

Council Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 20 October 2021 at 18:00

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay.aspx>.

Audio Recording, Mobile phones and other devices

The Council streams public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's YouTube channel. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until Town Hall staff advise that it is safe for you to do so.

Colchester Borough Council

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COLCHESTER BOROUGH COUNCIL
Council
Wednesday, 20 October 2021 at 18:00

TO ALL MEMBERS OF THE COUNCIL

Published 18/10/2021

**You are hereby summoned to attend the meeting of the Council to be held on
Wednesday, 20 October 2021 at 18:00 for the transaction of the business stated below.**



Chief Executive

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that the business will be subject to short breaks at approximately 90 minute intervals.

Please note that Agenda items 1 to 6 are normally dealt with briefly.

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements (Council)

The Mayor will welcome members of the public and Councillors and will ask the Chaplain to say a prayer. The Mayor will explain the procedures to be followed at the meeting including a reminder everyone to use microphones at all times when they are speaking, but otherwise keep microphones muted.

2 Have Your Say! (Hybrid meetings)

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Council remotely may register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of

unforeseen technical difficulties preventing participation at the meeting itself.

There is no requirement to pre register for those attending the meeting in person.

3 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

4 Minutes of the Previous Meeting (Council)

A... Motion that the minutes of the meeting held on 14 July 2021 be confirmed as a correct record.

Council minutes 140721

9 - 26

5 Mayor's Announcements

The Mayor to make announcements.

6 Items (if any) referred under the Call-in Procedure (Council)

The Council consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.

7 Recommendations of the Cabinet, Panels and Committees

Council will consider the following recommendations:-

7(i) Colchester's Bid for City Status

27 - 28

B... Motion that the recommendation contained in the draft minute from the Cabinet meeting of 13 October 2021 be approved and adopted (to follow).

7(ii) Budget 2022/23 and Medium Term Financial Forecast

29 - 32

C... Motion that the recommendation contained in the draft minute from the Cabinet meeting of 13 October 2021 be approved and adopted (to follow).

7(iii) 2020/21 Year End Review of Risk Management

33 - 34

D... Motion that the recommendation contained in the draft minute from the Cabinet meeting of 13 October 2021 be approved and adopted (to follow).

7(iv) Review of the Council's Processing of Special Category and Criminal Convictions Personal Data Policy

35 - 36

E... Motion that the recommendation contained in draft minute 276 of the Governance and Audit Committee meeting of 7 September 2021 be approved and adopted.

7(v) **Taxi and Private Hire Licensing Policy - Statutory Standards** 37 - 40

F... Motion that the recommendation contained in minute 134 of the minutes of the Licensing Committee meeting of 21 July 2021 be approved and adopted.

7(vi) **Annual Scrutiny Report 2020-21** 41 - 42

G... Motion that the recommendation contained in minute 308 of the Scrutiny Panel meeting of 20 July 2021 be approved and adopted.

8 **Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

Council will consider the following Motions:-

(Note: The maximum length of time for the consideration of all such motions shall be 80 minutes. In the event that a motion is still being debated when the 80 minutes have elapsed the Mayor shall invite the proposer of the motion to respond to the debate and then move straight to the vote.)

8(i) **Military Service in Afghanistan**

Motion H

Proposer: Councillors Dundas, Fox, Goacher, Goss and B. Oxford

This Council, all current Councillors and those who have served as Councillors over the last 20 years, wish to express their thanks to all Colchester based military personnel past and present who have served with distinction in Afghanistan over the last 20 years.

Colchester is very proud of its military connections and of our armed forces community who make Colchester their home. Through the Armed Forces Covenant we will continue to support our military and uphold the commitments we have made to them.

We thank you for your service and welcome you home.

As the motion relates to a non-executive matter, it will be debated and determined at the meeting.

8(ii) **Local and Neighbourhood Plans**

Motion I

Proposer: Councillor Barber

Council welcomes the announcement by the Secretary of State for Levelling-up, Housing and Communities that he favours allowing communities to take back control of their futures and create greener and more beautiful places to live.

Council also recognises that there can be a gulf between Ministerial aspirations and real world decisions, as evidenced by the recent appeal decision in West Bergholt, where despite the community planning positively for growth via their adopted and up to date

Neighbourhood Plan, an inspector saw fit to allow additional development on an unallocated site.

Council resolves to write to the Secretary of State emphasising the importance of protecting the right of communities to shape their localities and their right to object to individual planning applications. Council also asks that he direct the Planning Inspectorate to attach significantly greater weight to the ability of up to date Local and Neighbourhood Plan allocated sites meeting development requirements, when interpreting the presumption in favour of sustainable development.

As the motion relates to a non-executive matter it will be debated and determined at the meeting.

8(iii) Supporting Colchester Residents Hit by the Cost of Living Crisis

Motion J

Proposer: Councillor Fox

This Council notes:

- *Colchester residents are being hit by a cost of living crisis caused by a reduction in support and rising costs including energy prices.*
- *At the beginning of the pandemic, the government recognised that Universal Credit did not cover the essentials.*
- *The £20 uplift has been a lifeline for households across our Borough including those with children, carers and people with disabilities. 40% of claimants are in work.*
- *Colchester has 24.6% of children living in poverty according to figures published in March 2021 by DWP/HMRC.*
- *The award-winning work of our council staff who have supported residents throughout the Covid-19 pandemic including through grants, Local Council Tax Support Scheme and Discretionary Housing Payments.*

This Council believes that:

- *The UK government should retain the £20 increase to Universal Credit and Working Tax Credit.*
- *Any reduction in benefit will see a huge increase on services such as, food banks. Latest figures from Colchester Foodbank show they issued nearly 14,000 parcels to residents including more than 6,000 to children in the last year.*

This Council requests that:

- *Group Leaders write jointly to Colchester's three MPs to lobby government to retain the £20 increase*
- *Cabinet ensure that Colchester Borough Council's Welfare Benefits Team and Colchester Borough Homes' Financial Inclusion*

Team are funded to meet the demands of people in need

- *Cabinet continues to support organisations helping the most vulnerable including Colchester Foodbank, Citizens Advice, Community360, Munch Club and other holiday hunger projects*

As the motion relates to a non-executive matter, it will be debated and determined at the meeting.

9 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

Cabinet members and Chairmen will receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed by any oral questions (not submitted in advance) in accordance with Council Procedure Rule 10(3).

(Note: a period of up to 60 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairmen (or in their absence Deputy Chairmen)). At the time of the publication of the Summons no pre-notified questions had been submitted.

10 Schedule of Portfolio Holder Decisions 43 - 46

Council is invited to note the Schedule of Portfolio Holder decisions covering the period 4 July 2021 - 6 October 2021.

11 Urgent Items (Council)

Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

12 Reports Referred to in Recommendations

The reports specified below are submitted for information and referred to in the recommendations specified in item 7 of the agenda:

Colchester's Bid for City Status, Report to Cabinet, 131021 47 - 50

Budget and MTFF, report to Cabinet, 131021 51 - 68

Year End Risk Management, report to Cabinet, 131021 69 - 88

Processing of Special Category Personal Data Policy, report to Governance and Audit, 070921 89 - 90

Processing of Special Category Personal Data Policy, Appendix A 91 - 96

13 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

Council

Wednesday, 14 July 2021

Attendees:

Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Nick Cope, Councillor Mark Cory, Councillor Pam Cox, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Mike Hogg, Councillor John Jowers, Councillor David King , Councillor Darius Laws, Councillor Martin Leatherdale, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Steph Nissen, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

452 Prayers

The meeting was opened with prayers from the Reverend Dr Amanda Elmes.

453 Attendance and Apologies

Apologies were received from Councillor Coleman.

Councillors Cope, Warnes and Whitehead attended remotely and did not take part in any votes held in the course of the meeting.

454 Alderman Holt - One Minute's Silence

The Mayor invited Council to stand for a minute's silence in memory of Alderman Holt. Alderman Holt had served on Council for 18 years. He had served as Mayor in the 1978-79 municipal year and was appointed as an Alderman in 2008.

455 Have Your Say! (Hybrid meetings)

Alan Short addressed Council pursuant to the provisions of Council Procedure Rule 6(1). One of the key conditions imposed on the Alumno development at appeal was condition 15 which concerned the ramp to give disabled access from Priory Street. The Planning Committee had rejected a number of proposals put forward for the ramp. Planning officers had subsequently approved a scheme under delegated powers rather than referring the matter back to the Planning Committee. The scheme met the slope standard of the relevant British Standards but was still inherently unsafe as there was a blind corner and inadequate spaces to pass. It had been approved on 6 May 2021, when borough elections were taking place. Given the levels of public objection, the scheme for the ramp should not have been determined in this way, and if there was a subsequent serious accident, it would be the responsibility of those who took that decision.

The Mayor thanked Mr Short for his comments and for bringing the matter to the attention of Council.

The following written question from Catherine Spindler was read to Council:-

"With the increase of cycle lanes and promotion to cycle and following on from the previous Liberal Democrat led administration who committed to utilise empty shop premises in town to use as a secure cycle lockup facility, can you please advise what progress has been made to provide this much needed facility?"

Councillor Crow, Portfolio Holder for Environment and Sustainability, explained that he had pushing for such a facility to help reduce the number of bike thefts in the town centre. A secure cycle store would be opened shortly in Portal Place, once planning permission had been secured.

The following written question from Michael Spindler was read to Council:-

"Like many other residents living near Middlewick, I am delighted that the proposal initially proposed by Sir Bob Russell whom I have been delighted to meet and support with his proposals to protect the Middlewick from Abbotts Road to the hedging and direct building away from this area of significant beauty. Can you please reassure all of us living in this area that you will deliver on your promise to create a nature reserve/park at the Abbotts Road frontage to the hedging and liaise with Essex Wildlife Trust and the

Woodland Trust to ensure protection now and for future generations?”

Councillor Ellis, Portfolio Holder for Housing and Planning, explained that the Conservative Group had not voted to include Middlewick in the Local Plan. The site had a designated wildlife site within it, was a priority habitat with European protected species, was one of last remaining examples of lowland acid grassland and a valued and much used green space. All avenues to create a country park or nature reserve were being explored. The Council was awaiting a letter from the Planning Inspector on Section 2 of the Local Plan which would confirm whether or not it was included in the Local Plan, and that would impact on the options available. The Council would work with the well organised and informed local community to achieve the best possible outcome.

