 5 working days.
4. The Consent Holder shall not sublet or underlet this Consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.
6. Nothing contained in these conditions shall relieve the Consent Holder or his/her employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent
7. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the Conditions attached to the Consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the Consent Holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the Consent Holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics by July 2021 where this is practicable and reasonable to do so, after this date street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.

SITE CONDITIONS

15. The Consent Holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the Council.

16. The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
17. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
18. Advertisements or other Notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The Consent Holder shall not make any excavations or alterations of any description to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent from the Council in writing.
19. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
20. The Consent Holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
21. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
22. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
23. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

TRADING CONDITIONS

24. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
25. The Consent Holder shall not trade outside the time and days permitted by the Consent.
26. The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.
27. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
28. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
29. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
30. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
31. All street trading fees are due yearly every July.
32. Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

33. Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:
 - a. Obtain written permission from the Council
 - b. Provide the name, age and address of the assistant.
34. The Consent Holder shall at all times conduct his business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.
35. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

LEGAL PROVISIONS

36. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his/her employees or agents from any legal duty or liability.
37. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.

REVOCATION OR SURRENDER OF CONSENT

38. The Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
39. The Consent Holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the Consent.
40. The Consent Holder shall return the Paper Consent to the Rushcliffe Borough Council immediately on revocation or surrender of the Consent.
41. A Consent Holder who is found to be employing an illegal immigrant will have the consent immediately revoked. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
42. In the event of a Consent Holder having the consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of such revocation.

MOBILE TRADING CONSENT – Additional Conditions

43. This Consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.
44. Mobile units may sound chimes but not:-
 1. For longer than 12 seconds at a time;
 2. More often than once every 2 minutes;
 3. When the vehicle is stationary;
 4. When the vehicle is moving, except on approach to a selling point;
 5. When in sight of another vehicle which is trading;
 6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
 7. More often than once every 2 hours in the same length of street;

8. Chimes must not be louder than 80dB(A) at 7.5m; and
9. Chimes must not be sounded before 12 noon or after 19:00 hours.
10. Must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or subsequent amendments.

BLOCK TRADING CONSENT- Additional Conditions

45. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
46. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
47. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to the Council at least 5 working days before the consent is granted.
48. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: <ol style="list-style-type: none"> a. Any road, footway, beach or other area to which the public have access without payment. <p>A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.</p>
Consent Street	Means a street in which street trading is prohibited without the consent of the district council.
Authorised Officer	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

THIS CONSENT DOES NOT:

1. Permit trading outside the terms of the Consent.
2. Indicate that planning permission is not required, Please note:
 - a. That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
 - b. That the grant of one or more street trading consents does not give the trader immunity from planning control
 - c. The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

Appendix E Data Protection Privacy Notice

The personal information you provide will only be used by Rushcliffe Borough Council, the Data Controller, in accordance with General Data Protection Regulation 2016/ Data Protection Act 2018 to:

- process your application, query or to provide a service that you are requesting or undertake a statutory function (also known as a 'public task')

Your personal information will not be shared with any third party, other than our data processor, without seeking your consent.

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on the Council's website at http://www.rushcliffe.gov.uk/retention_schedule/

In accordance with GDPR you have a right to:

- have a copy of the personal information that we hold about you. Details of how to obtain this are available at <http://www.rushcliffe.gov.uk/foi>
- Request that your personal data be corrected or completed.
- Complain to the Information Commissioner if you feel that your information is not being handled appropriately (<https://ico.org.uk/>)

You may also have a right to:

- have your personal data transferred (data portability).
- prevent automated processing and profiling.
- erasure (also known as the right to be forgotten).
- restrict processing.
- object to processing.

Your data protection rights are not absolute and in most cases are subject to the Council demonstrating compliance with other statutory legislation, for further information see <http://www.rushcliffe.gov.uk/privacy/>

For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at –

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: customerservices@rushcliffe.gov.uk
- By Telephone: 0115 981 9911

STREET TRADING POLICY SUMMARY OF CONSULTATION RESPONSES

NAME	FOR /AGAINST	COMMENTS	ACTION
RBC Environmental Health	FOR	Support need for greater control in order to prevent waste and associated pest issues and requirements to have minimum food hygiene standards in place.	Noted
RBC Waste & Recycling Officer	FOR	<p>All street traders who produce some waste should have a disposal option rather than placing wastes they have in their own bins at home, so in reality should have a Waste Transfer Note Duty of Care with a disposal provider, that duty of care should have the producers name, address & who they give the waste to also should show where waste is taken to. I'm guessing at many locations their waste goes into street litter bins.</p> <p>Although the borough council has a policy stance regarding single use plastics, I'm not sure there is any legal basis to enforce that upon street traders, rather we ask them to consider other alternatives. Plastic forks and spoons are a prime example, the alternative, wooden ones may harbour bacteria if washed and re used so in essence become single use and having no economical or environmental benefits. I personally do not see any issues using plastic cutlery so long as they are disposed correctly. Plastic bottles which you purchase drinks in is another item we are asking traders not to use, but they can be recycled plus you don't need any more natural resources (olis) to make it into another bottle. Food wrapping from burger vans is usually paper, the alternative is polystyrene both these not recyclable so what is the point using the alternative, so it's really about thinking what are the</p>	Noted

		alternative if there are any. So for me it is really about correct disposal and proof of that which we should be concentrating on but where possible use alternatives	
East Leake Parish Council	query only	Comments relating to markets	Noted
Highways England	impartial	Comments relating to use of laybys on A46 and A453	Noted
RBC Community Development	Comment only	If the Street Trading policy only relates to hot food and hot drinks, I think that this needs to be made much clearer in the policy document.	The main retailing for street trading is food and drink and this will be the dominant activity. However street trading covers all retailing in the areas applicable to the policy.
	Comment only	It is recommended that the wording on (page 6) is changed to recognise the Bingham Market Charter in 1314 and thus making Bingham Market exempt from the street trading consent policy.	Noted and the policy has been amended to allow exemption for markets and events held by RBC.
	Comment only	Refer to Paying for Access – Page 7 - Legal exemption from the policy exists whereby you charge an entry fee and can restrict access. Given our events programme is accessible to all and provided for the benefit of our residents and community groups this is not an option.	This is a legal exemption to which the legislation cannot be applied and is stated to ensure such events are not covered by consents
	Comment only	Trading on private land-page 7 what is the definition of private land for the purposes of the policy?	This is the ordinary meaning of private land and pub car park would be private land.

	Comment only	Point 11, page 8 - requirement for traders to be DBS checked- We do not feel that a street trader will meet the Disclosure and Barring service eligibility criteria for roles that require a DBS.The Governments eligibility checker for DBS suggests that a DBS check for a street trader would not be appropriate	DBS checks are used widely in this authority and others nationally. The annual report from the dbs service provides an example of licensing as a possible use.
	Comment only	Point 14, page 8, have 2-year written records of a trade waste contract and trade transfer notes)- places a significant administrative burden on someone applying of a block consent.	All businesses in law are required to have this in any case. This condition ensures trade waste is being disposed of in compliance with the law.
	Comment only	Right to work in the UK, - The Borough Council require all direct employee to provide proof of eligibility to work in the UK, however it does not check sub-contractors as it is deemed the responsibility of their employer to check their status. We would suggest that a tick box included on the event booking form otherwise this would be a significant administrative burden and unenforceable when the stall workers do not have photo id to prove who they are.	Right to work is required in most circumstances where people are making a living now this is part of government policy aimed at illegal immigration and working.

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EQUALITY IMPACT ASSESSMENT FORM

Introduction of a Borough wide Street Trading Policy

The draft Street Trading Policy outlines the Council's approach to the licensing of street trading in the Borough. It will be used when making decisions about whether to grant or refuse street trading consents and provides guidance to new applicants and existing consent holders and will promote the priorities of the council, protecting the environment and the safety of the public. As the licensing authority, public safety is our priority. It will determine when offences of street trading are taking place.

Information used to analyse the effects of equality:

In addition to working and consulting with community safety partners, ward members and other local stakeholders on the development of the proposal, the Council has also carried out a full public consultation. This was launched on 20th September 2020 and closed on 21st October 2019. Details of the responses are provided within the appendices to the report

	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	n/a	n/a	No impact	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	No impact	
Disabled people or carers	n/a	n/a	No impact	
People from different faith groups	n/a	n/a	No impact	
Lesbian, gay or bisexual	n/a	n/a	No impact	
Older or younger people	n/a	n/a	No impact	
Other (marriage/civil partnership. Looked after	x		The policy proposes the requirement for street traders to provide a current DBS	

children, cohesion/good relations, vulnerable children/adults)			certificate (Disclosure and Barring Service) in ensuring that applicants are fit and proper persons	
--	--	--	---	--

OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT: *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

Arrangements for future monitoring of equality impact of this policy/proposal/project:
This is a five year policy and will be reviewed again on renewal

Names of officers who conducted EIA and date

M Hickey 25/10/2019
G Carpenter 28/10/19

Approved by: 
(manager signature)

Date: 28/10/19



Council

Thursday, 5 March 2020

**Revised Hackney Carriage and Private Hire Licensing Policy
2017-2022 (amended 2019)**

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety Councillor Rob Inglis

1. Purpose of report

- 1.1. This report seeks to review and update the Council's Hackney Carriage and Private Hire Licensing Policy considering recent legislative changes and other necessary amendments.
- 1.2. Council is asked to approve the policy.

2. Recommendation

It is RECOMMENDED that Council approve the revised Hackney Carriage and Private Hire Licensing Policy 2017 - 2022 for adoption.

3. Reasons for Recommendation

- 3.1. There have been some significant legislative changes since the existing policy was approved by Council in 2017. The Council's Corporate Strategy has also been revised to include the environment as an additional key priority which has allowed additional policy measures to be formulated.

4. Supporting Information

- 4.1. It is a legal requirement for the Council to have a policy for the licensing of Hackney Carriages and Private Hire vehicles.
- 4.2. The proposed revised policy has been updated to reflect the Council's current and future priorities, and changes in the legislative landscape in relation to protecting people from harm, promoting health and managing the environment. This policy has been fully considered and endorsed by the Licensing Committee at its meeting held on 13 November 2019.
- 4.3. The most significant changes include the following proposals:
 - 4.3.1. The implementation of the revocations and surrender data base known as NR3 administered by the National Anti-Fraud Network (NAFN). This is a national register of revoked and refused taxi drivers.

- 4.3.2. Changes in accordance with the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 which require Councils to share data with Department of the Environment, Food and Rural Affairs and supports the enforcement of Clean Air Zones across the Country.
 - 4.3.3. Changes to take into consideration the requirements of the General Data Protection Regulations (GDPR) specifically those relating to revised privacy statements.
 - 4.3.4. Changes to the technical requirements relating to licensed taxis including the provision of spare wheels, alternative fuel and ultra-low emission vehicles, signage, general vehicle condition and emissions. In addition, new vehicle applications will only be permitted if the vehicle is registered after 2011.
 - 4.3.5. Process changes for new driver applications which is a service efficiency improvement and requires applicants to pre-register.
 - 4.3.6. Application of the Institute of Licensing guidance on offences etc. This adopts best practice ensuring the suitability of applicants and licensees in the taxi trade.
 - 4.3.7. Minor changes to operator conditions and improvements to operator driver documentation e.g. lost property, meter calibration certifications.
 - 4.3.8. Changes to offence codes to reflect new legal coding by the courts.
 - 4.3.9. Minor amendments to driver penalty points system which reflect new driver offences e.g. smoking and use of mobile phones.
 - 4.3.10. Introduces safeguarding refresher training which is being adopted across Nottinghamshire.
 - 4.3.11. Inclusion of a Statement on a Section 167 taxi list in accordance with Equality Act 2010 which requires local authorities to publish lists of vehicles which are able to carry disabled passengers and assistance dogs. This also places a legal duty on the driver of these vehicles to carry disabled passengers and where necessary an assistance dog without additional charge.
- 4.4. The Council launched a consultation exercise on the revised policy changes on 26 September 2019 which closed on 23 October 2019. The results of this exercise are as follows:

NAME	FOR / AGAINST	COMMENT
C Beesley	FOR	Supports enforcement, improvements to air quality

5. Alternative options considered and reasons for rejection

- 5.1. No alternative options have been considered as the update to the policy is required to comply with current legislation.

6. Risks and Uncertainties

- 6.1. Some of the proposed changes will impact on existing taxi / hackney carriage licence holders. The new requirements are likely to have greater impact on hackney licensees because of the specialist nature of the vehicles therefore it would not be surprising to see a reduction in the number of licensed hackney carriage vehicles. It should be noted that the number of hackney carriages licensed within the Borough is already relatively small (36) due to the significant communication and technological changes in the industry.