456 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 26 May 2021 be confirmed as a correct record.

457 Mayor's Announcements

The Mayor made the following announcements:-

- He had attended the presentation of new colours to 1st, 2nd and 3rd battalions of the Parachute Regiment at Merville barracks;
- The Opening of the Oyster Fishery would take place on 3 September 2021;
- His Civic Service would take place on 28 September 2022 at Peldon Church;
- He would be hosting a charity Garden Party at his home on 24 July 2021.

458 Financial Regulations 2022-23

RESOLVED that the recommendation contained in draft minute 260 of the Governance and Audit Committee meeting of 22 June 2021 be approved and adopted.

459 Suspension of Procedure Rule 11(2)

Councillor Fox moved that Council Procedure Rule 11(2) be suspended to allow the motion on Unlocking the Potential of Colchester's High Street and Town Centre to be debated and determined at the meeting.

On being put to the vote the motion was LOST (NINETEEN voted FOR, TWENTY FOUR voted AGAINST and THREE ABSTAINED from votin..g).

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2). the voting was as follows:-

FOR: Councillors Barton, Burrows, Chuah, Cory, Cox, Fox, Goacher, Goss, Harris, Hogg, King, Lilley, Luxford Vaughan, McCarthy, Nissen, Pearson, Scordis, Scott-Boutell and J. Young.

AGAINST: Councillors Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Ellis, Hagon, Hayter, Hazell, Jowers, Leatherdale, Lissimore, Loveland, Maclean, Mannion, Moore, B. Oxford, G. Oxford, P. Oxford, Tate, Willetts and Wood.

ABSTAINED FROM VOTING: Councillor Laws, the Mayor (Councillor Davidson) and the Deputy Mayor (Councillor T. Young).

460 Unlocking the Potential of Colchester's High Street and Town Centre

Pursuant to the provisions of Council Procedure rule 11(2) the following motion stood referred direct to Cabinet as it related to an executive function:

Proposer:- Councillor Fox and Councillor Goss

This Council believes that healthy high streets are essential for community cohesion, civic pride, employment, shopping, services and leisure. But many shops and businesses were struggling even before the Covid pandemic: high street retail employment fell in more than three-quarters of local authorities between 2015 and 2018 according to the Office of National Statistics and more than half of all UK consumers were shopping online before the pandemic. Colchester's Town Centre has fared better than many High Streets across the country but has lost many shops that were valued by

residents and visitors alike.

This Council notes that retail is among the sectors most affected by the coronavirus pandemic, and retail workers have been on the frontline of the crisis throughout. The almost complete shutdown of non-essential shops between March and June 2020 has hit businesses hard, and the need for social distancing has changed the way many businesses operate, reducing footfall. The pandemic has accelerated what, in many cases, has been a longer trend of lower footfall and changing shopping habits. As the Portas Review a decade ago acknowledged, the form and function of many high streets needs to radically change if they are to adapt and survive.

This Council welcomes the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, the Covid support business loans, and the High Street Taskforce. However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on “bricks and mortar” businesses compared to online ones, and the Business Rate system needs radical overhaul. This council also welcomes the Town Deal funding secured by a range of partners to deliver £18.2million of investment in Colchester.

This Council resolves to:

- Write to the Government to urge them to undertake an urgent review of business rates in order to support high street businesses recover from the pandemic and level the playing field between online and high street businesses, to make it fair and sustainable for all.*
- Explore the creation of Community Improvement Districts to reconnect communities with the levers that drive economic development in town centres and create an equal partnership of business and community organisations to galvanise action at a local level.*
- Make any data held by the council on ownership of high street properties public and in an accessible format, so that community groups seeking to buy empty shops through a community share offer have the information they need to do so.*
- Make full use of s215 planning enforcement powers where empty units are attracting antisocial behaviour or creating an eyesore on the high street.*
- Proactively contact landlords of vacant premises, working with the Colchester Business Improvement District, to explore meanwhile use options and/or encourage alternative rental models (e.g. turnover rather than market rent) to enable new co-operatives, SMEs, social enterprises and community businesses to open their doors on the high street.*

461 The Queen's Platinum Jubilee

It was proposed by Councillor Crow that:-

As Britain's first city Colchester has a unique past and heritage which has played an important role in this country's history. In addition we have enjoyed many proud years as a garrison town playing host to the British army. Therefore this Council is delighted that next year we will be joining the nation to celebrate Her Majesty the Queen's Platinum Jubilee to mark her 70 years on the throne of this great nation.

On being put to the vote the motion was approved and adopted (UNANIMOUS).

462 The England Football Team

The Mayor indicated that he had allowed the submission of a motion on the England Football Team as an urgent item.

It was proposed by Councillor Scordis that:-

This Borough sends its thanks to the England team for bringing hope and unity to the Borough during Euro 2020 in what has been a tough year for everyone.

We recognise not only the achievement of the team performing better than any other England football team since 1966, but we also recognise the professionalism and inclusivity of this squad of players, many of whom have shown their dedication to Britain via their charity work. Their actions, on and off the pitch, have inspired millions across the country.

The Borough also stands by those players facing abuse and discrimination and condemns any form of racism. Colchester is a town known historically for its inclusivity and diversity and we are proud of this.

Councillor Scordis proposed an alteration to the motion to add the word "male" before the words "England Football Team" in the first sentence of the second paragraph and Council indicated its acceptance of this alteration.

On being put to the vote the motion was approved and adopted (UNANIMOUS).

463 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

Questioner	Subject	Response
Pre-notified questions		
Councillor J. Young	<p>The safety of young women in our town has to be one of our highest priorities, I applaud the additional investment in safer streets work and investment can't come soon enough.</p> <p>However, while public money is being invested in more surveillance and lighting it would appear that our most prestigious school has been rated as requiring improvement largely it seems down to a culture of "boys will be boys" encouraging boys and young men to have an entitled attitude and turning a blind eye towards rape culture. I am sure the news that has come from Scarlett Mansfield and Ofsted has shocked us all. I ask the Leader of the Council to write to the Head Teacher expressing our concern over this matter. In addition, I ask the Leader of the Council to consider the roles and opportunities in this authority and the scope for allowing greater power for women members. I remember the Town Deal announcement: 5 Men</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, welcomed the investment in safer streets and the priority on the safety of women. He was working with the Police and Crime Commissioner to secure additional investment for Colchester. He indicated that he would write to the Head Teacher to express Council's concerns. The School needed to take swift action, and the Council needed to ensure they did. He also shared concerns that Council was not representative of Colchester. However, it was difficult to identify solutions to attract more female candidates. It was important Councillors treated each other with respect and moderated any personal criticism. The criticisms of the members of Tendring Colchester Border Garden Community were noted but the opposition had also appointed a male as their representative. The importance of promoting</p>

	<p>featured.I note that the biggest project this authority is about to deliver,the Tendring Colchester Borders Garden Community, will once again have a board of stale, male and pale representatives . Entitlement starts at a young age: we must do all we can to level the playing field and promote gender equality by offering roles to women to act as role models to our daughters and granddaughters.</p>	<p>role models was appreciated and he was willing to work with others to achieve that.</p>
<p>Councillor Harris</p>	<p>Could I ask about what Colchester Borough Council is going to do about electric plug-in points for electric vehicles in public places and can Colchester Borough Council amend planning policy to ensure that plug in points are included in all settings?</p> <p>Could the Cabinet work with the Communications Team to promote the work on Electric Vehicle Charging Points?</p>	<p>Councillor Ellis, Portfolio Holder for Housing and Planning explained that an Electric Vehicle Charging Strategy was being prepared and would align with Essex County Council's work in this area. Electric Vehicle Charing Points were included in all major capital projects involving refurbishment or redevelopment by the Council. There were also aims to secure funding to deliver charging points to a number of the Council's car parks.</p> <p>In terms of Planning Policy there were several references in the emerging Local Plan, and full details would be sent. It was an issue that the Council was working towards, even if</p>

		had not moved as quickly as some neighbouring authorities. He was happy to encourage the promotion of the work on charging points.
Councillor Harris	<p>The investment in Colchester via Active Travel Fund is to be welcomed. Would the Leader of the Council agree with me that removing Monkwick from the original plan was a missed opportunity to play a real and meaningful part in climate change in South Colchester? The ward Councillors for Monkwick were ready to play an active part and support the scheme.</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy explained that the shortfall in the Town Deal award had meant that only one of the Liveable Neighbourhoods schemes could proceed. This would be the scheme in Greenstead which was part of the wider Heart of Greenstead scheme. However, this would act as pilot for the other schemes, which remained part of the Town Deal, and would be implemented as and when future funding became available.</p>
Councillor Cox	<p>The Government has recently published proposals to reform the planning system. One aspect that has raised particular concern is the proposal to remove local residents' right to object to individual planning applications in their own neighbourhood if the area is zoned for growth or renewal.</p> <p>As Portfolio Holder for Planning, what are your views on this proposed</p>	<p>Councillor Ellis, Portfolio Holder for Housing and Planning explained that he had been a member of the Local Plan Committee that had helped formulate the Council's response to the government's proposals. The response expressed concern that the White Paper did not provide new opportunities for communities or individuals to participate in the planning system and appeared to reduce</p>

	<p>reform? Do you feel that the rights of communities to object to individual planning applications should be protected?</p> <p>Did the Portfolio Holder believe that Liveable Neighbourhoods could be created through consultation, as well as schemes such as the Town Deal?</p>	<p>opportunities for public engagement and involvement. The proposals were not supported on that basis, and the rights of communities to object or support individual planning applications should be supported. There were also concerns about zoning.</p> <p>He believed that Liveable Neighbourhoods could be created through consultation and was supportive of the concept of Neighbourhood Planning.</p>
Councillor Lilley	<p>Can the Portfolio Holder for Communities please tell me how she is planning to deal with grooming of children into drug gangs in Colchester now she and her Cabinet members have scrapped the Youth Zone which was one of the best chances to tackle this and has the support of Essex Police and the Police Commissioner and his deputy.</p>	<p>Councillor B. Oxford, Portfolio Holder for Communities stressed that the decision on the Youth Zone had not been taken by Cabinet. It had been put on hold by the Town Deal Board. The previous administration had not allocated capital or revenue expenditure for the Youth Zone and no suitable location had been found.</p> <p>Considerable work was being done to tackle the grooming of children into gangs such as school visits by the Community Policing Team and multi-agency</p>

		<p>child case conferences. Statutory and non-statutory agencies worked with the police to protect vulnerable children and due to their work a number of lines had been broken up. Other initiatives aimed at raising awareness and educating children and other groups who came into contact with children, such as taxi drivers, were also undertaken</p>
Councillor Lilley	<p>How many hours have Zone Wardens worked in the Town Centre in Partnership with Colchester Police in dealing with begging and drinking in public in the last month? Could more Zone Warden resource be targeted at illegal and anti-social behaviour in and around the Castle Park.</p>	<p>Councillor B. Oxford, Portfolio Holder for Communities, responded:</p> <ul style="list-style-type: none"> • 30 hours of joint patrols have taken place specifically with the Council's street wardens and police. • 18 hours on joint operation and nights of action. • The Council had also led on enforcement action on street drinking and cycling. • 4 hours on Town Centre Action Plan meetings. • The Covid Marshals patrolled for nearly 600 hours across the Borough, 260 in the town centre. • Operation Luscombe was a partnership initiative that continued to support those rough sleeping and tackle associated anti-social behaviour.

Councillor Lilley	Now the Mipermit app has been launched, since I introduced the idea, what work has been done to sign all the shops in town up to it.	Councillor Crow, Portfolio Holder for Environment and Sustainability explained that the scheme was being piloted for 6 months with 9 businesses. The project would be monitored at three stages to guide the final roll out, which would be supported the BID. The Council was working jointly with the BID to encourage shops to join the scheme.
Councillor T. Young	The overall turnout at this year's Borough Council Elections was under 34%. This ranged from under 20% in Greenstead ward to 43% in Lexden and Braiswick. Would the Leader of the Council agree with me that, given these disappointing statistics, we, as a council and political groups, need to do more to encourage voter turnout and lobby the government, through our MPs, to drops its plans for compulsory photo ID at polling stations which will only serve to suppress voter turnout and is pointless legislation to address a problem that doesn't exist?	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, responded and explained that low turnout in local elections was a concern all Councillors shared but it was not new. Whilst it was incumbent on political groups to try and improve turnout, he did not consider that the proposals for voter ID would have a significant impact on turnout. Nearly every other European country required some form of identification at polling stations and had higher levels of turnout than the UK. The key issue was to increase confidence in the system and to ensure that any system of voter ID was properly implemented.</p> <p>The Government had made a commitment to</p>

		provide resources for local government to support voter ID. The proposals included a wide range of ID documents, including some that had expired. If it was communicated well and implemented properly it should not cause a major problem
Oral questions		
Councillor Hogg	Last municipal year a request for a CCTV camera for the play area to the rear of the Oak Tree Centre had been made but it had not been approved due to funding and logistical reasons. Following a serious incident at the site, would the Portfolio Holder work with him and the team at the Oak Tree Centre to overcome the funding and logistical difficulties.	Councillor B. Oxford, Portfolio Holder for Communities indicated that she would be willing to provide whatever help she could.
Councillor Barton	Could the Leader of the Council explain what the transformational plans for the Townhouse, as she felt it was no longer fit for purpose and the funding should have been allocated to support the provision of the Youth Zone.	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that a written response would be sent on the details of the Townhouse. The funding allocated for the Townhouse was only a small proportion of that needed for the Youth Zone.</p> <p>He had been impressed by the concept and the organisation behind the</p>

		<p>Youth Zone and was committed to the idea, but it may involve compromises on other priorities and projects. It would need a cross party approach and also a serious conversation with the residents of the borough.</p>
Councillor Pearson	<p>Could the Leader of the Council confirm when the review of the waste service would start and finish and confirm the remit of the review?</p>	<p>Councillor Crow, Portfolio Holder for Environment and Sustainability, confirmed that the review would start and finish as soon as possible.</p>
Councillor King	<p>Could the Portfolio Holder for Resources confirm that the Cabinet had looked at the impact of the reinstatement of Locality Budgets on the overall in year deficit, given that it was the one saving that Councillors had been able to put forward to help deal with the financial challenge faced by the Council and given that the Council was having to make staff redundant.</p>	<p>Councillor Lissimore, Portfolio Holder for Resources, responded to explain that Locality Budgets were the quickest and simplest way to get funding to organisations who were in real need of it. Post Covid there was an increased need for funding within communities. £6000 within a ward was a significant amount. It was not accepted that reinstating the locality budgets would lead to redundancies.</p>

Councillor King	<p>Could the Portfolio Holder for Resources clarify Youth Zone funding, as the previous administration had allocated £1.5 million in capital funding and £400,000 per annum in revenue funding to the project.</p> <p>Did the Town Deal Board receive any data or analysis on the outcomes he respective investments in youth provision would provide?</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy indicated that he would find out whether the Board had received the information specified.</p> <p>The Medium Term Financial Forecast still included £400 000 per annum for the Youth Zone, but there was also already a budget gap of £1.6m. This needed to be reduced to zero in due course, so if the Youth Zone provision remained, another service or project would be impacted. Whilst Onside's projection was that the cost to local authority of Youth Zone was £440,000 this did not include capital repayments. In addition, allowance needed to be made for inflation. Sponsors and external funders generally contributed over periods of 2-4 years and so there was the possibility of needing to cover gaps in external funding.</p>
Councillor Fox	Was it appropriate that visitors to Leisure World would not have to follow social distancing or wear masks, given the rising rates of Covid 19 locally? Would removing restrictions encourage or discourage	Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that that he considered this was an operational matter for the managers of the service,

	users to attend leisure facilities? Given the Council's duty of care to staff, should the same standards be applied across all Council buildings?	and he trusted their judgement on the issue.
Councillor Fox	Could the Portfolio Holder for Business, Economy and Heritage provide an update on the suggestion by the Local Plan Committee that the Cabinet explore the purchase of the ABRO site?	Councillor Laws, Portfolio Holder for Business, Economy and Heritage responded and explained that he appreciated the importance of the site. A Joint Management Plan for the Roman Circus was now in place. A detailed update would be provided following the meeting.
Councillor Scott-Boutell	An apprenticeship post in the Planning Service was being advertised, for a period of 21 months and with no guarantee of a post at the end of the apprenticeship. Could the Portfolio Holder for Resources confirm when and why a decision was taken to move away from paying all staff the national living wage, and would she agree that this was not a proper apprenticeship given the period of service, the lack of study time and that there was no guarantee of employment at the conclusion of the apprenticeship?	Councillor Lissimore, Portfolio Holder for Resources, indicated she would look into the matter and provide a written response. However, it was not standard practice for apprenticeships to come with a guarantee of employment at the end of the apprenticeship.
Councillor Scott-Boutell	Could the Leader of the Council explain why the Conservative Party manifesto was on the	Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy indicated that he was not aware of

	Council's Sharepoint site with links to the Council's website?	this. The Mayor indicated a written response would be provided by officers.
Councillor Willetts	Would the Leader of the Council make a commitment that if in future an executive decision on procurement was to be made that was contrary to the Council's climate emergency declaration, Council would be consulted before the decision was taken.	Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated he was happy to make that commitment.
Councillor Scordis	Could the Portfolio Holder for Communities explain what plans were in place to improve the service provided by the Neighbourhoods Teams?	Councillor B. Oxford, Portfolio Holder for Communities indicated that she raise the matter with the service and a written answer would be given.
Councillor Goacher	Can the Portfolio Holder for Housing and Planning shed any light on the allegations made in the Observer newspaper on Sunday regarding Middlewick Ranges? Are the allegations of a bespoke metric being agreed in order to get round environmental rules true? Is the insinuation that Colchester Council colluded in this true? If so who is the 'CBC Ecologist' who agreed to this metric as to my knowledge the Council does not have an Ecologist?	<p>Councillor Ellis, Portfolio Holder for Housing and Planning, indicated a full written response would be sent and circulated to all Councillors.</p> <p>Colchester did not employ an ecologist. The Council had commissioned ECOS, who were the ecological consultancy arm of Essex Wildlife trust, to work with DIO on a metric for Middlewick. The metric had been altered to make the hurdle higher.</p>

RESOLVED that the Schedule of Portfolio Holder decisions covering the period 9 February 2021 to 3 July 2021 be noted.

Extract from the draft minutes of the Cabinet meeting of 13 October 2021

598. Colchester's Bid for City Status

The Assistant Director Place and Client Services submitted a report a copy of which had been circulated to each Member.

Councillor Laws introduced the report to explain that this was the fifth time that Colchester had applied for City Status, and it had narrowly missed out in 2012. Colchester had historically been recognised as a city. Its Roman name meant City of the Victorious, and it was listed as one of 12 cities in the Domesday Book. It had many of the assets that were indicative of a city, such as a University, significant arts and cultural organisations, major tourist and heritage attractions. Whilst many of the benefits of City Status were intangible, it was a recognition of Colchester's values of being open to business, open to the future and open to diversity and tolerance. It could put Colchester on the international tourist map. There would be great business benefits and make Colchester more attractive to large and medium sized business and government departments looking to relocate. It was well supported by the Colchester MPs and partner organisations. It would give Colchester the status it deserved.

Councillor Fox attended and with the consent of the Chair addressed the Cabinet indicated his support for the bid for City Status, but to stress the need for wider public engagement. It was important that the bid enjoyed support beyond the "great and the good" and key stakeholders, and he did not consider enough had been done to win this support since he last addressed Cabinet on this issue. One possible way to engage and gain this support would be to set up an online petition which local residents could sign to demonstrate their support for the bid.

Councillor Laws accept that more could have been done, but there were both budgetary and time constraints. However he was happy to look at what more could be done to secure engagement. As the bid would be referred to Full Council to endorse, all Councillors would have an opportunity to demonstrate their communities' support for the bid.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet to seek clarity on the area that would be served by City Status, should the bid be successful. There was no clear definition of where the boundaries of the town of Colchester were. It was understood that the bid presented considerable opportunities for the town centre. However the outlying villages such as Aldham and Fordham were only loosely connected to Colchester and residents rarely visited. These communities felt that the old Lexden and Winstree Rural Council had better understood their needs. The Town Deal had identified Colchester town as the central areas where there was significant deprivation. Many of the villages were considerably less enthusiastic about the prospect of City Status, and the Portfolio

Holder should consider the area to be considered as a city should the bid be successful.

Councillor Laws explained that he would consider the comments with officers working on the bid and look at how the engagement process could seek to address these issues. The concerns raised could also be addressed through the use of appropriate signage to reflect how people felt about their communities.