7. Implications

7.1. Financial Implications

Due to the nature of taxi licensing and the overall service being cost neutral, should there be any increase or decrease in associated costs, these would be met through changes in licence fees.

7.2. Legal Implications

The Council adopted the policy in 2017 in accordance with its legal obligations, the Council is required to update and review the policy from time to time particularly to ensure compliance with legislation.

7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken which has identified no major or adverse impact.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

This policy supports the importance of ensuring strong public safety standards within the taxi and private hire trade.

8. Link to Corporate Priorities

Quality of Life	The implications of this amended policy will further protect the public and users of licensed vehicles
Efficient Services	Changes are being proposed to the licensing process which will improve the efficiency of the service
Sustainable Growth	None
The Environment	The implications of this policy will impose improvements to licensed vehicles to reduce emissions to atmosphere and improve local air quality.

9. Recommendations

It is RECOMMENDED that Council approve the revised Hackney Carriage and Private Hire Licensing Policy 2017 - 2022 for adoption.

For more information contact:	Geoff Carpenter Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Licensing Committee 13 November 2019
List of appendices:	Appendix 1 - Hackney Carriage and Private Hire Licensing Policy 2017 – 2022 [Draft] Appendix 2 – Equality Impact Assessment



Rushcliffe Borough Council

RUSHCLIFFE BOROUGH COUNCIL
HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY
2019 - 2024

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1. Introduction

Rushcliffe Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Rushcliffe.

Rushcliffe Borough Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the Borough, whilst playing a visible role in portraying the image of Rushcliffe to all. The drivers themselves are recognised as having a key role in being ambassadors for the Borough.

Customers rightly expect that in using taxis and Hackney Carriages they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

This policy and related procedures will guide the work of the Licensing Authority (Council) in the way in which it carries out its functions.

This policy has been developed by Rushcliffe Borough Council after consulting with both the public and the trade in particular. In developing this policy, we have also taken into consideration:

- The Council's licensing objectives
- Current Legislation
- The Office of Fair Trading "The Regulation of Licensed Taxi and Private Hire Vehicle Services in the UK" 2003
- 'Taxi and PHV Licensing Criminal Conviction' Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010
- The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, (CAZ)
- NAFN, National Register of Taxi license Revocations & Refusals (NR3).

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

This policy will be evaluated from time to time after its introduction. The Council will formally review the policy statement 5 years after adoption.

2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places on Rushcliffe Borough Council (the “Council”) as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public
- Private Hire Vehicles: licensed as a taxi to carry no more than 8 passenger seats but must be booked in advance by customers through an operator and may not ply for hire in the street
- Private Hire Operators
- Hackney Carriage and Private Hire drivers.

In undertaking its licensing function, the Council will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- General Data Protection Regulation 2018
- NAFN, National Register of Taxi Licence Revocations & Refusals (NR3), LGA Guidance.

The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from Regulatory Delivery (part of DBEIS).

3. Licensing Aims and Objectives

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder**
- **The safety and health of the public and drivers**
- **Vehicle safety, comfort and access**

- **Encouraging environmental sustainability.**

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults
- Operating rules, conditions and disciplinary processes
- Vetting, qualification, training and monitoring licensees
- Commitment to work with the police and licensing authorities
- An expectation that licence holders will treat all customers, passengers, the general public, Council Officers and Councillors with respect and courtesy at all times.

The safety and health of the public and drivers

- Consideration of history of convictions and cautions
- Driver training, qualification and performance
- Knowledge of the Rushcliffe area
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications
- Regular driver medical checks.

Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance
- Space standards for vehicles
- Location of ranks and use of ranks
- Provision of disabled facilities.

Encouraging environmental sustainability

We will work with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with licence holders, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

4. Delegations

Under the Council's Constitution, full Council has responsibility for all policy matters relating to taxi licensing. The Council operates a scheme of delegation to officers in respect of individual applications, contraventions, suspensions and revocations for drivers, vehicles and

operators. In certain circumstances a Licensing Sub-Committee, comprising of up to four elected Councillors, will determine applications, contraventions, suspensions and revocations. In addition, the Executive Manager can appoint and authorise officers to investigate and discharge its statutory functions. Such authorised powers include the issuing of warnings, suspension notices, STOP notices and the issuing of Penalty Points.

5. Driver Requirements

Each driver must satisfy the Council that he / she is a 'fit and proper person' to be granted a driver's licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending civil or criminal proceedings, all traffic offences where there is a penalty (driver's course) and payments for fines.

Applicants are expected to declare if they have held or hold a Taxi/PHV drivers licence with any other authority, if they have surrendered the licence before its renewal date, and also if they have been subject to any suspension or revocation of such said licence.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix A.

5.1 Fit and Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are, and remain, fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable persons. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity), including the reasons for any entry on the NR3 database
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities, any entries on the NR3 database and statutory agencies.

5.2 Registration and Application Process

All prospective drivers will be required to register their interest in becoming a hackney/PHV driver at

https://eserv.rushcliffe.gov.uk/formsmaster/public/showform.asp?fm_fid=399

Prospective drivers will be required to obtain the following information/and attend courses within a three-month period from registration date.

1. An enhanced Disclosure and Barring Service (DBS) Check. Use the guide to online disclosure found in Related Documents section.
2. Full UK driver's licence held for at least a year
3. Two current passport sized photographs
4. UK passport or right to work card / passport
5. National Insurance Number
6. Medical examination with Medigold (require eyesight test before attending) - 0115 9209901 - you will need to take the medical form with you to your appointment, found in the Related Documents section at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>. A fee is payable the current fee is on our website.
7. Driving test with Nottingham City Council. To book a test, please telephone - 0115 8761444 - the fee is payable - see <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>
8. Safeguarding Course pass. Course information is found in the Related Documents section.
9. Two Character references (not from any employer)
10. Two utility bills to confirm address

11. Rushcliffe Borough Council Knowledge Test. A computerised test (maximum of 3 tests only) – payment per test is required. See <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

All the above must be in place before the three-month period expires - **there are no refunds of any monies paid.**

This Council issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of three years, but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document before any taxi licence is issued. The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

5.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly, all drivers will be asked to disclose on their application form any warning, fixed penalty notices, caution or conviction, even if it is spent for other purposes and those will be revealed on the DBS certificate.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

Certificates will be obtained using the Council’s approved DBS system, but it will accept DBS certificates issued to other local authorities if they have been printed within the last three months and are to an enhanced level and have been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received or current pending matters. All licence holders shall notify the Council of any arrests, warnings, convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Council requires all drivers to have a DBS check annually, and all licence holders **must** subscribe to the Disclosure and Barring Service Online Update Service rather than having a full annual DBS check. Any costs associated with maintaining this subscription or the annual check must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. The driver, upon application, will give the Council permission to retain information revealed on the DBS check which it will retain in a secure manner.

Applicants with Periods of Residency outside the UK

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

5.4 Relevant Convictions Policy

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon. In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect from the date of this policy.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of warnings, cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record, or any other concern, will be dealt with under the Council's scheme of delegation. The appropriate Officer will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence partway through the licence period.

5.5 Knowledge and Driving Test

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and numeracy
- Locations
- Use of A to Z mapping for routes
- Highway code signs.

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities to speak English in such a manner that they can communicate with customers. The Council will make such arrangements for the testing of an applicant's ability to speak English as required on an individual basis and may make a charge for such a test.

The pass mark for the knowledge test is 74%, and the applicant must pass all sections in one test. Applicants who fail must re-sit the whole test and pass all sections in that test. If applicants fail three successive knowledge tests their application will be refused and they will be required to wait at least six months (from the date of the most recent failure) before being permitted to take further tests. Applicants must pay for each test and book with the Rushcliffe Borough Contact Centre prior to attending (payment will be required before each test). Applicants cancelling the test with less than 24 hours' notice will not be refunded the fee.

As part of registration applicants are required to undergo a driving test with the Council's approved driving instructor before a licence is issued. Should the applicant not cancel the test at least 24 hours prior to the date of the test they will not be refunded the fee. In addition, if the applicant fails to provide a valid certificate of insurance or the vehicle is not up to standard the test will be cancelled and no refund will be made. Failure of more than one driving test may give cause for concern as to the fit and proper status of the driver.

5.6 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers, are considered the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

The Council requires that applicants and current drivers undergo medicals through the Council's preferred third-party provider. The medical will be taken at the applicant's own expense and they are responsible for making their own arrangements for this to take place. The medical certificate will be produced to the Council, in the case of a new applicant before the application form is accepted and in the case of a renewal before the renewal of the licence is granted.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. Drivers who already hold a medical certificate for a taxi licence from another local authority may use this when submitting their application to Rushcliffe provided the medical provider is one approved by the Council. Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established. A licence application will not be accepted / processed unless all elements of the application process have been completed.

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of the licence. All costs incurred by such tests will be met by the driver.

Licensed drivers are under a legal duty to carry guide-, hearing- and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from these duties on medical grounds. If an application is successful, they will be issued with an exemption certificate, and be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. Hackney Drivers who for a medical reason cannot physically load a wheelchair-bound person must apply for an exemption. This must be accompanied by our Third-party provider.

5.7 Duration of the Licence

The Council will normally issue licences for a three-year period. However, the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

5.8 Safeguarding Training

Every new applicant will undergo Safeguarding Vulnerable Passengers training before a licence is issued. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost. Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, and in the case of a current driver the application to renew will be refused or when mid-term of a licence it may be revoked. Current drivers for the authority will be required, on the renewal of their driver's badge, to attend refresher training within three months of the renewal. Failure to do so may lead to the licence being suspended.

5.9 Conditions

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D and will be reviewed from time to time.

5.10 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rushcliffe and are seen as key ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed. To ensure that not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football / rugby kits, track suits, beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed
- The wearing of hoods or other clothing that obscures the driver's vision or their identity.

5.11 Code of Conduct when Working with Vulnerable Passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix N.

5.12 Right of the Driver to Work in the UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth / Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport

or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

No Driver or Persons connected to a driver subject to immigration controls may make application to the relevant agency in the authority's name or any person so employed by them.

5.13 Driver Responsibility

The Licensing Authority requires all of its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure that they are fit to drive at all times
- Ensure their vehicle is fit to be driven at all times
- Not to use a vehicle which could put the public at risk
- To remain professional at all times
- To carry photographic ID at all times, and wear it in accordance with any conditions of the licence
- Not to use offensive or inappropriate language
- Not to swear
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to the Operator immediately and in any event before taking the next fare (see 6.10 Accidents). Hackney drivers must keep a log of fares taken if operating outside the Rushcliffe Borough area acting as a PHV, and a copy must be held for 6 months
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.

5.14 Driver Hours

There are no direct controls over the hours that Hackney Carriage/Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles and public service vehicles.

The Council deems that the number of hours worked by drivers can impact on public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles and public service vehicles, namely:

- An average of 48 hours per week calculated over a 17-week period but up to 60 hours in a single week providing the 48-hour limit is maintained
- Night work limited to ten hours unless there is an agreement to work longer hours

- Working between six and nine hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration
- Drivers should refer to the guidance notes, 'Do I need a break' Appendix O.

5.15 NR3, NAFN, National Register of Taxi Licence Revocations & Refusals

All applicants will have their details checked against the register, and any relevant information taken into account in assessing the application where an application is refused, or where a licence is granted but subsequently revoked, will be entered into the register.

Rushcliffe Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3;
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for or being granted, a hackney carriage / PHV driver licence. The authority will follow the policy set out in Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3. on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information

provided to it. Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at <https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/dataprotection/>. This includes submitting a subject access request.

6. Hackney Carriage and Private Hire Vehicles

6.1 Application Process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in Appendix E.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form
- The appropriate fee
- The original Vehicle Registration Document (Log Book/V5) which will only be accepted in the case of vehicles that are not licensed at the time that the application is made. Licences will not be granted or renewed unless the full V5 document is made available to the council at the time of application, in order that the date of first registration can be confirmed
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued). Cover notes must be followed by a full insurance certificate. Weekly insurance will not be accepted. The minimum coverage we will accept is a calendar month of 28 days or more
- A current MOT certificate valid for at least three months or evidence of arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the MOT certificate will be produced with the pass certificate before the licence and plates are issued.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The application must be made on the correct application form and all supporting documents completed in full.

6.2 Grant and Renewal of Licences

The vehicle must be submitted for a supplementary test at the appointed test station. A Pass Certificate will be issued. This must be produced as evidence that the vehicle meets the required standard when the applicant collects the licence and plates for the vehicle from the Councils offices subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Private Hire Vehicle licences will be issued for a one-year period, commencing on the date that the licence is issued. Vehicles older than five years old on the day that the licence is granted will be issued with a 6-month licence.

Hackney Carriage licences will be issued for a one-year period, commencing on the date that the licence is issued. Vehicles older than seven years old on the day that the licence is granted will be issued with a 6-month licence.