Councillor G. Oxford attended and with the consent of the Chair addressed the Cabinet in support of the bid for City Status which would give Colchester the status it deserved and had held historically.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. Whilst he was open to persuasion, he did not currently support the bid for City Status, He felt that the residents he represented were comfortable with the identity of Colchester as a town. City Status would not help address the issues that Colchester faced, would not result in extra powers or opportunities and was not prestigious of itself.

Councillor Laws explained that he recognised that some residents had doubts or were ambivalent. But he felt that there were clear benefits to being a city although it was appreciated that many of the benefits were intangible.

RESOLVED that:-

- (a) The process to deliver Colchester's bid for City Status, the plan for engagement and the timescale required be noted.
- (b) Authority to agree the final wording of Colchester's application for City Status be delegated to the Portfolio Holder for Economy, Business and Heritage.

RECOMMENDED TO COUNCIL that it endorses and supports Colchester's bid for City Status.

REASONS

City status will enhance Colchester's image and reputation and provide support for a more confident recovery from the economic impact of the pandemic. However, there is a strict deadline for submission of the bid and there is an opportunity to engage with a variety of groups and individuals to seek their support, both for the bid and for the key messages about Colchester it contains.

ALTERNATIVE OPTIONS

City status is an honour conferred by Her Majesty the Queen. In the last 20 years there have been four opportunities to apply: the Millennium, 2002 Queen's Golden Jubilee, the 2012 Queen's Diamond Jubilee and next year Her Majesty will confer City Status to celebrate her Platinum Jubilee. There are no alternative options.

Extract from the draft minutes of the Cabinet meeting of 13 October 2021

599. Budget 2022-23 and Medium Term Financial Forecast

The Assistant Director, Corporate and Improvement Services submitted a report a copy of which had been circulated to each Member, together with the draft recommendation from the Scrutiny Panel meeting of 12 October 2021. Councillor Lissimore, Portfolio Holder for Resources, introduced the report and thanked officers for their work on the budget and medium term financial forecast (MTFF).

The Monitoring Officer read the following statement from Councillor Cory, Chair of the Scrutiny Panel.

“It was discussed at length by Scrutiny Panel, with the following outcome agreed by all. That Scrutiny sets up a sub group to discuss the funding of a Youth Zone.

We need to continue to discuss this issue, in-line with the recommendations agreed by Scrutiny and Cabinet at its meeting on September 1st - that members are included in the discussions over the £400K funding for the Youth Zone, including at Budget Workshops. I strongly believe that since agreeing this recommendation, members have had little chance to progress the discussions.

Previously the Leader and this Cabinet and supported a Youth Zone in principle and said that the political will was there. Cllr Lissimore promised last night to continue to work with members to find ways to fund the Youth Zone and better youth services if viable suggestions are put forward. I welcome this”.

Councillor Lissimore indicated that it was proposed to agree the recommendation from the Scrutiny Panel, but with the text amended to clarify what was agreed at the Scrutiny Panel. It was important to note that there were crucial issues still to be resolved: the capital funding for the build of the Youth Zone, the revenue funding to support and the location for the Youth Zone. It was hoped that the Sub-Group could look at these issues and provide a solution on which there was agreement and which could allow for a balanced budget. The proposed amended wording was:-

RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside’s criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.

Councillor Pearson attended and with the consent of the Chair addressed Cabinet to

raise the following issues:-

- At paragraph 7 of the report the main inflationary pressure was identified as pay. Why were energy and fuel costs not also identified as key inflationary pressures?
- Could further clarification be given to the meaning of paragraph 10.1 and what this meant in terms of actual increases to fees and charges?
- Could details of the extensive modelling referred to in paragraph 13.1 be circulated all Councillors.
- Could information about the comparator Councils referred to in paragraph 14.1 be provided.

Councillor Lissimore indicated that a written response would be sent that would be copied to all Councillors.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet in respect of the Scrutiny Panel's recommendation to Cabinet. The Panel's view had been that whilst youth services was a County Council responsibility, there was a cross party support amongst back bench Councillors for accelerating the provision of a Youth Zone and that there should be some acknowledgement of this in the budget. The Chief Executive had confirmed the Council could proceed using its general powers of competence. Therefore the priority of the Youth Zone needed to be raised in the budget setting process, and another spending allocation also needed to lose priority to provide for this. This needed to be done quickly in view of where the Council was in the budget setting process. No progress had been made at the Budget Workshop. The Scrutiny Panel recommendation put the onus on members to find a solution quickly.

Councillor Lissimore responded to stress that the costs were likely to increase over the course of the project, and that the Council's responsibility could increase if there was a shortfall in funding from partners. The advice of the Section 151 officer was that the funding for the Youth Zone should be removed from the MTFF, and the Council had a duty to set a balanced budget.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. As the Deputy to the Executive Member for Youth Services at Essex County Council, he was working with Colchester Borough Council to explore how to best invest in youth services, particularly the funding received through the Town Deal. There would be considerable investment in the Town House, which would transform it. He would share the County Council's position on the Youth Zone with members. It was felt a local delivery model with services in communities was most appropriate. A Youth Zone could be difficult to access for rural communities. It was noted that in Barking the Youth Zone was the only youth service provided.

Councillor Laws highlighted the proposal that funding for the major arts organisations be allocated on a four yearly basis, which would be enormously helpful to them in budgeting terms and in attracting external funding.

RESOLVED that:-

- (a) The transformation savings set out in Section 6 and Appendix A of the Assistant Director's report be approved.
- (b) That Locality Budgets be increased to £2,000 per Councillor from 2022/23 onwards as set out in Section 8 of the Assistant Director's report.
- (c) That Arts Partners are funded at current levels in 2022/23 and from 2023-24 onwards as set out in Section 9 of the Assistant Director's report.
- (d) The updated Medium Term Financial Forecast 2022/23 to 2025/26 set out in Section 11 of the Assistant Director's report be noted.
- (e) The updated Medium Term Financial Forecast assumptions 2022/23 to 2025/26 set out in Appendix B of the Assistant Director's report be noted.
- (f) The Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources be authorised to submit National Non-Domestic Rates Return 1 to the Department of Levelling Up, Housing and Communities and determine the Council's continuing membership of the Essex Business Rates Pool.
- (g) The Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the reserves to be used in 2021/22 and 2022/23 to fulfil the requirements to meet Covid costs set out in Section 16 of the Assistant Director's report.
- (h) That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the 2022/23 tax base and notify preceptors in accordance with the statutory timetable.
- (i) That the recommendation from the Scrutiny Panel on 12 October 2021 be approved subject to being amended as below:-

RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside's criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.

RECOMMENDED TO COUNCIL that Colchester Borough Council becomes an opted in authority to Public Sector Audit Appointments for 2023/24 audit appointments as set out in Section 20 of the Assistant Director's report.

REASONS

To balance the 2022/23 budget and revise the Medium Term Financial Forecast.

ALTERNATIVE OPTIONS

The Council is obliged to balance its budget on an annual basis. There are no alternatives.

Extract from the draft minutes of the Cabinet meeting of 13 October 2021

600. Year End Review of Risk Management

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

RESOLVED that:-

- (a) The Council's progress and performance in managing risk during the period from April 2020 to March 2021 be noted.
- (b) The current Strategic Risk Register be noted.
- (c) The proposed Risk Management Strategy for 2021/22 be approved and *RECOMMENDED TO COUNCIL* that it be included in the Council's Policy Framework.

REASONS

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 27 July 2021, where they approved its referral to Cabinet.

As part of the Policy Framework, any changes and reviews of the Strategy need to be approved by Cabinet and ratified by Full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed to Cabinet.

Extract from the draft minutes of the Governance and Audit Committee meeting of 7 September 2021

276. Review of the Council's Processing of Special Category and Criminal Convictions Personal Data Policy

Nicola Cooke, Information Services Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee were advised that Colchester Borough Council (the Council) had a need as a local authority to have a policy that covered the processing of the Council's Special Category and Criminal Convictions Data, and this Policy was a requirement of the Data Protection Act 2018. The proposed Policy covered additional information which was processed under certain circumstances, and covered the distinction between personal data, special category data and criminal convictions information. There were only a limited number of areas of the Council which processed this kind of data routinely, however, there was a requirement to implement measures to ensure the safety of personal data. The proposed Policy was a new Policy which the Committee were asked to read, review and approve for inclusion in the Council's Policy Framework.

Councillor Willetts praised the clarity of the proposed Policy, and expressed surprise that the information classed as special category data was not already covered by the Council's procedures which had been designed to provide comprehensive protection to personal data. He enquired whether there was, in reality, a real change in what the Council had to do to, to meet the requirements of the legislation in respect of special category data.

Nicole Cooke confirmed that the Council's processes and procedures were already in line with the requirements of the legislation, however, when the legislation had been introduced there had been significant ambiguity as to whether existing data protection policies would cover the processing of special category data. The Council had initially included special category and criminal conviction data within its original Data Protection Policy, however guidance now issued by the Information Commissioners Office stated that two separate policies were required. The Committee were assured that all the correct processes and procedures were being followed, and had always been followed, with regard to the legislative requirements of processing special category data, and appropriate controls were in place. It was confirmed to the Committee that existing information technology that was used was already compliant with the requirements of the Policy, and a data protection impact assessment was carried out when a new computing system was introduced to ensure that the required safeguards remained in place. In addition to this, as part of the Council's procurement process, suppliers were now being asked what measures

they put in place to ensure that data was secured, particularly in cloud based systems.

Councillor Bentley voiced his support for the proposed Policy, and considered that its implementation was necessary and appropriate.

RESOLVED that the Processing of Special Category and Criminal Convictions Personal Data Policy be adopted and *RECOMMENDED TO COUNCIL* that it be included in the Council's Policy Framework.

Extract from the minutes of the Licensing Committee meeting of 21 July 2021

134. Licensed Vehicles – Statutory Standards/Outcome of Consultation

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee heard that in July 2020, the Department for Transport had issued new statutory standards for Taxi and Private Hire vehicles. As a result of this, amendments had been made to Colchester Borough Council's (the Council) Hackney Carriage and Private Hire Licensing Policy to ensure that the new statutory standards had been met. The revised Policy had been circulated for public consultation, and the Committee were now asked to consider the responses received in relation to this consultation.

The Committee were advised that few changes had been required to the Council's Policy as it had already included most of the new statutory requirements, however, some additions had been made to the Policy including the requirement for Disclosure and Barring Service (DBS) checks for additional vehicle proprietors, which had been the subject of a number of the consultation responses which had been received. The opportunity had been taken to update some areas of the Policy to make them clearer, including the penalty points system which was applied to licensed drivers. The reference to issuing a one year probationary hackney carriage and private hire driver's licence had also been removed from the Policy as the issue of such a licence was no longer allowed. The Committee was advised that if the statutory standards were not incorporated into the Policy, then an exceptional reason for not adopting these would have to be provided.

The consultation in respect of the proposed revised Policy had yielded three representations, the first of which raised concerns about licensed drivers working very long hours through the night. The Committee heard that working hours were not within the jurisdiction of the Council, and licensed drivers were largely self-employed and therefore responsible for managing their own working hours. A representation had also been received in relation to the costs associated with obtaining a DBS certificate, however, these costs were outside the Council's control and incurring them would be a necessary part of obtaining a licence. The final consultation response that had been received was in relation to the requirement for second proprietors listed on a vehicle licence to be required to obtain a DBS certificate. The Committee were advised that the licence plate issued to vehicles would always remain the property of the Council, however, the law was silent on the practice of a second proprietor declaring an interest in the vehicle plate or licence. This therefore meant that anyone wishing to register an interest as a second proprietor would have to be treated in the same way as the vehicle proprietor, and be held to similar

standards. Concern had also been raised over the requirement to obtain medical certificates, however, the requirement for these certificates was in line with current Government and Driver and Vehicle Licensing Agency (DVLA) guidance. Such certificates could be obtained from specialist medical practitioners for approximately half the cost of obtaining one from a General Practitioner, and both new applicants and existing licence holders were advised of this.

Councillor Buston noted that some of the concerns that had been raised were to be expected, however, he pointed out that if second proprietors of licences wished to enjoy the benefits that were inferred by this then they also had to meet the relevant licensing requirements. With regard to the costs associated with obtaining medical certification, he was pleased to note the arrangement that the Council had which allowed for cheaper certificates to be obtained, and he expressed his clear opinion that the costs associated with medical certificates and DBS checks were requirements of obtaining a licence and were non-negotiable, stating that the majority of professions required the payment of fees of some kind. Councillor Buston made reference to the fact that no members of public were present at the meeting to speak in person to the proposed Policy, and he suggested that this may be taken as an indicator of general support for it. Councillor Buston himself was firmly in favour of approving the suggested changes.

Councillor Harris had considered the standards issued by the Department for Transport and stated that these had been proposed for good reason, and he felt that that they should be adopted by the Council. Councillor Harris considered that when issuing a licence to a driver, it was extremely important to ask whether you would be happy if a loved one was to be carried by that driver. He considered that the policies adopted by the Council were sound and he could not think of a single good reason not to follow the recommendations that had been made.

In response to an enquiry from the Committee, Jon Ruder explained that there was a requirement for licensed drivers to notify the Council within forty eight hours of any conviction received, and it was possible for drivers to sign up for the Update Service provided by the Disclosure and Barring Service which provided notifications when convictions had been received. He pointed out, however, that the DBS certificate was never sent direct to the Council, but was only sent to the driver or applicant who were then required to provide a copy of the certificate to the Council as part of the licensing process.

Councillor Buston suggested that the obligation to report a conviction within forty eight hours was made plain in the Policy so that all drivers were aware of this and it formed an effective safety measure. Jon Ruder confirmed that the obligation was clearly stated within both the Convictions and Penalty Points elements of the Policy.

Councillor Young noted that the requirement for providing a DBS certificate had changed from every three years to every six months with the added costs that would be placed on licensed drivers as a result of this, and he sought an explanation of the rationale behind the change. Jon Ruder explained that the change was recommended as part of the Department for Transport guidance and was a reaction to the number of high profile child sexual exploitation cases that had been linked with the hackney carriage and private hire trade in areas such as Rotherham, Rochdale and Oxford. The Committee were advised that use of the Update Service meant that an annual fee would be charged, as opposed to the need to pay for each certificate obtained.

Councillor Hogg made reference to the concerns that had been raised as part of the consultation process in respect of the elderly second proprietor who had been mentioned. He wondered whether it was possible for individuals to have obtained legal advice from a national body representing the hackney carriage and private hire trade? Jon Ruder advised the Committee that the consultation in respect of the new statutory standards had been carried out across the country with the taxi trade, and all Councils had been involved in this. The Committee heard that the proposed standards had been widely publicised in trade magazines such as Taxi and Private Hire Monthly magazine. The Committee were reminded that the Policy had to ensure that everyone involved in the trade met the 'fit and proper person' test, irrespective of their age.

Councillor Barber considered that the proposed Policy was concerned with ensuring that members of the public were safeguarded, and offered his support for this. He also noted the low level of consultation responses that had been received from the hackney carriage and private hire trade, which suggested to him that the trade was also happy with the proposed Policy.

In response to a question from the Committee, Jon Ruder explained that no consideration had been given in the policy to self driving vehicles, as autonomous vehicles were still the subject of testing and were not approved for use on the roads yet. The Committee were reminded that the Policy document was reviewed approximately every six months, and any relevant changes or developments would be presented to the Committee as part of this review process. The Committee were advised that in addition to requiring DBS certificates, the Council took part in a national database organised by the Local Government Association called the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) which allowed Council's to share information which would not be picked up on a DBS certificate and which therefore added another level of protection to the public.

In response to a question from Councillor Buston, the Committee were advised that work was ongoing with respect to the introduction of closed circuit television cameras (CCTV) into licensed vehicles, and progress would be reported to the Committee as

it was available.

RESOLVED That the Council's Hackney Carriage and Private Hire Licensing Policy be approved and recommended to full Council for adoption.

Extract from the minutes of the Scrutiny Panel meeting of 20 July 2021

308. Annual Scrutiny Report

The Panel considered a report setting out a review of the work of the Panel in 2020-21, for submission to Full Council. Richard Block, Assistant Director for Corporate and Improvement Services, introduced the report. The Panel had had a very busy year focusing on the response to Covid and the subsequent recovery. There had been a notable increase in the number of recommendations made to Cabinet.

The Panel commended the report, which it considered was very well written. The Panel thanked the previous Chair and members of the Panel, and the officers who supported the Panel for their respective contributions.

RECOMMENDED to COUNCIL that the Annual Scrutiny report 2020-21 be approved.

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
4 July 2021 –6 October 2021**

Portfolio – Communities					
Date	Number	Report Title	Author	Decision	Result
19 August 2021	COM-001-21	Modern Slavery Transparency Statement 2020-21	Sonia Carr	That a Transparency Statement is published by the Council on its website for the sixth successive year by 30 September 2021 in accordance with Section 54 of the Modern Slavery Act 2015.	Decision agreed 26 August 2021

Portfolio – Environment and Sustainability					
Date	Number	Report Title	Author	Decision	Result
1 July 2021	ENV-001-21	Colchester Active Travel Fund – ECC Consultation	Jane Thompson	To welcome the consultation and proposed investment in Colchester. To respond positively to the consultation proposals as outlined in the letter of response.	Decision agreed 8 July 2021
15 July 2021	ENV-002-21	Award of Contract for the purchase of Fleet for Helpline, Neighbourhood Services and Pest Control	Robert Doran	To accept the bids submitted by Renault, and Maxus. To proceed with ordering 17 vehicles in 2021 and for a further two vehicles in 2023, at the end of their contract hire arrangements	Decision agreed 29 July 2021

Record of Decisions taken under Scheme of Delegation to Cabinet Members 4 July 2021 –6 October 2021

Portfolio – Economy, Business and Heritage					
Date	Number	Report Title	Author	Decision	Result
10 August 2021	BUS-001-21	Award of Contract for Archaeological Consultancy and Investigation at Queen Street Bus Depot	Matthew Brown	To award a contract to Colchester Archaeological Trust to undertake the works for a contract period to the end of 2021. If the Recommended Bidder cannot fulfil their obligations under the contract, to award a contract to the next highest ranked bidder	Decision agreed 17 August 2021

Portfolio – Housing and Planning					
Date	Number	Report Title	Author	Decision	Result
30 June 2021	HOU-001-21	Approval of variation to the Contract for Replacement of 100 Kitchens in the Social Housing Stock awarded in November 2020	Clare Lawrance	To award a variation to the contract with Seagers for the replacement of 100 Kitchens in the Social Housing Stock awarded in November 2020.	Decision agreed 14 July 2021
30 June 2021	HOU-003-21	Minor amendments to the Gateway to Homechoice Allocations Policy 2021	Tina Hinson	To approve the revised allocations policy.	Decision agreed 7 July 2021
1 July 2021	HOU-004-21	Award of Contract for 100 Kitchen Renewals 2021	Clare Lawrance	To award a contract to Seager Heating Ltd to undertake the works within a 20-week contract period.	Decision agreed 15 July 2021
20 August 2021	HOU-005-21	Award of contract to undertake bathroom and separate WC	Geoff Beales	To award a contract to NPG Barron Building Services to undertake	Decision agreed 27 August 2021

Agenda item 10

Record of Decisions taken under Scheme of Delegation to Cabinet Members 4 July 2021 –6 October 2021

		replacement within the housing stock.		bathroom and separate WC replacement within the housing stock.	
6 October 2021	HOU-006-21	Review of Rent Setting and Service Charge Policy	Suzanne Norton	<p>To approve the addition of Appendix D which sets out the principles for Rent Setting and Service Charges for properties used as Temporary Accommodation not held within the Housing Revenue Account.</p> <p>To approve minor amendments to the policy to ensure it continues to meet current legislation, procedures and working practices and is clear and concise for all users.</p>	Decision subject to call in until 13 October 2021

Portfolio – Resources

Date	Number	Report Title	Author	Decision	Result
6 July 2021	RES-002-21	Award of Contract for construction of Stanway Community Facility	Cathy Doyle	<p>To award a contract to Hutton Group Construction to undertake the works for a contract period to Spring 2022.</p> <p>In the event that the Recommended Bidder cannot fulfil their obligations under the contract, to award a contract to the next highest ranked bidder.</p>	Decision agreed 20 July 2021
16 July 2021	RES-003-21	Placement of the Council's insurance policies following a formal tender process, including cover for	Hayley McGrath	To award the contract for the provision of Insurance Services, as set out in the invitation to tender, to Zurich Municipal for lots	Decision agreed 29 July 2021

Record of Decisions taken under Scheme of Delegation to Cabinet Members
4 July 2021 –6 October 2021

		Colchester Borough Homes and Colchester Commercial Holdings Ltd.		1,2,3,4,5,7,8,9 & 11, and RMP for lots 6 & 10, for a period of three years with an option to extend for a further two years.	
19 August 2021	RES-004-21	Rowan House – Letting of the Ground Floor	Elizabeth Simpson	<p>To authorise the letting of the whole of the ground floor at Rowan House as per the heads of terms in Appendix 1</p> <p>To agree that final terms and completion of the agreement for lease and lease will be delegated to the Assistant Director, Place and Client Services in consultation with the Portfolio Holder for Resources</p>	Decision agreed 26 August 2021

Portfolio – Strategy

No decisions in this period

Report of	Mandy Jones, Assistant Director, Place & Client	Author	Karen Turnbull ☎ 282915
Title	Colchester's Bid for City Status		
Wards affected	All Wards		

1. Executive Summary

- 1.1 In 2022 the Queen celebrates her Platinum Jubilee and there is an open call for Local Authorities to submit bids for city status for their towns. The Administration has asked for Colchester to bid for city status to recognise its historic, economic and cultural importance.