6.3 Emissions and Age of Vehicles

The Rushcliffe Borough Council 2017 Policy introduced a change to the age policy for both Private Hire and Hackney Carriage vehicles requiring a minimum age standard. From 2017 the policy introduced further exceptional conditions criteria. Private Hire vehicles over five years of age and Hackney Carriages over seven years of age are now tested twice per year and will not normally exceed 12-year age (subject to exemption).

The Environment Act 1995 and subsequent Regulations requires local authorities to review and assess air quality on a regular basis and there is great public concern about air quality. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In the Nottingham conurbation, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several AQMAs along major roads including those within the City and the Trent Bridge area. In these areas, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infraction proceedings have already been instigated by the European Commission.

The Clean Air Zone proposed for Nottingham will not however proceed due to the measures being proposed by the Nottingham City Council. This includes the improvement to the taxi/PHV fleet.

Rushcliffe Council's Air Quality Action Plan includes measures to improve air quality from transport, and the measure of improving the Hackney Carriage and Private Hire fleet by setting minimum emission standards for vehicles licensed in the Borough. The Council aims to ensure

that Hackney Carriages and Private Hire vehicles are of a good standard and support the need to reduce emissions of road transport. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of passenger safety and comfort and in support of these policies, the Council have previously introduced both vehicle emission standards and age requirements for licensed Hackney Carriage and Private Hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Rushcliffe's taxi fleet and the impact on the health and environment in the Borough.

European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards. Euro 4 emission standards became mandatory in 2005, Euro 5 in 2009 and Euro 6 in 2014. However, some of the main manufacturers adopted these standards much earlier.

It is accepted that as a **minimum**, Euro 4 technology vehicles are within acceptable emissions limits at this time, but we will keep this under review; drivers and operators will be encouraged to adopt higher standards where possible.

In order to progress this improvement in standards and support air quality improvements the Council will further reduce the age limit of vehicles being registered for use as a taxi or PHV for the first time. Any NEWLY LICENSED vehicle will only be able to be licensed with the Council if its date of first registration as stated on the DVLA V5 document, is on or after 01.01.2011. This coincides with euro standards improvement. Vehicles registered before this date will not be able to be licensed for the first time.

For existing vehicles already licensed by Rushcliffe Borough Council that have a date of first registration before 1/1/2011, the Council will continue to license up to the age limit in place.

The Council will apply an age limit and will not license any vehicle older than 12 years old from the date of first registration at the time of application. Any vehicle applying nearing this age limit will have a license up to the age limit and not exceeding the age limit. The age limit will be kept under review during this policy and any subsequent policy and any change consulted upon with the taxi trade.

The only exception to the above will be Minibus type vehicles which are wheelchair accessible which will have an age limit of 14 years from the date of first registration. Electric and environmentally friendly fueled vehicles will be judged on their specification condition and may be extended to the 14-year limit at the discretion of the licensing officer.

The Council's policy in relation to vehicle standards are set out in Appendix F.

The CAZ legislation, the **Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019** requires that all councils report weekly the vehicles that are licenced under them for inclusion in the CAZ database. Rushcliffe Borough Council have made it clear on all applications for a vehicle PHV or Taxi that we are required by Law to share the data with Defra so that Defra can create and maintain a database to support the operation of charging clean air zones by local authorities or other air quality plans. The data will be limited

to vehicle VRM, start date, end date, Taxi or PHV, Rushcliffe BC licence plate no, and wheelchair accessible status, and is subject to a memorandum of understanding and the GDPR and data protection regulations. However, the information provided is currently available freely on the Council's public register page and no implications on data protection are expected to comply with this obligation.

6.4 Insurance

It is required that all insurance documents must be shown before a licence is issued.

- This requires a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward
- A Private Hire vehicle requires insurance to cover hire and reward
- A cover note will be accepted, and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity
- Weekly cover notes will not be accepted the minimum period will be 28 days in all cases.

The Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

6.5 Vehicle Specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle. The specification for Private Hire vehicles and for Hackney Carriages can be found at Appendix F.

6.6 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences. These are set out in Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will consider the aims and objectives of this policy.

6.7 Identification of Vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with colour of the vehicle, can achieve this.

Hackney Carriages

- The exterior colour of all Hackney Carriages must be black and of a gloss finish.

Private Hire Vehicles

- The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle /Hackney Carriages conditions set out in Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages. They include:

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices / markings that the Council will require licensed vehicles to display.

6.8 Fire Extinguishers and First Aid Kits

All vehicles will carry both a first aid kit and fire extinguishers as specified in the Council's conditions.

6.9 Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions about tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre
- Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - Be compatible with the types of tyres fitted to the other wheels
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord
 - Not have any part of the ply or cord exposed
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement

- The fitting of part worn tyres to licensed vehicles is not permitted
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences
- Inflation kits are now fitted to a lot of vehicles but are not suitable for large damage areas, the owner or operator of the vehicle must provide a provision for a journey to continue at no extra cost to the passenger/s. If the inflation kit is used it should be treated as a space saver wheel and must be replaced before the next journey, in accordance with the manufacturer's instructions. These kits are for a short-term measure to get you to the nearest tyre repair premises. No further hire is permitted till the tyre is replaced and replacement inflation kit is purchased
- Run Flat tyres must be used if punctured as per the manufacturer's instructions and must be repaired or replaced before the vehicle is acceptable for hire.

6.10 Accidents

If at any time the vehicle is involved in an accident or collision, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours in writing or by email (telephone calls are not a permitted method of reporting accidents). Photographs taken in daylight of all 4 sides of the vehicle and the damaged area must accompany any report, for officers to decide on whether an inspection is required. If the photograph is inconclusive the vehicle must be inspected, and the vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place. The appointment will be arranged by the Council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The vehicle plates front and rear must be removed and returned to the licensing department to be held if the vehicle is repaired to a satisfactory standard. Failure to do so may result in Licensing Enforcement Penalty Points being issued.

All damaged vehicles which were deemed to be unroadworthy at the time of the accident will be subject to an examination at the authorities approved test station before being plated this test must be paid for at the normal rate of an inspection.

6.11 Vehicle Examination and Testing Requirements

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix I Vehicle Testing requirements.

6.12 Meters

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force
- In the case of Private Hire Vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection. A calibration certificate must be available in the vehicle for inspection by any authorised officer who makes a request of the driver.

Private Hire Operators and / or Hackney drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

6.13 Advertisements on Vehicles

No advertisements shall be placed on any vehicle licensed by the Council **without** the applicant receiving prior approval of the advert. See Appendix J.

6.14 Additional Provisions for Hackney Carriages

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport. Licensing authorities have no power to restrict the number of Private Hire vehicles that they licence. Licensing authorities can restrict the number of Hackney Carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services; in Rushcliffe numbers are not restricted at this time.

6.15 Taxi Ranks

A full list of Hackney Carriage ranks, their exact positioning on each street and the times they are in use is set out in Appendix K.

- Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire
- They are not to be regarded as parking places
- Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

6.16 Designated wheelchair accessible vehicles Section 167 list

Rushcliffe Borough Council is committed to promoting accessible transport services to all users, and to uphold the objectives of the Equality Act 2010. See guidance at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf

We maintain a list of all vehicles designated for the purposes of section 165 of the Equality Act 2010 have (Known as the Equality Act Section 167 List) on our website; all Taxis will be designated upon application as such vehicles unless an exemption is applied for.

Rushcliffe will seek to expand the designated list to PHV capable of meeting the minimum standards for designation.

The following responsibilities are placed on drivers of Hackney Carriages and Private Hire vehicles that have been licensed as designated wheelchair accessible vehicles:

- To carry the passenger whilst in a wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such “mobility assistance” as is reasonably required.

What Does Mobility Assistance Mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger’s luggage into and out of the vehicle.

Guide Dogs / Assistance Dogs

Duties are also placed on Hackney Carriage and Private Hire drivers when driving licensed vehicles to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010, regardless of the designation on the 167 list.

Refusal to Comply with The Above Duties

Unless a driver has been granted an “**Exemption Notice**” by the Rushcliffe Borough Licensing Authority on the grounds that he / she is medically unable to provide the above assistance, then an offence is committed if the duties imposed are not carried out as required. In such instances the Council will investigate any complaints received about the lack of assisting wheelchair users and / or those accompanied by guide / assistance dogs and will take the appropriate enforcement measures in accordance with our Hackney Carriage & Private Hire Licensing Policy.

7. Fares

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the Borough being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare and penalty points can be issued to the Proprietor of the Hackney Carriage in such circumstances in line with the Council’s penalty points scheme.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

Private Hire Vehicles

The Council is not able to set fares for Private Hire vehicles. Drivers must, if requested by the passenger, provide written receipts for fares paid.

The receipt must provide the passenger with

- The journey cost
- The operating company name and contact number
- The driver’s name and signature
- The date of the journey.

8. Operators

8.1 Requirement for a Licence

A licensed private hire vehicle must only be despatched to a customer by a Private Hire operator who holds an operator’s licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

A Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.

Any person who operates a Private Hire service must apply to the Council for a Private Hire Operator’s Licence. The objective in licensing Private Hire operators is the safety of the public, who will be using operators’ premises, and vehicles and drivers, arranged through them.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence. Planning permission is required for each Operator’s base and is required as part of the application process.

The Council will grant Private Hire operator licences for a period of 5 years, or one year in exceptional circumstances.

8.2 Fitness and Propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands)
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rushcliffe Borough Council)
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- National Register of Taxi Licence Revocations & Refusals (NR3).

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

If an application is received from a person that is not a current driver licensed by Rushcliffe Borough Council, then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service and undertake the Council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

8.3 Insurance

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employer's liability insurance.

8.4 Conditions

The Council has the power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix L. However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will consider the aims and objectives of this policy.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action and / or the issue of enforcement penalty points.

8.5 Use of Operator Name Following Revocation of Licence

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

8.6 Operator Responsibility in Relation to Vehicles / Drivers that are Operated

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, vehicles and controllers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be considered detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator
- Vehicles being operated that are in an unsuitable condition
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding)
- Failure to monitor drivers working hours to ensure they are safe to transport the public
- If the vehicle is tracked through software the operator has a responsibility to ensure if the vehicle appears to still be working after the driver has logged off to report that matter to the authority.

Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

The use of computer or mobile phone applications by operators licensed within the authority: There would be an expectation that an authority licensed vehicle would, if available, service that call if within the authority's district.

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.

8.7 Right to Work in the UK

Refer to section 5.12 Right of the Driver to Work in the UK.

8.8 Complaints / Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the licence and should be available at all times for inspection by Police or authorised Officer of the Council.

8.9 Operator's Responsibility

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

- When a vehicle has been hired to attend at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually
- Premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit and with adequate seating
- Any telephone facilities and dispatch equipment are maintained in an effective working order.
- Any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken
- All vehicles operated shall be maintained in a satisfactory and roadworthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible
- The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence
- The Operator will monitor driver's working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found in section 5.14 of this Policy
- The Operator will inform the Licensing Authority of any offences/convictions/arrests committed by any driver or employee attached to his company with direct access to the public's details or any breach of data protection protocols.

8.10 Communication and Information Security

Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 1998 and the GDPR. Operators should ensure they are aware of their responsibilities under the Acts. Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller. Further information can be obtained from the Information Commissioner's Office at www.ico.org.uk

Radios

Where a licensee maintains a radio network for use, the range and /or frequency used may require a business radio licence from Ofcom. Further details can be obtained at:

<http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

CCTV

Approval in writing must be obtained from the Licensing Authority where CCTV equipment is installed and used in a licensed vehicle. Each system must be registered with the offices of the Data Protection Registrar. Material captured by the system shall be accessible only to the Police, an authorised officer of the Council and the CCTV Operator/data controller. The system must be operated in accordance with the Data Protection Act 1998. The CCTV Operator/Data controller must ensure recommended signage and appropriate contact details are displayed in a prominent position where they can be easily read by persons both inside and outside the vehicle. The notices should be maintained in a clean and legible condition.

9. Fees

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the Licensing Service. This includes the administration of applications and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1st April. The Council, however, can review the fees at any time. A list of the current fees can be found on the Council's website.

10. Compliance and Enforcement

10.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated. The Corporate Enforcement Policy for the Council embeds its principles of enforcement.

In April 2014 a new Statutory Regulators' Code was brought into force and, accordingly the Council should:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate to meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and

other road users is paramount. Where appropriate, referrals will be made to other agencies such as the Police, HM Customs & Excise Immigration, other Licensing Authorities and both Adult and / or Child Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations. Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately. Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the Council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

10.2 Joint Enforcement Protocol

The Council will work with other local Councils under a Joint Enforcement Protocol developed by the City Council, which will allow authorised officers to require the inspection of licence/badges under Section 53 (3) LGMP Act 1972, inspect and test vehicles and suspend if not satisfied as to fitness under Section 68 and provide for the offence of obstruction of an authorised officer under Section 73.