2. Recommended Decision

- 2.1 Cabinet is requested to note the process to deliver Colchester's bid for city status, the plan for engagement and the timescale required.
- 2.2 To recommend to Full Council that it endorses and supports Colchester's bid for City Status.
- 2.3 To delegate authority to agree the final wording of Colchester's application for City Status to the Portfolio Holder for Economy, Business and Heritage.

3. Reason for Recommended Decision

- 3.1 City status will enhance Colchester's image and reputation and provide support for a more confident recovery from the economic impact of the pandemic. However, there is a strict deadline for submission of the bid and there is an opportunity to engage with a variety of groups and individuals to seek their support, both for the bid and for the key messages about Colchester it contains.

4. Alternative Options

- 4.1 City status is an honour conferred by Her Majesty the Queen. In the last 20 years there have been four opportunities to apply: the Millennium, 2002 Queen's Golden Jubilee, the 2012 Queen's Diamond Jubilee and next year Her Majesty will confer city status to celebrate her Platinum Jubilee. There are no alternative options.

5. Background Information

- 5.1 Colchester has applied for City Status on three previous occasions, the last being 10 years ago to celebrate the Queen's Diamond Jubilee.
- 5.2 The Government requirement is as follows:
- A summary of the application comprising no more than one A4 page.

- b) An introduction comprising no more than eight A4 pages of text, highlighting why the area deserves city status / Lord Mayor or Provost status, with particular reference to the area's:
- Distinct identity;
 - Civic pride;
 - Cultural infrastructure, interesting heritage, history and traditions
 - Vibrant and welcoming community;
 - Record of innovation;
 - Sound governance and administration;
 - Associations with Royalty; and
 - Other particularly distinctive features, age, residents or communities who have made widely recognised significant contributions to society and cultural infrastructure.
- c) A profile of the area, including statistics, to assist understanding of the area and its bid in comparison to the bids of other applicants. Information which it would be helpful to include would be:
- The resident population of the area;
 - Economic activity, including the number of people who work (but do not reside) in the area;
 - Information on public green spaces, sport and leisure facilities, and shopping centres; and
 - Information on local authority support (of any kind) for the voluntary sector.

The profile should comprise no more than ten A4 pages (including numbers, any tables and graphics).

- d) Up to 50 photographs of permanent features of the area

Deadline

The absolute deadline for submission is 8th December 2021.

Key Messages

- Britain's First Roman City with a 2000-year heritage
- Fastest growing town
- Ultrafast digital connectivity
- Inward investment hot-spot
- Strong Royal links throughout medieval and modern times
- Regional creative and cultural destination
- Partnership work transforming community health and wellbeing services
- Internationally important and relevant
- Environmentally important and sustainable
- A place of opportunity

6. Equality, Diversity and Human Rights implications

- 6.1 City status would support the Council's aim of improving Colchester's economic competitiveness so that everyone benefits

7. Strategic Plan References

- 7.1 City status would support the aims of the Strategic Plan, particularly the aspirations around growing a better economy so that everyone benefits and celebrating our heritage and culture.

8. Engagement

8.1 A draft plan to engage people and organisations with Colchester's bid is based around:

- Endorsement – seeking the support of stakeholders to support the bid. Using their networks and meetings to spread the word of ambition and boldness, sending a fresh message out about Colchester and its aspirations, whether or not the bid is successful.
- Testimonials – seeking support from organisations and individuals around why Colchester should attain city status.

These responses will be included in the bid document. They may also be published in other media for PR purposes.

9. Publicity Considerations

9.1 City status would bring national and international media attention to Colchester as the UK's newest, and also first, city.

10. Financial implications

10.1 The bid for city status will be delivered within existing budgets.

10.2 Should city status be conferred, a plan would be developed to communicate the transition from town to city over an agreed period of time.

11. Health, Wellbeing and Community Safety Implications

11.1 There are no health, wellbeing or community safety implications.

12. Health and Safety Implications

12.1 There are no health and safety implications.

13. Risk Management Implications

13.1 There are no risk management implications.

14. Environmental and Sustainability Implications

14.1 There are no environmental and sustainability implications.

Report of	Assistant Director, Corporate & Improvement	Author	Paul Cook <input type="checkbox"/> 505861 Darren Brown <input type="checkbox"/> 282891
Title	Budget 2022/23 and Medium Term Financial Forecast		
Wards affected	All		

1 Executive Summary

- 1.1 The report sets out the current position on the 2022/23 budget and Medium Term Financial Forecast 2022/23 to 2025/26.

2 Recommended Decision

- 2.1 That the transformation savings set out in Section 6 and Appendix A of this report be approved.
- 2.2 That Locality Budgets be increased to £2,000 per councillor from 2022/23 onwards as set out in Section 8 of this report
- 2.3 That Arts Partners are funded at current levels in 2022/23 and from 2023-24 onwards as set out in Section 9 of this report.
- 2.4 To note the updated Medium Term Financial Forecast 2022/23 to 2025/26 set out in Section 11 of this report.
- 2.5 To note the updated Medium Term Financial Forecast assumptions 2022/23 to 2025/26 set out in Appendix B of this report.
- 2.6 That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources be authorised to submit National Non-Domestic Rates Return 1 to the Department of Levelling Up, Housing and Communities and determine the Council's continuing membership of the Essex Business Rates Pool.
- 2.7 That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the reserves to be used in 2021/22 and 2022/23 to fulfil the requirements to meet Covid costs set out in Section 16 of this report.
- 2.8 That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the 2022/23 taxbase and notify preceptors in accordance with the statutory timetable.
- 2.9 To recommend to Council that Colchester becomes an opted in authority to Public Sector Audit Appointments for 2023/24 audit appointments as set out in Section 20 of this report.

3 Reason for Recommended Decision

- 3.1 To balance the 2022/23 budget and revise the Medium Term Financial Forecast.

4 Alternative Options

- 4.1 The Council is obliged to balance its budget on an annual basis. There are no alternatives.

5 Overview

- 5.1 The Council's budget and Medium Term Financial Forecast reflect progress in transforming Council services and achieving long term financial sustainability.
- 5.2 07 July 2021 Cabinet was able to drive forward recovery from the impacts of Covid and associated lockdowns and other restrictions on Council services, the community, and the local economy. New Homes Bonus was allocated to support the delivery of the Council's strategic priorities for 2021/22 and ensure that core Council services are performing as effectively as possible.

6 Transformation Programme

- 6.1 07 July 2021 Cabinet agreed the following objectives for the transformation programme to ensure it has direction and delivers the requirements of the Council: The objectives of the transformation programme are to:
- Enable delivery of the Council's priorities in the 2020-23 Strategic Plan, Covid recovery and new socio-economic norms.
 - Achieve Medium Term Financial Forecast sustainability by reducing costs and increasing income.
 - Engage with and value our staff, Members, customers, communities, and businesses.
 - Work with system partners to integrate our activities, optimise resources and provide greater resilience.
 - Agree recommendations to inform the 2022-25 Budget Processes.
 - To be ambitious, agile, inclusive, environmentally sustainable, and digital by default.
- 6.2 To achieve these objectives, a vision for transformation has been agreed, as follows:
- ENABLING: A council which is focused on the future of its people, place and businesses, enabling its residents to improve their quality of life.
 - INNOVATIVE: A council which is truly open in its thinking, embracing opportunities for change and innovative in delivery.

- **COMMERCIAL:** A council which works its assets, opens-up further commercially minded opportunities and maximises its income earning potential.
- 6.3 Transformation opportunities have now been identified and these are summarised in the table below and set out more fully in Appendix A.

7 Budget pressures 2022/23 onwards

- 7.1 The Medium Term Financial Forecast allows £500k steps each year from 2022/23 for new cost pressures
- 7.2 Services will therefore need to contain pressures other than basic pay inflation and contract inflation in 2022/23. The Medium Term Financial Forecast cost pressures allocation will be required for Council wide pressures.
- 7.3 The Medium Term Financial Forecast provides for contractual inflation. The main inflationary increase likely to affect the Council is pay inflation. The position on supplies and services is being carefully watched. The Capital Programme and Revenue Budget will be updated for any impacts in reports to January Cabinet.
- 7.4 The Medium Term Financial Forecast reported to 07 July 2021 Cabinet provided £400k per annum from 2023/24 as a funding contribution to a Youth Zone. This provision has been removed in the current update pending discussions with the County Council and other stakeholders on future options to meet youth needs in Colchester and recognition that, without Tier 1 Local Authority support for the scheme, total funding required per annum could be up to £1.3m plus associated capital expenses.

8 Locality Budgets

- 8.1 In July 2021 Cabinet restored locality budgets in 2021/22 to £2,000 per councillor. The Medium Term Financial Forecast now provides for this increase to continue from 2022/23 onwards.

9 Funding for Arts Partners

- 9.1 Given the importance of the arts and culture to community wellbeing and supporting the recovery of the local economy, and the improved financial position, post covid, the Council can commit to four-year funding agreements from 2023/24 for arts organisations, including the provision for an annual inflationary increase. These budgets are already assumed in the Medium Term Financial Forecast.