Authorised officers may discharge the delegated powers in respect of private hire and hackney carriage vehicles and drivers licensed by any other partner council whilst such a vehicle and/or driver are in the controlled district of the authorised officer.

The protocol is available for viewing at

<https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

Rushcliffe Council has adopted and maintains these arrangements.

10.3 Enforcement Penalty Points

The Council will operate a penalty point system of enforcement of specified minor breaches of conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles. The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a breach.

Points will be issued per incident and will accumulate on a licence until they reach the "trigger level". At this trigger level, the licence holder will be referred to the Licensing Committee for the Panel to consider whether it is appropriate for the licence holder to remain licensed by the Council. The Licensing Panel may determine that the licence should be suspended or revoked, or the Panel may choose to administer some other sanction at its disposal.

The scheme is designed to deal with minor breaches and not major concerns as to a driver's suitability. It is designed to alert the authority that a driver's conduct over a period of time is giving rise for concern. The trigger level will normally be 12 points in a rolling twelve-month period. Licensing Enforcement Officers will be authorised to operate the scheme and issue points accordingly. The penalty point scheme is outlined in Appendix M.

10.4 Suspension of Licence

Where an individual failure in meeting the vehicle conditions is detected an authorised officer may take immediate action to suspend the vehicle licence and require remedial action. This requires the service of a vehicle defect notice and further use of the vehicle may be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such defect notices will also be appropriately accompanied with a penalty point resolution.

In situations where there exists a serious risk to the safety of the public the Executive Manager for Neighbourhoods, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

Where the Executive Manager for Neighbourhoods is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Executive Manager for Neighbourhoods will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

10.5 Refusal to Renew a Licence

The Executive Manager for Neighbourhoods may decide that the appropriate action is not to renew the licence. In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

10.6 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Statutory Regulator's Code and the Corporate Enforcement Policy.

10.7 Appeals

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

10.8 Complaints

The Council has a procedure whereby the general public can submit complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form available on the Council's website. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition, if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the Council's website.

Appendix A Private Hire and Hackney Carriage Drivers Registration/Application Procedure

Driver Licence Registration Process leading to an application

Rushcliffe Borough Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence. There is no statutory definition of what constitutes a 'fit and proper' person, however Rushcliffe Borough Council will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least one year. Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).

2. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the Council's policy on convictions in determining the fit and proper nature of the applicant. The applicant must also sign up to the yearly update service provided by the Disclosure and Barring Service.

Licences will not be granted unless the applicant is able to provide at least five years' UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate;
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate.

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs. DBS checks are required on application and then annually.

3. Applicants are required to pass the Council's knowledge test. This test will assess the applicant's knowledge and ability in relation to:

- Literacy and numeracy
- Road Safety
- Customer care/customer awareness
- Local knowledge/routes

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it within the three-month period. The applicant will be allowed to sit the test three times each time a fee is payable at the time of booking or prior to the test. However, if an applicant fails the test after retaking it for a third time, they will not be permitted to take the test again until at least six months have passed since the date of the most recent failure. In addition to the knowledge test, applicants will be required to demonstrate that they have abilities to speak English in such a manner that they can communicate with customers.

The Council will make such arrangements for the testing of an applicant's ability to speak English as required on an individual basis and may make a charge for such a test.

4. Applicants are required to satisfactorily complete a driving test with the Council's tester or hold a current DSA driving certificate. Details of the test will be provided to the applicant by the Council.

5. All applicants must agree to the Council verifying their DVLA driving licence and will require the applicant to give their consent to such a check being carried out. These checks will be carried out on an annual basis. Any refusal at any time a licence is held without good cause, may result in the revocation of the said licence.

6. Applicants whose DVLA driving licence is endorsed with more than 12 penalty points will normally be refused, those with **seven or above** will merit further consideration.

7. Applicants are required to undergo a medical which meets "Group 2" standards with the current medical provider as designated by the Council. The Council must be satisfied that the applicant meets the "Group 2" standards. A medical to Group 2 standards will be required on first application and then every five years from the age of 45. On reaching the age of 65 a medical will be required annually and therefore a licence will only be issued on a yearly basis.

Note: The Council may also request a medical at any other time it feels may be necessary to ascertain a persons' fitness to drive a licensed vehicle or request the applicant to obtain any other medical history to ensure they are fit to drive be granted a licence

8. Applicants will be required to undergo Safeguarding Vulnerable passenger training before a licence is granted. The training will take place at the Council's offices or at a neighbouring Council who provide the same training course or as directed. At the end of the training the applicant will be required to pass a test. Failure to pass the test will result in the applicant re-taking the test. Failing the test on three occasions will result in the registration/any application being refused. Each subsequent test after the initial test will require payment of an addition fee. All current drivers will also undergo the training, failure to attend training may require the licence to be suspended or revoked. The Council may also require a driver to undergo any revised safeguarding training when required.

Registration

You **must** produce the following in any order during the three-month period:

1. An enhanced DBS Check (Disclosure and Barring Service). Use the guide to online disclosure found in the Related Documents section
2. Full UK driver's licence held for at least a year
3. Two current passport sized photographs
4. UK passport or right to work card/passport
5. National Insurance Number
6. Medical examination with Medigold (require eyesight test before attending) - 0115 9209901 - you will need to take the medical form with you to your appointment, found in the Related Documents section of this page. The fee is currently set at £75.00
7. Driving test with Nottingham City Council. To book a test, please telephone - 0115 8761444 - the fee is currently £25.75
8. Safeguarding Course pass. Course information is found in the Related Documents section
9. Two Character references (not from any employer)
10. Two utility bills to confirm address

11. Rushcliffe Borough Council Knowledge Test. A computerised test (maximum of 3 tests only) - £25.75 per test.

All the above must be in place before the three-month period expires - ***there are no refunds of any monies paid.***

In certain cases, applications may need to be referred to the Executive Manager for Neighbourhoods. In these cases, the Executive Manager for Neighbourhoods will make a decision on what length of licence to grant or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons. The normal length of a driver's licence will be three years.

Once a licence expires, the applicant will be required to complete the renewal application.

Appendix B Disclosure and Barring Service Procedure

Rushcliffe Borough Council uses a third party, the GB Group, to obtain Disclosure and Barring Service check. Checks for drivers will be of Enhanced level. For Private Hire Operators who are NOT drivers, these will be the Basic check.

Initially, drivers will be provided with the details of the DBS check process. The applicant will be required to register on the internet with the provider. Once they have registered, they will then be required to attend the Rushcliffe Community Contact Centre (RCCC) to complete the on-line check ensuring they have the required identity documents. Once these have been verified at the RCCC, payment of the current fee will be required by card. This fee is payable to the third party and not the Council.

Once the verification process is complete the third party will carry out the checks with the DBS, which includes checks with the Police. Once these are complete, the third party notifies the Council and the applicant will be sent a printed DBS disclosure certificate. If the certificate has content, i.e. previous convictions or other information the applicant must ensure it is handed to the Licensing Service. No licence will be issued without the Council having sight of the certificate. In the case of a DBS Certificate being clear of content the Licensing Service will be advised of this by the third party.

Once a DSB certificate is received the applicant must, within 14 days, subscribe to the DBS update service. This costs considerably less than a new DBS check and allows the Council to carry out the check immediately provided the applicant has authorised the Council to do so as part of the application process.

The Council requires all drivers to undergo a DBS check annually on the anniversary of the grant of the licence or upon renewal, or to subscribe to the DBS update service.

Appendix C Guidelines Relating to the Relevance of Previous Convictions

Rushcliffe Borough Council Hackney Carriage and Private Hire Convictions and Fitness Policy

1. Introduction

- 1.1 This policy provides guidance to the Licensing Sub-Committee and Officers with delegated powers on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.
- 1.2 This Policy has been adopted from the Institute of Licensing (IoL) and a copy is available on the website [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf) and regard shall be had to IoL policy in making any decision.
- 1.3 In seeking to safeguard the public, the licensing authority shall seek to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults.
- 1.4 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Licensing Authority will consider the following, and take any other relevant information into account:
- Criminality
 - Human Rights
 - Period of holding a driver’s licence
 - Number of endorsed driving licence penalty points
 - Right to work
 - Medical fitness
 - Driving ability test
 - The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of driver’s hours
 - The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process)
 - The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

- 1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's licence
 - Existing licensed drivers whose licences are being reviewed
 - The holders of Private Hire Operators licences
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates hearing appeals against local authority decisions.
- 1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)].
- 1.7 In this policy the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 1.8 In this policy the word applicant refers to either new applicants or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders.

2. General Policy

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.
- 2.3 Outstanding Charges or Summonses:

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded, or the licence may be refused.

2.4 Non-conviction information:

If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a Hackney Carriage/Private Hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation.

3. Powers

3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:

- the application/licence holder has been convicted of an offence involving dishonesty, indecency or violence
- there is failure to comply with the provisions of the Town Police Clauses Act 1847
- there is failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- there is any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:

1. How relevant the offence(s) are to the licence being applied for
2. How serious the offence(s) were
3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned
6. Sentence imposed by the court
7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
 - (A) The previous conduct of an existing or former licence holder,
 - (B) Whether the applicant has intentionally misled the council or lied as part of
 - (C) the application process, Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges' reasons (obiter dicta) for coming to that decision.

- 3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service on 0115 981 9911 in confidence for advice. The Council will not be bound by any advice given and reserve its full powers.
- 3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense or subscribe to the update service and at other times as determined by the Council.
- 3.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 3.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 3.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

4. Policy on Immediate Revocation / Suspension of a Driver's Licence

- 4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.
- 4.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 4.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 4.6 Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that requiring the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why. The suspension or revocation takes effect when the notice is given to the driver.
- 4.8 In all cases of revocation of a driver's or operator's licence the Authority will record it on a national database run by NAFN (National Anti-Fraud network) which is available to all subscribing authorities.

4.9 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

5. Considerations given to Offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

- 5.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

5.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Exploitation
7. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below until at least **ten years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault of Police
9. Common assault (racially aggravated)
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Sex and indecency offences
14. Listed on the Sex Offenders register
15. Drugs/ supply or transportation
16. Hate crime against a person
17. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **seven years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Possession of a weapon
5. Dishonesty
6. Discrimination
7. Drink drive/ under the influence of drugs
8. No Insurance

9. Hackney or Private Hire offence connected to the use of the vehicle as a Hackney or private Hire
 10. Major traffic offence whereby there is an injury to person or damage to any property
 11. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **five years** have passed since the completion of any sentence and/or licence period:
1. Common assault/Battery
 2. Assault occasioning actual bodily harm
 3. Affray
 4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
 5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
 6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 7. Obstruction
 8. Criminal damage
 9. Harassment
 10. Offences involving anti-social behaviour
 11. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 5.6 A licence will not normally be granted if an applicant has more than one conviction in the last **ten years** for an offence of a violent nature.
- 5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.
- 5.8 **Possession of a weapon**
- If an applicant has been convicted of possession of a weapon or any other weapon-related offence, depending on the circumstances of the offence, at least **three years** must have passed since the completion of the sentence, before a licence is granted.
- 5.9 **Sexual and indecency offences**
- As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**
- Such offences include:
1. Rape
 2. Assault by penetration
 3. Offences involving children or vulnerable adults
 4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
 5. Making or distributing obscene material

6. Possession of indecent photographs depicting child pornography
 7. Sexual assault
 8. Indecent assault
 9. Exploitation of prostitution
 10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 5.10 In relation to indecency offences, an applicant should be free of conviction for at least **five years** (or at least **five years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:
1. Making indecent telephone calls
 2. Importuning
 3. Indecent exposure
 4. Soliciting (kerb crawling)
 5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 5.11 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.
- 5.12 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.
- 5.13 **Dishonesty**
- A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.
- 5.14 In general, a minimum period of **three years** free of conviction or at least **three years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
1. Theft
 2. Burglary
 3. Fraud
 4. Benefit fraud
 5. Handling or receiving stolen goods
 6. Forgery
 7. Conspiracy to defraud
 8. Obtaining money or property by deception
 9. Other deception
 10. Taking a vehicle without consent
 11. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.15 Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.

5.16 **Alcohol and Drugs**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.17 In addition, the applicant will normally be required to show a period of **ten years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

5.18 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply, are issues which should be considered.

5.19 A licence will not normally be granted where the applicant has a conviction for offences related to the supply of drugs and has not been free of conviction for **ten years**.

5.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **five years**.

5.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **three-five years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

5.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of **five years** free from drug taking after detoxification treatment.