10 Sales Fees and Charges

- 10.1 23 November 2020 Cabinet agreed that fees and charges would increase annually by the past three years' average rate of council tax increase. The Medium Term Financial Forecast assumes that these inflationary increases are used by services to meet the cost of increments and other local service pressures.
- 10.2 Fees and charges increases identified as savings in this report are in addition to the annual increase assumption set out in 10.1 above.
- 10.3 Full fees and charges proposals for 2022/23 onwards will be recommended to 17 November 2021 Cabinet. This is in accordance with the agreed budget timetable.

11 Updated Medium Term Financial Forecast

- 11.1 In some budget areas it has now been possible to make more favourable assumptions compared to 2021/22 budget setting. These changes are set out in the table below, along with other one-off items within the 21/22 budget that are falling out in 22/23.
- 11.2 Income budgets have been increased to reflect faster than anticipated economic recovery and management action particularly in sport and leisure and car parking. Market prices have improved in the recycling service. It is now expected some Amphora dividends will be available from 2022/23

Improvement in income assumptions 22/23 versus 21/22 budget setting assumptions	£k
Sport & Leisure	(900)
Parking Income	(600)
Commercial & Investment Properties	(500)
Amphora non-housing dividend	(250)
Sub-Total	(2,250)
Other one-off 21/22 budget items falling out in 22/23	£k
Contractor Payments (Paper & Plastic)	(650)
Interest Payable/Minimum Revenue Provision	(300)
Transformation costs	(250)
Recovery costs	(250)
Recycling Materials (Boxes & bags)	(110)
Rowan House Refurbishment - estimated revenue implications	(55)
Social Lottery Initial Prize Fund	(50)
ECC Trade Tipping costs	(27)
Staffing costs	(17)
Income from Paper	(15)
Credit Claim Income	193
Sub-Total	(1,531)
Total	(3,781)

- 11.3 The Medium Term Financial Forecast is also now revised to reflect considerable progress on transformation. Appendix A provides detailed templates supporting the achievement.
- 11.4 Other key variables in the Medium Term Financial Forecast cannot be updated until the 2022/23 Local Government Finance Settlement becomes available in December 2021.
- 11.5 The revised Medium Term Financial Forecast at this stage is set out in the table below. Current planning assumptions are set out in Appendix B to this report.
- 11.6 The Amphora non-housing dividend is assumed to be £250k in 2022/23; £450k in 2023/24; and £650k in 2024/25 in line with the base Medium Term Financial Forecast assumption. Housing dividends are one-off gains and are assumed to be

used for capital financing purposes. Dividend forecasts for the Medium Term Financial Forecast period have not yet been finalised by Amphora.

- 11.7 Amphora dividend forecasts will be refreshed in the Budget Report to January 2022 Cabinet. If housing dividends are used at a proportionate level to support the Medium Term Financial Forecast, it may be necessary to revise capital financing assumptions. Additional minimum provision may also be required on advances to Amphora that are not able to demonstrate progress against business plans.
- 11.8 The 2022/23 budget gap is £869k at this stage of the budget timetable. This demonstrates the progress made towards balancing the 2022/23 Budget. The remaining savings requirement, as well as the significant gap in later years, is being addressed through the Council's Transformation Programme.
- 11.9 Some use of reserves is already planned to address Covid pressures over the entire MTFF period.

2022/23 Budget and MTFF	22/23	23/24	24/25	25/26
	£'000	£'000	£'000	£'000
Previous year's budget	21,247	20,701	22,257	23,447
Cost pressures & Growth items	1,461	1,421	940	940
Capital financing	250	475	200	200
Income losses	0	(350)	(200)	(200)
Transformation and recovery	0	0	0	0
Savings	(1,257)	(290)	(50)	(50)
Use of new homes bonus for one-off investment	(1,000)	300	300	0
Current year's budget	20,701	22,257	23,447	24,337
Business rates	(5,580)	(5,123)	(4,667)	(4,544)
Govt - Covid Funding	0	0	0	0
Govt Grant	0	0	0	0
New Homes Bonus	(950)	(950)	(950)	(950)
Council Tax	(13,027)	(13,475)	(13,929)	(14,392)
Previously planned use of reserves	625	750	750	750
Covid use of reserves	(900)	(400)	(200)	(200)
Budget Gap Cumulative	869	3,059	4,451	5,001

12 Medium Term Financial Forecast Consultation

- 12.1 The budget strategy and timetable have ensured that information is available for Scrutiny Panel and input from all Members.
- 12.2 A Budget Workshop was held on 20 September 2021. Further Budget Workshops are timetabled for 22 November 2021 and 17 January 2022. The workshops ensure that all members have been able to share in the task of meeting the budget challenge.
- 12.3 Group Leaders been offered the opportunity to meet with officers to assist with consideration of any alternative budget proposals.

12.4 Statutory consultation with business ratepayers and parish councils will take place.

13 Risk Management Implications

13.1 Extensive modelling work has been undertaken to understand the impacts and variables arising from the crisis. Staff and support costs are evidence based but will be subject to transformation work.

13.2 Leisure and commercial income are very dependent on factors beyond the Council's control including the return of consumer confidence, and the pace of recovery.

13.3 Modelling has been undertaken with service managers to assess the potential range of impacts before adopting the assumptions described within the report.

13.4 All the above and other significant uncertainties and risks will have to be managed. Further material change is likely to budget assumptions and the actions needed to ensure a balanced budget.

14 Council Tax

14.1 The 2021/22 limit for district council tax increases without a referendum was 2% or £5 (whichever was the larger). The Medium Term Financial Forecast assumes the same regime for 2022/23 and that a £5 increase is made in each financial year. These remain low council tax rates compared to other district councils.

14.2 Medium Term Financial Forecast assumptions on collection rates and Local Council Tax Support take-up are set out in Appendix B.

14.3 In order to set the council tax base in November and inform preceptors, delegated authority is now sought to set the taxbase

15 Business rates

15.1 In January 2022 the S151 Officer will return National Non-Domestic Rates Return 1 to the Ministry of Housing Communities and Local Government. This will set out expected business rates income for the Council, preceptors, and Government. Collection and appeals assumptions for 2022/23 will be informed by 2021/22 progress.

15.2 In 2020/21 a collection fund deficit of £32.194m arose. The deficit reflects the high value of reliefs granted in accordance with Government regulations during Covid. In accordance with Government rules, the deficit will be spread in the collection fund over the three financial years 2021/22 to 2023/24. The deficit is covered by government grants already received and currently held in reserve. Due to the extension of reliefs into 2021/22 it is expected a further deficit will arise in that financial year.

15.3 Business rates assumptions in the Medium Term Financial Forecast assume a £500k annual reduction in government funding. Funding changes are normally made by reducing the Council's business rates retention. The reduction could be a change in New Homes Bonus entitlement. The need for such a reduction in 2022/23 and later financial years is expected to be clarified in the 2022/23 Local

Government Finance Settlement expected in December 2021. Possible funding changes are set out in Section 16 of this report.

- 15.4 The Council continues to participate in the Essex business rates pool. It is unlikely there will be any major gain from the Pool in 2022/23, but the position will need to be reviewed and the pool may need to be reconfigured if 100% business rate retention is implemented.
- 15.5 The Government has suggested it will implement 100% business rates retention in 2022/23. It is uncertain now whether implementation will go ahead. If implementation goes ahead in 2022/23 it is unclear how this will impact the Council until the 2022/23 local government finance settlement is published.
- 15.6 Business rates assumptions will be updated in the January 2022 Budget Report. Any major variations will be dealt with through the Business Rates reserve.

16 Capital Financing

- 16.1 The allocation for capital financing in 2022/23 and later years is based on the current capital programme and capital receipt assumptions. The provision will be updated when the capital programme is reset in January 2022. No major variation is expected at this stage.

17 Use of Reserves for Covid

- 17.1 The Medium Term Financial Forecast assumes significant use of reserves for Covid. The usage is set out in the table in Section 11 of this report. The usage is in addition to £2.400m to be used in 2021/22 already agreed in the 2021/22 budget process. The usage is necessary to bridge over forecast income losses and other factors during economic recovery.
- 17.2 The reserves to be used for Covid will be determined at a later stage of the budget process or during 2022/23. It is therefore recommended that the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the reserves to be used.

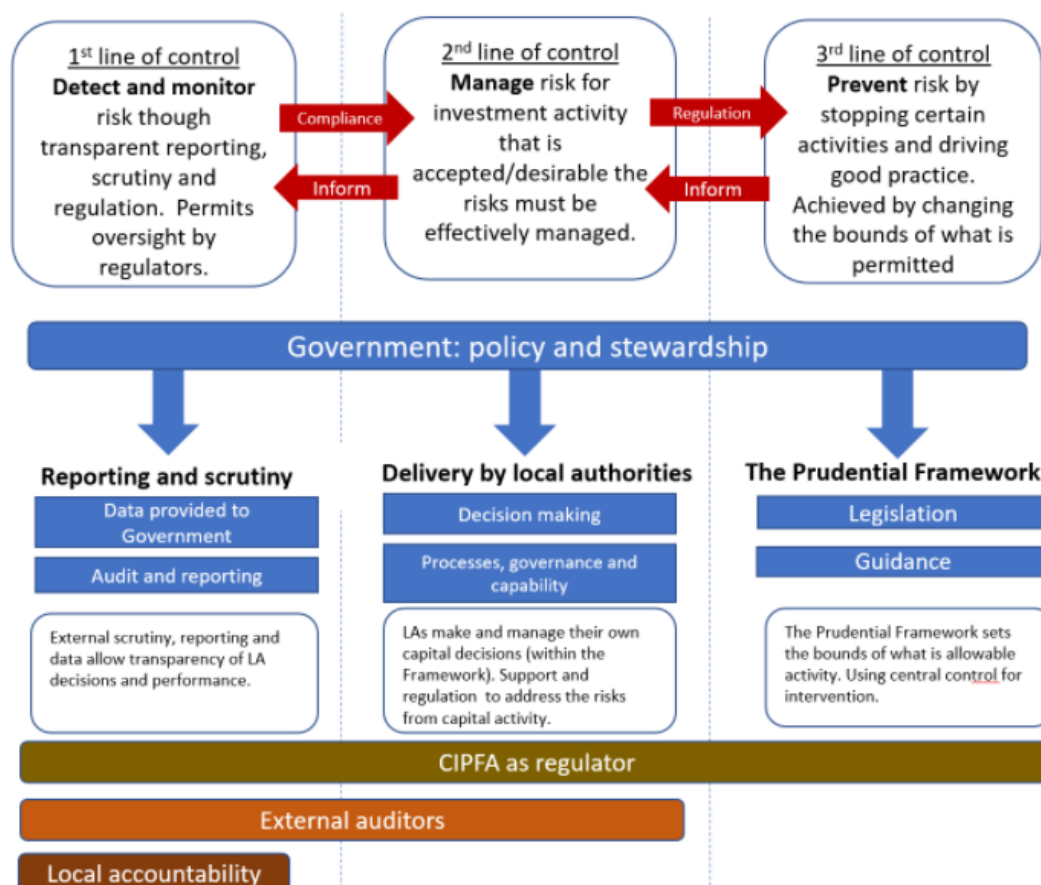
18 National Insurance Changes

- 18.1 In September 2021 Government published *Building Back Better: Our plan for Health and Social Care*. In tax year 22/23 employers and employees will pay an additional 1.25% National Insurance Contribution rate. The increased contributions will fund social care reforms.
- 18.2 In 23/24 the increased contributions will be replaced by a levy at the same value. Public sector employers will be compensated for the impact of the levy on their budgets in order to ensure the NHS and local authorities do in fact receive additional resources.
- 18.3 The Medium Term Financial Forecast assumes the increased Employer's National Insurance Contributions or levy from 22/23 onwards.