5.23 **Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured
4. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.24 Before a licence is granted, an applicant should be free of conviction for **ten years** (or at least **ten years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured.

5.25 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **five years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

5.26 More than one conviction for this type of offence or one such offence within the last **five years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **five years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

5.27 Appendix One sets out the traffic offences related to in this section.

5.28 **Major Traffic Offences**

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **six months** prior to the date of the application the application will normally be refused.

5.29 In cases of disqualification at least **three years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

5.30 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **two years** prior to the application.

5.31 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

5.32 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

5.33 A list of offences to which this section applies is attached as Appendix One

5.34 **Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least six months.

- 5.35 An application with a points total **greater than seven** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 5.36 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 5.37 Generally, a period of **12 months** free from conviction must have elapsed for the restoration of the DVLA licence.
- 5.38 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Executive Manager for Neighbourhoods under delegated powers.
- 5.39 A list of offences to which this section applies is attached as **Appendix One**.
- 5.40 **Totting Up Disqualifications**
- 5.41 Where a number of traffic offences has resulted in a driver receiving **12 penalty points** or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and two years** has elapsed for the restoration of the DVLA licence, depending on the seriousness of the offences which led to the totting up.
- 5.42 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.
- 5.43 **Hybrid traffic offences**
- Offences of the type are described in Appendix One and will be treated as **major** traffic offences if the court awarded **four** or more penalty points for the offence and as **minor** traffic offences if the court awarded **three** or less penalty points for the offence.
- 5.44 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.
- 5.45 **Insurance Offences**
- A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **three years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing

offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

- 5.46 At least **three years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers' licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his/her operator's licence revoked immediately and prevented from holding a licence for **three years**.

Appendix One

MAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink *
CD50	Causing death by careless driving when unfit through drugs *
CD60	Causing death by careless driving with alcohol level above the limit *
CD70	Causing death by careless driving then failing to supply a specimen for analysis *
CD80	Causing death by careless or inconsiderate driving *
CD90	Causing Death by driving: unlicensed, disqualified or uninsured drivers *
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle *
DD80	Causing death by dangerous driving *
DD90	Furious driving
DG60	Causing death by careless driving with drug level above the limit*

The above offences marked * are dealt with in the section entitled driving offences involving the loss life

DR10	Driving or attempting to drive with alcohol level above limit +
DR20	Driving or attempting to drive while unfit through drink +
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40	In charge of a vehicle while alcohol level above limit +
DR50	In charge of a vehicle while unfit through drink +
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
DR70	Failing to provide specimen for breath test +
DR80	Driving or attempting to drive when unfit through drugs +
DR90	In charge of a vehicle when unfit through drugs +
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above the specified limit

The above offences marked + are dealt with in the section entitled alcohol and drugs

IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
UT50	Aggravated taking of a vehicle
TT99	Signifies a disqualification under the totting up procedure 12 or more points within three years

MINOR TRAFFIC OFFENCES

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a vehicle
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to the identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SPI0	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable/ warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers
SPI0 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence

Other non-endorsable motoring offences i.e. no MOT

NOTE:

All offences in Appendix above may also have the following codes:

- Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)
- Causing or permitting Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)
- Inciting Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

Endorsement codes and penalty points

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving record. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving record for four or eleven years depending on the offence.

Accident offences

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for four years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9

Code	Offence	Penalty points
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for four years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless/dangerous driving

These codes must stay on a driving record for four years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11

Code	Offence	Penalty points
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for four years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for four years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for four years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within three years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You will get an 'MR' code on your driving record if you are disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you have incited someone to do this.

Appendix D Private Hire and Hackney Carriage Drivers Conditions

1. Standard of Service

During the period of the licence the driver shall at all times:

- (a) Be clean and tidy in both appearance in dress and person and shall behave in an orderly and civil manner towards every person seeking to hire, or hiring or being conveyed in the vehicle
- (b) Afford all reasonable assistance with luggage and be polite and civil
- (c) Wear at all times when on duty, the driver's badge issued by the Council, in a prominent position when driving the vehicle, so it can easily be seen by the passenger
- (d) Ensure that when a vehicle has been hired to attend at an appointed time and place the driver shall, unless delayed or prevented by sufficient cause, attend punctually and provide a receipt if requested
- (e) Ensure that any property left in a vehicle is taken to your Operator to make all relevant enquiries to reunite it with the owner.

2. Personal Conduct

- (a) It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts as per the Highway Code. Private Hire Drivers are not exempt
- (b) The driver shall not, without the consent of the hirer, drink, eat or permit noise to be emitted by any in car entertainment unit to the annoyance of the hirer. Drivers are not allowed to eat or drink whilst the vehicle is moving and under their control.
- (c) The driver shall not, except with the consent of the hirer, play any radio or sound reproducing equipment in the vehicle. In addition, they will not cause or permit any radio or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside the vehicle.

3. Notifications

A driver must inform the Council of the following in writing within the following periods:

- (a) A change of address shall be reported in writing within seven days
- (b) Any convictions for any offence incurred by him during the period of the licence reported in writing within seven days (this includes fixed penalty ticket offences warnings and cautions or speed awareness courses)
- (c) The details of any road accident in which a licensed vehicle has been involved shall be reported to the Council in writing or by email within 48 hours
- (d) A change of Private Hire Operator shall be reported in writing within seven days
- (e) Where a licence holder has been subject to arrest by the Police or Immigration Service, they for any matter they must inform the Council within 48 hours.

4. Return of Drivers Badge

- (a) A driver must return his drivers badge to the Council as soon as the licence ceases to be in force.

5. Hirings - Private Hire Vehicles

The driver of a Private Hire Vehicle shall not ply for hire or otherwise:

- (a) Tout or solicit on a road or other public place any person to hire or to be carried for hire in any Private Hire Vehicle
- (b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire any Private Hire Vehicle
- (c) Offer the vehicle for immediate hire while the driver or that vehicle is on a road or public place
- (d) Accept an offer for the immediate hire of the vehicle whilst on a road or other public place except when such offer is FIRST communicated to the driver by telephone or other means fitted to the vehicle
- (e) Demand from any hirer of a Private Hire Vehicle without a meter, a fare in excess of any previously agreed for that hiring between the hirer and the Operator.

6. Licence

- (a) The driver shall deposit his Private Hire/Hackney Carriage drivers licence with the Private Hire Operator with whom he is currently working. On leaving the operator this must be collected by the driver and shown to the licensing authority before a new operator will be accepted.

7. Destination

- (a) The driver of a Hackney Carriage or Private Hire Vehicle when hired to drive to any particular destination shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the Hackney Carriage or Private Hire Vehicle has been hired.

8. Renewal/Application processes

- (a) During the term of a three-year licence the driver will undergo annual Disclosure and Barring Service (DBS) and Driver and Vehicle Licensing Agency (DVLA) checks and the licence holder will be required to carry out the following:

Subscribe to the DBS Update Service to enable the Council to carry out the appropriate annual check.

Failure to comply with this requirement will result in the suspension of the licence until the result of such a check has been received, on the grounds that the Council cannot be satisfied that the driver is a fit and proper person.

9. Safeguarding Training

- (a) All applicants and licenced drivers must complete Children's Safeguarding Training and pass the associated test.
 - i. New applicants for a driver's licence must complete the training and pass the associated test as part of the initial application process. Failure to do this will result in the application being refused

- ii. In the case of a renewal application the licenced driver must complete the training within a 12-month period from the date of renewal. Failure to complete the training in the case of a renewal application for a current licence will result in the suspension of the licence until the training has been completed and the associated test passed on the grounds that the Council cannot be satisfied that the licence holder is a fit and proper person
- iii. Any applicant or current driver will be allowed up to three attempts to pass the test. Each additional training session and test will attract an additional fee. Should the applicant/driver fail all three tests a decision will be made as to whether the applicant is a fit and proper person to hold a licence

10. Penalty Points Scheme

- (a) The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and assist in the enforcement of the conditions attached to licences and other matters. The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a calendar year. Should you, as a licence holder, accrue 12 points or more in a 12-month period you may be required to attend a hearing of the Licensing Committee who will review the status of your licence. You will be informed in writing of any points awarded against you and why they have been issued.

11. Drug / Alcohol / Vision Testing

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence led and random basis. Selected drivers/applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in suspension or revocation of the licence.

FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU OR YOUR LICENCE BEING SUSPENDED OR REVOKED

Appendix E Vehicle Application Procedure (including renewal applications)

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Rushcliffe Borough Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. Rushcliffe Borough Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form
- The appropriate fee
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle
- The original insurance certificate or insurance cover note for the vehicle for every inspection booked. (No weekly cover notes accepted)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The vehicle must be submitted for examination at the council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle. That will be the responsibility of the applicant to obtain at his own cost.

Vehicles subject of a write-off of any sort will not be considered for a licence. The Council may require an HPI check of any vehicle which is intended to be licensed to ensure such vehicles are not granted a licence.

Private Hire vehicles will be issued with a 12 month licence for vehicles under the age of five years. In the case of Hackney Carriages a 12 month licence will be issued for vehicles under the age of seven years.

Private Hire Vehicles older than five years and Hackney Carriages older than seven years on the day that licence is granted will only be granted a 6 month licence.

The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place, and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation. This documentation must indicate to the proprietor of the vehicle:

- if the vehicle "passed" or "failed" the inspection
- what point(s) the vehicle failed on (where a failure is given).

Where a vehicle fails an inspection, the inspector must supply the proprietor and licensing officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must

be supplied to the proprietor of the vehicle at the end of that test inspection. A re-test of the vehicle will not be permitted until at least 48 hours have elapsed. All comments made on the MOT certificate must be rectified before the test.

Once a successful test has been completed the applicant will attend the Rushcliffe Community Contact Centre in order to obtain the vehicle licence and plates. Once the vehicle licence has been issued, only licensed drivers will be permitted to drive the vehicle.

Where an application has been made for a vehicle licence to be renewed, upon testing at the Council's designated garage, the previous plates **WILL** be removed by the driver at the time of collection and replaced with the new plates straight away. The old plates will subsequently be disposed of by the Council.

Appendix F Vehicle Specifications - Hackney Carriage and Private Hire

1. Standard of Vehicle

The interior and exterior of the vehicle shall be maintained in a clean and safe manner to the reasonable satisfaction of the Council, in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

2. Emission standards

The Council have adopted similar standards for both Hackney Carriage and Private Hire vehicles.

See section 6.3 Emissions and Age of Vehicles for further details

Any NEWLY LICENCED vehicle will not be able to be licensed with the Council unless its date of first registered as stated on the DVLA V5 document, is after 01.01.2011. This coincides with euro standards improvement. Vehicles registered before this date will not be able to be licensed for the first time.

For existing vehicles already licensed by the Rushcliffe Council that have a date of first registration before 01.01.2011, the Council will continue to license up to the age limit in place.

The Council will apply an age limit and will not license any vehicle older than 12 years old from the date of first registration at the time of application. Any vehicle applying nearing this age limit will have a license up to the age limit and not exceeding the age limit.

The only exception to the above will be Minibus type vehicles which are wheelchair accessible which will have an age limit of 14 years from the date of first registration or at the discretion of the Licensing Officer ULEV types.

The Council will, in addition, reserve the right to revoke a vehicle licence if after testing by a Council- approved garage the vehicle fails emission tests.

3. Engine specifications

The vehicle will normally have a 1600cc minimum engine capacity, however to reflect advances in modern engine efficiency and the fact that the BHP (Brake Horse Power) produced by engines as a ratio to the capacity is now more efficient, vehicles that meet the following criteria will also be permitted. This allows for smaller engines (less than 1600cc) with turbos which are more fuel efficient rather than some of the larger cubic capacity engines. Vehicles less than 1600cc will be accepted providing they are not less than 90 BHP or 67.1KW (this can be found on the vehicle log book V5 under reference P2). The authority welcomes vehicles powered by other sources of sustainable motive power, subject to research into the vehicle meeting all other criteria.

4. Inspection

The vehicle can be inspected at all reasonable times by an authorised officer of the Council or any Police constable, who, if not satisfied as to the condition or appearance of the vehicle, may immediately suspend the vehicle's licence and inform the proprietor in writing of the reasons for the suspension. A spot check may be carried out at any time by an Authorised Officer.

5. Insurance

The proprietor shall maintain in force a full policy of insurance which complies with Part VI of The Road Traffic Act 1988.

6. Licence Plates

- a. All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered, or the licence has expired
- b. Plates must be affixed to the vehicle exterior by the plate holder which can be purchased from the RCCCH. The small plate is affixed to the front bumper or valence and should be placed towards the nearside of the car in a vertical position so it can be viewed by customers and authorised officers. The rear plate (larger plate) must be affixed to the rear by the means of a bracket. It must be fitted so it can be viewed unhindered by the public and authorised officers
- c. Hackney and private hire vehicles will also be required to place an A3 size representation of the vehicle plate must be affixed by the plate adhesive to the front offside & nearside door panels, for hackneys this will replace the triple 'R' logo.

7. Number of Passengers

The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.

8. Signage

Hackney Vehicle Markings

On Hackney Carriage vehicles, with roof signs, the roof light must be extinguished when the fare meter is in use.

Private Hire Vehicle Markings

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.

Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab" or "Hackney Carriage" the use of which is not permitted.

No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

These conditions will not apply if the vehicle is also licensed as a hackney carriage.

9. Trailers

Licensed Vehicles will not be permitted to tow any trailer whilst working as a Private Hire vehicle or Hackney Carriage.

10. Tinted windows

The windows or windscreen of any vehicle shall not have been treated so that less than 70% of light is transmitted through it.

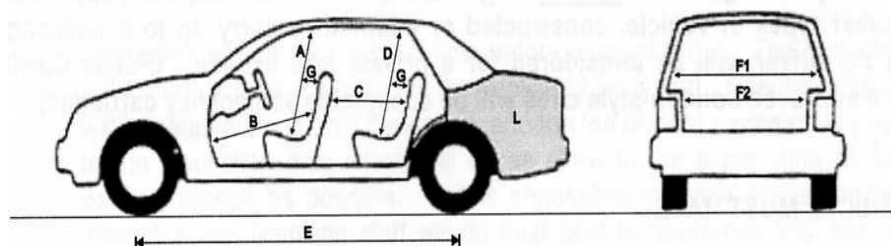
11. Unauthorised use

The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, as issued by the Council.

Private Hire Vehicle Standards Vehicle Specification

The information set out below will give the applicants a guide when selecting a vehicle to be licensed.

In addition, the following should apply: -



A	93cm/36" min.	Cushion not compressed.
B	96cm/37" min.	Seat fully rearwards.
C	61cm/41" min.	Front seat fully rearwards.
D	84cm/33" min.	Cushion not compressed.
E	245cm/96" min.	Wheelbase
F1	133cm/52" min.	Interior width between doors
F2	122cm/48"	Between armrests
G	25cm/10"	Point of measurement parallel with squab
L	0.43m ³ /15ft ³ min.	Luggage capacity (hard luggage)

All saloon vehicles must have four doors and access from doors to seats must be direct, without having to fold or move seats to gain access.

The vehicle must have four roadworthy wheels and tyres and carry at least one spare wheel (if supplied with the vehicle from new, fitted in a suitable wheel well), a jack and brace, all securely stored in a position not liable to damage passengers' luggage. Most new vehicles are now supplied with a space saver, sealant, or run flat tyres (these are temporary repairs to get you home - not to be used for a second fare).

Remould tyres or part worn tyres are not accepted,

The vehicle must be equipped with near-side and off-side exterior rear-view mirrors.

The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

All vehicles must have a current MOT certificate which must be produced before a licence is issued, unless the vehicles are brand new.

All licensed vehicles must be fitted with rear seat belts.

The vehicle must be of a single colour.

Stretch Limousines

All applications for licence stretch limousines as private hire vehicles will be treated on their merits.

In the case of a first application for a vehicle licence, be in excellent condition as befits a Special Occasion Vehicle. The age of the vehicle will be taken from the vehicle registration document or in the case of imported vehicles from the relevant importation certificates but will not be material matter for this type of vehicle.

All vehicles must either meet the European Whole Vehicle Approval standard or the M.1. Passenger Vehicle requirements or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency. If the vehicle was imported prior to the SVA certification, then the decision as to its suitability shall be that of the Council's Inspector.

The vehicle is to provide at least two doors for the use of passengers conveyed in the vehicle, neither being the door used by the driver.

No vehicle to be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.

Luggage space is to be a minimum of 0.5 cubic metres, and be physically separated from the passenger seating or sited at the rear of the vehicle.

OTHER VEHICLES

The Council will consider other types of vehicle to be licensed as private hire, each on its own merits.

Hackney Carriage Vehicle Specification

All licensed Hackney Carriage vehicles which are going to operate within the Rushcliffe area must be either of a type currently approved by the London Public Carriage Office i.e. a London style cab, or meet the following specifications:

1. The vehicle must have as a minimum requirement British Type UK Low Volume National Type Approval as issued by the Department of Environment, Transport and the Regions Vehicle Certification Agency.

The Licensing Service must be furnished with a copy of the above Type Approval Certificate for the vehicle licensed.

2. The vehicle shall be painted in one colour of the manufacturer's standard black.
 - a. The vehicle shall have the Rushcliffe Borough Council logo displayed and centralised on both front doors and not obscured by any other panels or advertisements
 - b. The vehicle shall be fitted with yellow handrails and where appropriate yellow seat inserts as recommended by the Disabled Persons Transport Advisory Committee.
3. The vehicle shall not be fitted with a front passenger seat and will have a privacy panel fitted between the driver and the rear passengers.
4. The minimum entry door aperture must be 0.75 metres.
5. Wheelchairs and ramps:
 - a) The vehicle must be supplied with suitable wheelchair ramps and be capable of safely carrying a passenger while they remain seated in their wheelchair
 - b) The ramp must be lightweight and easy to deploy
 - c) On level ground the ramp will have a maximum gradient of 20% in the fully deployed position and have a minimum safe working load of 250kg
 - d) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
 - e) The wheelchair internal anchorage must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
 - f) A suitable restraint must be available for the occupant of a wheelchair
 - g) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper. Ramps and lifts must be securely stored in the vehicle before it may move off
 - h) Ramps which are not permanently fitted to the vehicle must be marked with a permanent paint or marker. The vehicle plate number and must have the safe working load marked on the ramps
 - i) Vehicles fitted with slide-in ramps must have written with a permanent paint or marker the vehicle plate number and must have the safe working load marked on the ramps

- j) The driver must be proficient in loading and unloading a wheelchair and be able to demonstrate the ability to secure a wheelchair
- k) All drivers of wheelchair accessible vehicles must:
- be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
 - before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied
 - ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.
6. If the vehicle is fitted with a purpose-designed wheelchair lift, it shall conform to the LOLER 98 Regulations and a report, confirming that the lifting equipment is safe to use, shall be presented at the time of vehicle inspection (i.e. a valid LOLER certificate).
7. The maximum passenger seats must not exceed seven. Appropriate swivel seats will be allowed in the rear of the vehicle.
8. The vehicle must comply with Vehicle Inspectorate MOT Testing requirements and the Council's Criteria for Vehicle Inspection.
9. The rear door(s) to the vehicle must not allow access for customers unless for wheelchair use. Access and egress from the vehicle will normally be by way of side opening doors. The rear opening door(s) shall only be used for access to the luggage storage area of the vehicle and for wheelchair disabled passengers.
10. The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.
11. A fares meter ("the meter") must be fitted and be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

The meter and all fittings shall be affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The meter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the fares meter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Licensing Act 1957 and at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for that journey.

If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner / operator will make arrangements for resetting and resealing to be made. When resealed the owner / operator will produce the certificate of conformity to the police and keep a copy in their vehicle to be viewed by an Authorised Officer.

The vehicle meter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.

Section 166 of the Equality Act 2010 allows the licensing authority to exempt drivers from duties to assist passengers in wheelchairs if their medical grounds allow this, or the driver's physical condition makes it impossible or unreasonably difficult to comply with the duties.

Appendix G Private Hire Vehicle Conditions

Definitions

1. "the Council" means the Council of the Borough of Rushcliffe.

"the identification plate" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

Drivers

2. The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a driver licensed by Rushcliffe Borough Council.

Personal Conduct

3. The licence holder shall at all times, when the vehicle is available or being driven for hire, ensure that the driver is both clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

Identification plates

4. The licence holder/driver shall not conceal either the exterior identification plates of the private hire vehicle or the details marked thereon, or the interior display of the private hire vehicle licence numbers from public view and will keep the identification plate and the interior display in a clean condition. Plates will be displayed on both the front and rear of the vehicle unless an exemption letter has been issued by the Council.

Licence

5. The licence holder shall deposit his licence issued by the Council with the Private Hire Operator for which the vehicle is being used during the time it is so used for that operator. At the termination of employment, the operator must return the licence to the driver. It is the driver's responsibility to inform the Council of a change of operator.

Hirer's property

6. The licence holder/driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may accidentally have been left therein.
7. The licence holder/driver of a private hire vehicle shall, if any property is accidentally left in the vehicle by any passenger and is found by or handed to him, take it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before then), to make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- I. the vehicle plate number
- II. the driver
- III. time found
- IV. date found
- V. description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

Passengers

8. The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers carried in the vehicle and any persons entering or leaving the vehicle.
9. The licence holder/driver shall allow only one passenger to be carried in the front of the vehicle next to the driver.

If the driver doesn't provide the correct child car seat, children can travel without one - but only if they travel on a rear seat:
and wear an adult seat belt if they're aged three years or older, without a seat belt if they're under three years.

10. The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.
11. The licence holder/driver shall not allow any child under the age of 12 years to be a passenger in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

Animals

12. The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and such an animal shall only be conveyed in the rear of the vehicle. Guide Dogs and Assistance Dogs must always be permitted to be carried in the vehicle except when the driver holds an exemption certificate which has been issued under the Equality Act 2010.

Receipts

13. The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company

Touting etc.

14. The licence holder/driver shall not while driving or in charge of a private hire vehicle:

- (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
- (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

In this condition: "road" means any highway and any other road to which the public has access including bridges over which a road passes.

Cheques/Payment

- 15. A licence in respect of which the licence fee has been paid by cheque or other method shall not be effective until the payment has been cleared.

Executive Plates

- 16. Where executive plates have been issued to a vehicle these will be either displayed on the vehicle or kept in the vehicle together with the letter from the Council giving exemption from displaying such plates. Executive plates are issued to vehicles used for specific types of work and not normal private hire journeys. The applicant will be required to show the type of work undertaken in order that the executive plates are issued. If a vehicle, having been issued with executive plates, is found to be carrying out normal private hire work and not specific executive work, the plates will be removed, and the driver will be required to pay for a new set of standard private hire plates.

Hire/Rental Companies

- 17. Where the vehicle is the property of a hire/rental company, the company must inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This should be done by email to licensing@rushcliffe.gov.uk Plates should be returned to the Council after the hire period has ended.

Advertisements

- 18. No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

Fire Extinguishers/First Aid

- 19. The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, conformation to BS5423 dry powder or CO2. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him in accordance with the Council's Penalty Points Scheme or other action being taken which may include the suspension or revocation of the licence.

Appendix H Hackney Carriage vehicle conditions

1. Definitions

- a) "the Council" means the Council of the Borough of Rushcliffe
- b) "the identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle
- c) "the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
- d) "the proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. Drivers

The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a driver licensed by Rushcliffe Borough Council.

3. Personal conduct

The driver shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

4. Identifications plates/signs

- a) The licence holder/driver shall not conceal either the exterior identification plate of the Hackney Carriage or the details marked thereon, or the interior display of the Hackney Carriage licence from public view and will keep the identification plate and the display in a clean condition. Plates will be displayed on both the front and rear of the vehicle and on the interior
- b) All Hackney Carriages will display the Vehicle plate vinyl on both the drivers and passenger front doors. It must remain visible at all times and shall not be obstructed by other signs.

5. Hirer's property

- a) The licence holder/driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may accidentally have been left therein.

The licence holder/driver of a private hire vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him carry it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before then), to make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- I. the vehicle plate number
- II. the driver
- III. time found
- IV. date found
- V. description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

6. Passengers

- a) The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle
- b) The licence holder/driver shall not allow any passenger to be carried in the front of the vehicle beside the driver
- c) The licence holder/driver shall not permit a hackney carriage to carry a greater number of passengers than the number prescribed in the licence; for the purpose of this condition two children each under the age of 12 years shall be treated as one person provided that no more than four such children shall be so treated for the purpose of one journey.

d) No person will be conveyed in the front seat of any Hackney Carriage at any time.

7. Animals

- a) The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and any such animal shall be conveyed in the rear of the vehicle
- b) Guide Dogs and Assistance dogs must always be permitted to be carried in the vehicle except when the licence holder holds an exemption certificate.

8. Receipts

The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company.

9. Fares

The licence holder/driver shall not demand a fare in excess of that prescribed by the fare table issued by the Council **unless previously agreed** between the hirer and the operator at the time of booking.

10. Taximeters

The vehicle will be fitted with a taximeter:

- a) The licence holder/driver shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare
- b) The licence holder/driver shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare at that time
- c) The licence holder/driver shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers
- d) The licence holder/driver shall ensure that the fare or charge shall be calculated from the point in the District at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of his journey
- e) The licence holder/driver shall ensure that the taximeter is only brought into action at the commencement of the hirer's journey. If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner/ operator will make arrangements for resetting and resealing to be made. When resealed the owner operator will produce the certificate of conformity to the police and keep a copy in their vehicle to be viewed by an authorised officer.

11. Fare Tables

The licence holder/driver shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

12. Cheques/Payments

A licence in respect of which the licence fee has been paid by cheque or other method shall not be effective until the payment has been cleared.

13. Hire/Rental Companies

Where the vehicle is the property of a hire/rental company, the company WILL inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This shall be done in writing or by e mail to licensing@rushcliffe.gov.uk

14. Use of Hackney Carriages outside the Rushcliffe Area

Where a Hackney Carriage is being used as a Private Hire Vehicle out of the Council's area, the Hackney Carriage proprietor must inform the Council of the name of the Private Hire Operator for whom the vehicle is working.

15. Advertisements

No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

16. Fire Extinguishers/First Aid

The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, conformation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him or other action including suspension or revocation of the licence.

Appendix I Vehicle Testing requirements

HACKNEY & PRIVATE HIRE VEHICLE INSPECTION CHECKLIST (WITH EXPLANATORY DETAILED NOTES)

1. Engine Compartment

- a) Inspect for oil leaks.
Check for the loss of oil, either from engine or transmission, causing contamination to the road surface, or constituting a fire risk.
- b) Check battery security/ position and loss or damage to wiring.
Ensure battery security in the event of a collision the battery would not become dislodged or spill acid causing contamination.
Inspect for insecure or damaged wiring that will constitute a fire risk.
Ensure that all ancillary electrical equipment is fused at the power supply.
- c) Check rubber/plastic hoses for leaks or signs of perishing.
Ensuring all coolant and high-pressure hoses are intact and do not constitute a safety risk.
- d) Check engine mountings, inner wings, panels and suspension mountings for corrosion.
Ensure all engine suspension mountings are intact and secured safely to the inner panels of the engine compartment.
- e) Check the cooling radiator and inter-cooler are securely positioned and there are no leaks.
Ensure both radiator and the inter-cooler mountings are secure and intact and there is no deterioration of components likely to cause a safety risk.
- f) Check the clutch and brake cylinders for leakage.
Ensure there are no obvious signs of hydraulic fluid leaks from cylinders/chambers or any other associated brake/clutch component.
- g) Check clutch operation.
Ensure clutch operation is smooth without vibration or judder.
- h) Chassis and underside of the vehicle to be steam cleaned.
Ensure the underside of the vehicle is presented in a clean condition for inspection.

2. Exterior

- a) Check bodywork for evidence of corrosion, damage or unsatisfactory repairs.
Ensure body panels do not have corrosive deterioration or are rusted through, and any repaired panels are repaired to a satisfactory standard and are finished off to blend with the existing body colour.
- b) Check to ensure that all doors open and close easily and rubber seals are in good condition.
Ensure the security of all doors, locks, hinges and catches and ease of access plus no obvious sign of weather seal deterioration.
- c) Check paintwork for damage which affects the appearance of the vehicle.

The appearance should be of a high standard that reflects the image of the Council.

- d) Check to ensure front and rear number plates are in good condition and clearly legible and that they meet the statutory requirements for text type and spacing.
- e) Check to ensure all lights work correctly including the number plate light, reversing light and fog lamps.
As per MOT Test requirements no more than two auxiliary spot lights may be fitted.
- f) Check to ensure exhaust system/catalyst is fitted correctly and is working satisfactorily.
As per MOT Test requirements check Co2 emissions.
- g) Check exterior/mirror assemblies are correctly positioned and are not damaged.
As per MOT Test requirements.

3. Interior

- a) Check interior of vehicle and luggage space is clean and in good serviceable condition. Upholstery/trim is in a clean and undamaged condition, with the interior being free from litter and clutter. Ensure floor covering is in serviceable condition with no holes, tears or snags.
Luggage space is to be clear, clean and unobstructed.
- b) Check under mats for evidence of water leakage or accident damage.
Ensure there is no water ingress both in the passenger or boot compartments, or any evidence of impact damage.
- c) Check seats are in good condition.
Ensure all seat interiors are in a sound and serviceable condition with operational seat adjustment mechanisms (if fitted).
- d) Check seat belts, mountings condition and operation of all seats.
As per MOT Test requirements.
- e) Check interior and door courtesy lights work.
- f) The vehicle must have an efficient fire extinguisher fitted in such a position to be readily available for use. The capacity should not be less than 3 pounds (1.361kg) BCF and conform to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.
- g) Check all internal switches operating lights, wipers, and washers etc. work correctly.
As per MOT requirements.
- h) Check that all the windows can be lowered and raised easily and give maximum ventilation. Ensure rear windows which are tinted are not of an opaque design (Original equipment only excepted unless an executive vehicle).
- i) Check that all doors open correctly and that the doors are correctly fitted.
Ensure all operating doors open correctly from the inside and with sufficient access.
- j) Check luggage space for water penetration and cleanliness.
As per item 3(b).

- k) Check radio/PDA for secure fitting.
Ensure radio and communication equipment is securely fitted with wiring fused as required.
- l) Check the fittings of grills behind rearmost seat in estate cars.
Ensure security of dog grill to the rear load space area (estate cars only).
- m) Check windscreen for damage and stickers etc. in accordance with MOT standards.
As per MOT Test requirements.
- n) Check that the Vehicle Identification Number is legible and secure.
As stated.
- o) No unauthorised advertising whatsoever on or in the vehicle.
As stated.

4. Tyres

- a) Check all tyres, including the spare for damage or extensive wear, giving indication of % in mm of tread remaining.
As per tyre legislation and MOT requirements.
- b) Check tyres have correct pressures and comply with all legal requirements for tyres when fixed to vehicles. As per legal requirements.
- c) Check that remoulds are not fitted.

5. Underside of Vehicles

- a) Check that exhaust is correctly fitted and working correctly. As per MOT Test requirements.
- b) Check engine and gearbox mountings for security. As per MOT Test requirements.
- c) Check wheel bearings, swivel pins and bushes. As per MOT Test requirements.
- d) Check shock absorbers. As per MOT Test requirements.
- e) Check universal joints/drive shafts. As per MOT Test requirements.
- f) Check for excessive oil leaks. As per section (a) item (a).

6. Braking Systems

- a) Check for condition and performance of service brake system.
As per MOT Test requirements.
- b) Check for condition and performance of parking brake system (Mechanical/electrical operations). As per MOT Test requirements.

7. Rolling Road Test

- a) Check for vibration through steering column.
Ensure there is no excessive rolling vibration through the steering or transmission.
- b) Check that steering does not pull to the right or left.
Ensure vehicle drives in a straight line, does not steer over to left or right.
- c) Check that brakes do not pull to left or right.
As per MOT Roller Brake Test results.
- d) Check engine performance i.e. misfires/lack of power.
Ensure engine performs satisfactorily for the vehicle size.
- e) Check for satisfactory emission levels from vehicle exhaust.
As per MOT Test requirements.
- f) Check for unusual noise from engine/transmission.
Ensure engine/transmission and exhaust noise levels are not excessive.
- g) Check braking efficiency. As per Section (6) Item (a-b).

8. Signs/Plates

- a) Hackney Carriage signs
Check roof mounted signs and ensure the size and design complies with condition.
Check roof sign correctly illuminated.
- b) Licence Plates
Check to ensure that licence plates are affixed in position to comply with conditions.
Check that each licence plate is securely mounted to the front and rear of the vehicle and that the internal badge is displayed so that it is visible to the public. On Hackney Carriages a large A3 size adhesive plate will take the place of the triple 'R' logo. Private Hire Vehicles will have an A3 adhesive plate affixed on the front nearside and offside doors.

9. Meters

- a) Check meter accuracy.
Ensure accuracy of meter by driving a measured mile or by static measuring instrument.
- b) Check that the meter will not show any tariffs (s) other than those set by the Council.
(Hackney Carriage scale of charges).
Ensure that the meter reads accurately the tariff for the class of vehicle being tested.
- c) Check that the meter is positioned to be clearly seen by all passengers in the vehicle.
As stated.
- d) Check that a table of fares, as agreed by the Council, is displayed in the vehicle in a prominent position so as to be clearly seen by all passengers in the Hackney Carriage.
As stated.

Appendix J Advertisements

Vehicle Advertisement Conditions

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:

- a. That no advertisement be displayed without the written approval of the Licensing Service.
- b. That the advertisement shall be to a design that if fitted to the rear windows of the vehicle, passenger can see through them and the interior of the vehicle and passengers can be viewed from the exterior. Hackney Carriages can only have adverts on the rear of the vehicle, and it must not encroach on the sides or the roof.
- c. That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence.
- d. In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not by individual vehicle owners.
- e. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

Signs and Notices etc.

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to licensed vehicles which the Council may from time to time require.

A private hire vehicle must not display: -

- Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
- any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

Appendix K Taxi Ranks

The Council has two Hackney Carriage Ranks situated in West Bridgford:

1. Bridgford Road outside the Co-operative Store. Part of this rank is for 24 hour use and the remainder is for use during the evening/night time.
2. Central Avenue in the layby outside Central News. This rank is for use during the evening/night time.

Appendix L Private Hire Operators Conditions

1. Records

The records to be kept by the Operator under Section 56 (2) of the Act shall be kept in a suitable register, computer or in such a form as the Council shall have approved and the following particulars shall be entered concerning every booking:

- a) The time and date of the booking
- b) The name and, if appropriate, address of the hirer
- c) How the booking was made, e.g. telephone/personal/online etc.
- d) The time of pick up and full address
- e) The point of pick up if any
- f) The destination
- g) The licence number or the call sign of the vehicle allocated
- h) The time at which the driver was allocated the booking
- i) The name or call sign of the driver allocated to the booking
- j) If the booking is subject of cross-border hiring the company who has received the booking and the authority that company is licensed with must be recorded.

Records kept in accordance with the above shall be preserved for a period of not less than **2 years** following the date of the last entry.

The Operator shall keep at his/her operating base premises records of the following information in relation to all Private Hire Vehicles operated by him/her such records to be in the form attached or in such other form as the Council shall have previously approved.

- a) Vehicle registration number and licence number
- b) The make and colour
- c) Name and address of licensed proprietor/owner
- d) Name and address of licensed driver(s) of the vehicle and badge numbers
- e) The licences of drivers and vehicles will be retained by the Operator whilst ever they are working for them. The licences of drivers must be returned when they leave your employment
- f) The above records will be produced on request to any constable or authorised officer of the Council for inspection at any reasonable time and on renewal of the licence.

2. Insurance

The Operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said Operator. When a "block" policy is held by the Operator a full list of all vehicles and drivers covered should be kept for at least **one year**.

- a) Name and address of insurance company (and broker if applicable) insuring the use of the vehicle
- b) Date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle
- c) Date of expiry of the policy and of any cover notes issued
- d) Persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. Private Hire or Public Hire).

3. Standard of Service

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

- a) When a vehicle has been hired to attend at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually
- b) The premises provided by the Operator will be within the Borough or at premises approved by the Council within a distance that affords easy access to officers of the Council. The premises, either for waiting or booking shall be kept clean, adequately heated, ventilated and well-lit with adequate seating provided
- c) Any telephone facilities and dispatch equipment are maintained in an effective working order
- d) Any complaints received by the Operator shall be referred in writing to the Council, together with any action taken, where appropriate
- e) All vehicles operated by him/her shall be maintained in a satisfactory and roadworthy condition; and they shall ensure that any defects to vehicles are recorded and corrected
- f) The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence
- g) The Operator will monitor drivers' working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers' hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to drive and thus will not put the public at risk.

4. Reference to the Council

It shall be the duty of the licensed Operator to inform the Council of the following:

- a) Any arrest or convictions incurred by him or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within **48 hours** of arrest and in the case of convictions within **seven days**
- b) Change of address, in writing within **seven days**.

5. Driver and Vehicle Identification - Keeping of Records

A record will be kept of all vehicle identification numbers and the vehicle and drivers to which vehicle identification number refers. In the event of a vehicle identification being allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver concerned.

6. Driver and Vehicle Licences

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers that are currently working for him/her are current, irrespective of any manager or assistants he/she may employ.

7. Complaint Book

Each Operator shall keep records of all complaints made to him/her or his/her agents or managers relative to any aspect of his/her business or persons at that time working with or employed by that Operator. The records shall be available at all times for inspection by an authorised officer of the Council.

8. Door Signs/Advertisements

When an Operator wishes to provide drivers/proprietors with door advertising panels the below procedure must be followed:

- a) The door sign/panels shall be approved by an Authorised Officer of the Council, before being taken into use
- b) It shall contain the name of the company, the telephone number, and the words "Advanced Bookings Only"
- c) It shall not show the words "TAXI" or any word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage which is licensed to ply for hire
- d) It shall be displayed on either one or both sides of the vehicle only in the form originally authorised by the Council unless agreed otherwise by the Council
- e) No other signage or advertisements will be displayed on the vehicle without prior approval of the Council, and in no circumstances will they obscure the view into the vehicle from outside to ensure passenger safety.

9. Planning Consent for Operating Base

Planning consent for each operating base must be maintained during the period of a licence. Any material change since the licence was granted in any of the circumstances of the Operator, on the basis of which the licence was granted, must be reported to the Council immediately.

FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU AND/OR YOUR LICENCE BEING SUSPENDED OR REVOKED

Appendix M Enforcement and Penalty Points Scheme

On 1st August 1993 Rushcliffe Borough Council introduced the above scheme to raise the awareness of operators, owners and drivers and also to assist in the enforcement of the conditions attached to licences and some aspects of the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

The scheme will operate from the date of issue of any of the driver's, vehicle or operator's licences, and should a breach of the condition or Act be detected, points may be issued against the licence holder, up to the maximum values shown on the table below.

Generally, you will be informed verbally if any points are to be awarded against you and why. Also, you will be given a copy of the Council's form identifying the offence and indicating how many points have been issued. You will then have your own written record of the number of points accrued.

	Offence/Breach of Condition	Points
1	Using a mobile phone without the use of hands-free facility whilst driving or whilst the vehicle is stationary with the engine running	3
2	Failure to display your licence badge in a visible position	3
3	Failure to produce relevant documents within a specified timescale when requested by an Authorised Officer in writing*	3
4	Unsatisfactory appearance of vehicle, interior or exterior*	3
5	Double parking on a highway or, if pre-booked, failure to move on after 5 minutes from double yellow lines when requested by an authorized officer	3
6	Failure to display external licence plates*	6
7	Failure to carry a working fire extinguisher*	3
8	Failure to carry a complete first aid kit*	3
9	Displaying unsuitable, inappropriate or unauthorized signs or advertisements in or on the vehicle	3
10	Using a non-calibrated taximeter or tampering with the meter or seals in any way	6
11	Obstruction of an authorized officer or police officer	6

12	Evidence of smoking in the vehicle	3
13	Failure to immediately notify the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight)**	3 to 12
14	Unsatisfactory appearance of driver (dress and cleanliness) in accordance with RBC Hackney Carriage licence conditions	3
15	Failure to observe rank discipline in accordance with RBC Hackney Carriage Drivers licence conditions	3
16	Waiting on double yellow lines	3
17	Failure to issue a receipt on request	3
18	Unsatisfactory behaviour or conduct of driver	6
19	Failure to notify the Licensing Service immediately of any change of particulars including motoring or criminal convictions, cautions, change of address etc.	3
20	Failure to give reasonable assistance with the loading / unloading of luggage	3
21	Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle	3
22	Failure to carry a legal spare wheel or repair kit and the facilities to correctly fit such a wheel	3
23	Sounding your horn in a way to cause alarm, harassment or distress to others	3
24	Failure to report within 72 hours of an accident or damage to a licensed vehicle*	3
25	Failure to attend punctually at a specified time and place without sufficient cause or unreasonable prolongation of journey	3
26	Failing to carry a guide or assistance dog without a medical exemption issued by Rushcliffe Borough Council	12
27	Providing false or misleading information on any licensing application form*	6
28	Carrying more passengers than the amount stated on the vehicle licence plate	12
29	Refusing to accept hiring without reasonable cause	6

30	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6
31	Failure to hand in lost property to the operator, or for hackney's failure to make sufficient enquiries to return property to its lawful owner	6-12
32	Failure to comply with any of Rushcliffe Borough Council s vehicle, drive and operator conditions that are not already stated above*	3

* would not always relate to both driver and vehicle owner

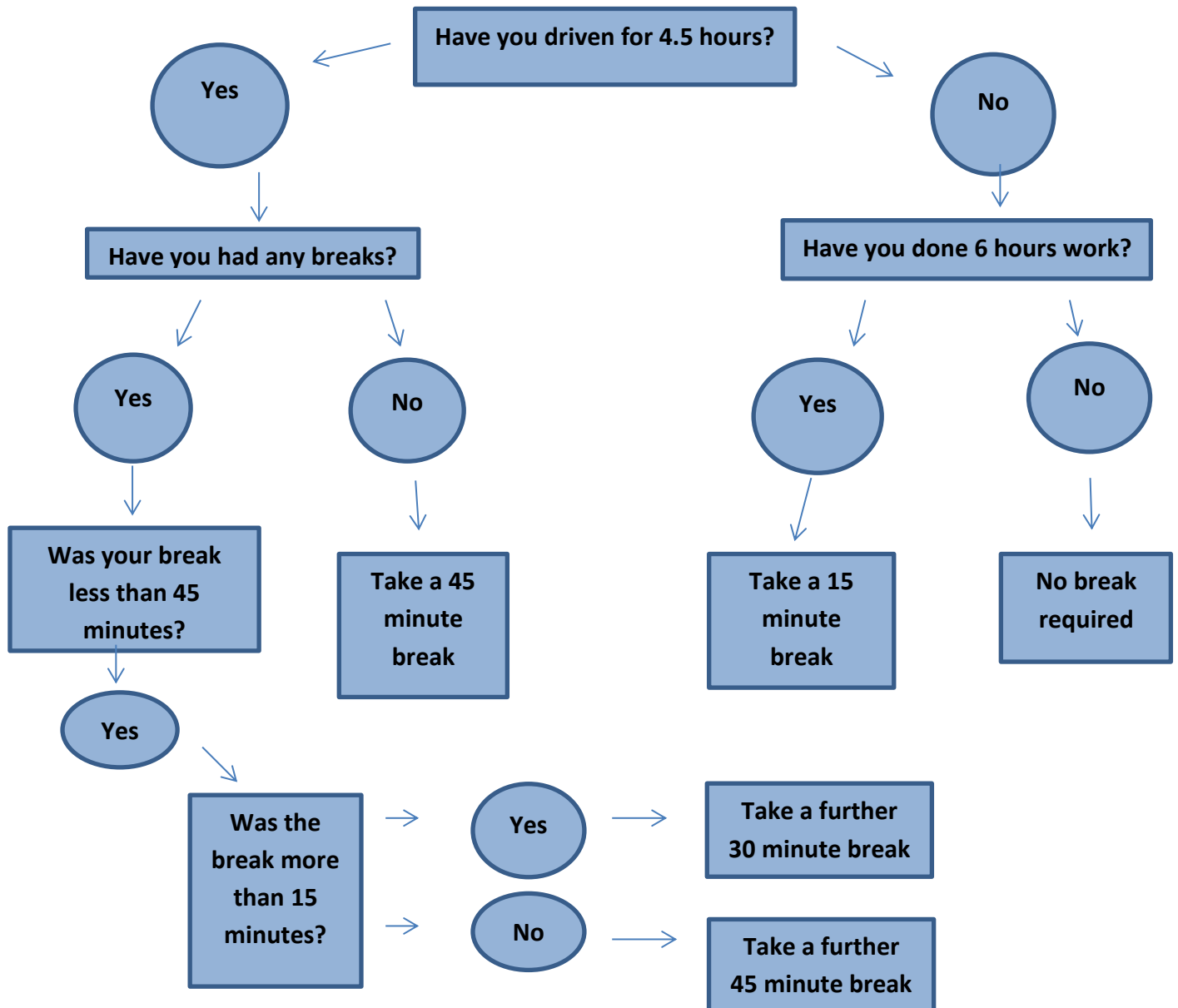
** depending on circumstances, 12 points will only be given if it affects their ability to drive

Appendix N Rushcliffe Borough Council's Code of Conduct When working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties, for example. When working with vulnerable persons the following points should be observed:

- Drivers should carry photo-identification at all times, and wear it in accordance with the conditions of licence
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures. However they should check that they are in place
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver/operator should obtain a record of the carer's contact details if there is no chaperone
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council
- Always ask if a vulnerable passenger needs help, do not assume
- Drivers should remain professional at all times and should not:
 - Touch a vulnerable person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a vulnerable person.
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service
- If the driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, he/she should report this to the police by telephoning 101 (or in appropriate cases by calling 999)
- If the driver/operator is concerned about someone else's conduct, he/she should report their concerns to the police (101) or Crimestoppers (0800 555 111) or the Safeguarding hub on 0300 500 80 90

Appendix O Guidance Notes on Driver Working Hours – Do I need a break?



REMEMBER TIREDNESS KILLS – TAKE A BREAK

Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3.

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.

1. Overarching principles

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

This authority, Rushcliffe Borough Council, has signed up to the NR3. This means that when an application for a taxi driver's 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 driver's licence, or renewal of an existing driver's licence is received, this authority, Rushcliffe Borough Council 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 application. 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 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 stated. 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 stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (note 1) (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined. (see note 2).

The data will be held securely in accordance with this authority's Rushcliffe Borough Council general policy on the secure retention of personal data which is available at

https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/strategiesandpolicies/RBC_InformationRetention.pdf, see also

<https://www.rushcliffe.gov.uk/privacy/> and

<https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/dataprotection/subjectaccessrequest/>

At 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 of personal data.

Note 1

Any appeal by way of case stated 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.

Note 2

Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally, any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than three months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

2. Making a request for further information regarding an entry on NR3

When an application is made to Rushcliffe Borough Council, for the grant of a new, or renewal of, a taxi driver's 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
- 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 Rushcliffe Borough Council 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 (Rushcliffe Borough Council'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 Q Information Disclosure Form for NR3 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.

3. Responding to requests made for information regarding an entry on NR3

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

This authority, Rushcliffe Borough Council, 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, Rushcliffe Borough Council, will conduct a Data Protection Impact Assessment. This will consider 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 that 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, Rushcliffe Borough Council, 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 subject's 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, Rushcliffe Borough Council (the 1st authority), will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority, Rushcliffe Borough Council, will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades" available at <https://www.instituteoflicensing.org>. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) 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 (or similar as defined in the IOL guidance) which is outside the timescales determined in 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.

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, Rushcliffe Borough Council, will make and then retain a clear written record of every decision that is made as a result of 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.

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

When this authority, Rushcliffe Borough Council, 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 as set out earlier in this policy, Hackney Carriage and Private Hire Licensing Policy, Rushcliffe Borough Council's policy for determining applications.

This authority, Rushcliffe Borough Council, 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, Rushcliffe Borough Council, will make in relation to the application.

Appendix Q Information Disclosure Form for NR3

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

(For completion by requestor authority)

Name of licensing authority requesting information: _____

Requestor authority reference number: _____

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address: _____

Driving licence number: _____

National Insurance number: _____

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 / PHV 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 PHV licences, 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 is attached to this document/can be accessed at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

Signed:

Name: _____ Position: _____

Date: _____

(For completion by providing authority)

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

Declaration by providing authority

The authority hereby confirms that it has conducted 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 taxi / PHV licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name: _____

Position: _____

Date: _____

Attached Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3.

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EQUALITY IMPACT ASSESSMENT FORM

Interim review of the hackney carriages and private hire licensing vehicles policy 2017-2022.

The proposed Policy is fundamental to protecting public safety and keeping people from harm. It also wholly supports the Council's wider priorities and outcomes associated with promoting health, managing the environment and helping people to help themselves in order to improve community resilience. The policy has been revised early due to legislative and technical changes in this area as outlined in the report.

Information used to analyse the effects of equality:

The policy has been subject to public consultation and with members. In particular consultation has taken place with existing taxi operators and drivers. The consultation period was launched on 21 September 2019 and closed on 23 October 2019. There was no comment on equality impacts.

page 325	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Men, women (including maternity/pregnancy impact), transgender people	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Disabled people or carers	yes	n/a	There are legal requirements that	

			support disabled people's rights within the policy when they use or book certain services covered by the policy. There are proposals for enhanced protection for assistance dogs users and disabled users. The operation of a penalty points system or legal action in certain circumstances that are included in the Equality Act are enforced via the policy. The policy will prevent or enable action against complaints of this nature.	
People from different faith groups	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Lesbian, gay or bisexual	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Older or younger people	yes	n/a	Drivers are required to undergo safe guarding training as a requirement to be a taxi driver. The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Other (marriage/civil	yes		Drivers are required to undergo safe	

partnership. Looked after children, cohesion/good relations, vulnerable children/adults)			guarding training as a requirement to be a taxi driver. The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
--	--	--	--	--


OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT: *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

Arrangements for future monitoring of equality impact of this policy/proposal/project:
This is a five year policy and will be reviewed again on renewal

Names of officers who conducted EIA and date

M Hickey 29/10/2019
G Carpenter 29/10/19

Approved by: 
(manager signature)

Date: 29/10/19

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