19 Government Policy on Local Authority Borrowing

- 19.1 In a Policy Paper published 28 July 2021, the Ministry of Housing Communities and Local Government announced it intends to tighten local authority capital and borrowing controls. (See diagram below.)
- 19.2 It is not expected any current or planned Council borrowing will be affected, but full details are awaited.

Figure 1: Three-lines of control model for strengthening the capital system



20 External Audit Appointments

- 20.1 Public Sector Audit Appointments Ltd have invited Colchester to opt into their procurement process for five year contracts commencing with 22/23 audits. The cost to the Council of running its own procurement process would be considerable and opting in is recommended. There have been difficulties in fulfilling current external audit requirements. These issues are unlikely to be resolved by Colchester acting in isolation. In accordance with the Regulations opting-in requires Full Council approval before 11 March 2022.
- 20.2 Colchester opted in for the last round of auditor appointments. Public Sector Audit Appointments Ltd suggest that their national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- Specialist team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

21 Government Funding

21.1 The Budget and Three-year Spending Review will be released on 27 October 2021.

21.2 Major changes to local government funding planned by the Department of Levelling Up, Housing and Communities for some time have been delayed due to Covid-19. Possible changes are set out in the table.

1	Fair Funding	Settlement Funding Assessments include assumed need to spend in the calculation. The basis has been largely unchanged for many years. A Fair Funding review could increase or decrease Colchester's Settlement Funding Assessment. This will depend on what new basis of calculating spending needs is adopted and when it is implemented.
3	100% business rates retention	An increased business rates share will replace some government grants. A key consideration will be how changes in business rates income are to be shared between local authorities and government. How long will local authorities be able to retain growth in business rates? How much will be reallocated to other parts of the country as part of the "tariff" and "top-up" adjustments
4	Spending Review	How will local government's share of public spending be changed? Will the distribution between second and first tier authorities change?
5	New Homes Bonus	The Government has yet to announce the revised New Homes Bonus Scheme

21.3 In view of all the uncertainties over future government funding, the Medium Term Financial Forecast provides £500k downward steps in each successive financial year.

22 Recovery and Strategic Priorities

22.1 Post-Covid recovery, for the Council, our customers, communities and businesses, is of critical importance. This is the key focus of activity in 2022/23.

23 2021/22 Outturn

- 23.1 It is expected the 2021/22 outturn will be on budget and there are no significant variances affecting the budget process.

24 Financial implications

- 24.1 As set out in the report.

25 Environmental and Climate Change Implications

- 25.1 All budget measures are assessed for their likely environmental impact, reflecting the Council's commitment to be 'carbon neutral' by 2030. Environment and Climate Change is an essential cross-cutting theme in the Council's recovery planning and a core theme of the new Strategic Plan.

26 Equality and Diversity Implications

- 26.1 Consideration will be given to equality and diversity issues in respect of budget changes proposed as part of the budget process. This will be done in line with agreed policies and procedures including production of Equality Impact Assessments where appropriate.

27 Other Standard References

- 27.1 There are no direct Publicity, Human Rights, Community Safety or Health and Safety implications as a result of this report.

	2022/23
	£'000
22/23 Transformation Programme Savings:-	
Digital services use of revenues and benefits new burdens funding from Department for Work and Pensions	(50)
Digital Communications enabling a reduction in print and post	(20)
Digital Office enabling a reduction in central stationery	(7)
Digital service delivery enabling a reduction in mileage claims	(20)
Transformation of office working and benefits from Rowan House refurbishment	(60)
Savings from budgets repeatedly underspending in recent financial years	(250)
Sport and Leisure improved performance	(250)
Fees and charges generated over and above average council tax increase	(145)
Extension of market and public events	(30)
Parks & Countryside Sites Strategy	(10)
North Essex Parking Partnership Agreement beyond 2022 including Service Level Agreements	(5)
Healthy Homes – Disabled Facilities Grant covering more of the cost of delivery of services	(20)
Local Fast Fibre Network	(50)
Efficient use of Anti-Social Behaviour resources	(25)
Total Savings	(942)

APPENDIX A CONTINUED – TRANSFORMATION BUSINESS CASE

Transformation Objectives	<p>A programme has begun to transform the organisation and harness the positive changes and learning from the Pandemic.</p> <p>The objectives of the transformation programme are to:</p> <ul style="list-style-type: none"> • Enable delivery of the Council's priorities in the 2020-23 Strategic Plan, Covid recovery and new socio-economic norms. • Achieve MTEF sustainability by reducing costs and increasing income. • Engage with and value our staff, Members, customers, communities, and businesses. • Work with system partners to integrate our activities, optimise resources and provide greater resilience. • Agree recommendations to inform the 2022-25 Budget Processes. • To be ambitious, agile, inclusive, environmentally sustainable, and digital by default.
Introduction to Themes	<p>To achieve these objectives, a vision for transformation has been agreed, which covers three themes:</p> <p>ENABLING:</p> <ul style="list-style-type: none"> • A council which is focused on the future of its people, place and businesses, enabling its residents to improve their quality of life. • This includes: <ul style="list-style-type: none"> ○ Recognising the power that already exists within our communities. ○ Facilitating our communities to reach their full potential, creating and leading change for themselves, being more resilient and making greater use of the assets and strengths that exist within. <p>INNOVATIVE:</p> <ul style="list-style-type: none"> • A council which is truly open in its thinking, embracing opportunities for change and innovative in delivery. • This includes: <ul style="list-style-type: none"> ○ Implementing next generation digital solutions. ○ Identifying ongoing efficiencies to generate savings and increased income. ○ Upgrading practices to deliver better results to our customers. ○ Encouraging a consistent culture of innovation across the whole organisation, where: <ul style="list-style-type: none"> ▪ Services across CBC and partners are more joined up. ▪ Constructive challenge to the status quo is welcomed. ▪ Organisational design and leadership are optimised to deliver innovation. <p>COMMERCIAL:</p> <ul style="list-style-type: none"> ▪ A council which works its assets, opens-up further commercially minded opportunities and maximises its income earning potential. ▪ This includes: <ul style="list-style-type: none"> ○ Generating commercial activity and scoping feasibility of new opportunities ○ Efficient delivery of key commercial projects to maximise net benefits to the organisation and its subsidiaries ○ Optimising income generation ○ Building and creating a financially strong company structure with commercial value

Workstream One Description	Maximising Fees & Charges We are reviewing all fees and charges to ensure that, as a minimum, they are market comparable. In some cases, we are seeking to include maximum cost recovery. The Medium Term Financial Forecast already assumes an inflationary increase across fees and charges. This proposal is the value to which fees and charges can be increased above inflation to meet market forces and/or the charges of neighbouring authorities.		
Theme Alignment	Enabling	Innovative	Commercial
			✓
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
Maximising service fees and charges	145	100	100
Positive benefits, issues, risks and impacts	Some fees and charges are set by government regulation (planning fees and housing benefit overpayments). Other services face market competition which limits the level of increases that can be made.		

Workstream Two Description	Service Development and Marketing <ul style="list-style-type: none"> A full strategic review of the way that Green & Blue infrastructure (Parks, Open space, Countryside, Coast) is managed would create opportunities to consider appropriate commercialisation of these assets (for example greater educational activities). Review of Service Level Agreements with partner organisations including support costs for 'off street' parking services and percentage parking income split with Town & Parish Councils for CBC assets - It has been clarified with MHCLG that the capital Disabled Facilities Grants can be used for wider purposes, thereby saving revenue costs. Within the Cemetery & Crematorium, a small-scale restructure is proposed. This will create a new role, the remit for which will be linked to succession planning and new income generation, creating a benefit to net profit. A review has identified service areas where there is potential for spending to fall below, and/or income to exceed, current budget levels, specifically: <ul style="list-style-type: none"> Planning Bereavement Services Land Charges have exceeded the 20/21 income target and are able to maintain that increase in 22/23. Extension of Market and Public Events Trade Waste Business Opportunity 		
Theme Alignment	Enabling	Innovative	Commercial
		✓	✓
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
Service Development and Marketing	340	0	0
Positive benefits issues, risks and impacts	By adopting a more commercial approach, it is possible to improve the income profile of a range of services without significant impact on service delivery or staffing.		

Workstream Three Description	LFFN The Council's fibre infrastructure (which was substantially paid for by government funding), is a wholesale core infrastructure designed to facilitate next-generation, ultrafast connectivity between backhaul (connection to the core internet in London) and local distribution networks that will be built by (primarily) external investors. It is also capable of providing connectivity across the Council's own sites, including the large number of social housing units.		
Theme Alignment	Enabling	Innovative	Commercial
		✓	✓
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
LFFN	50	50	50
Positive benefits, issues, risks and impacts	The MTFF already assumes £110k income in 22/23 with £50k annual increases thereafter. This additional income reflects further progress with the network and greater clarity on the delivery mechanism in the form of a concession agreement between the Council and Amphora.		

Workstream Four Description	Sport & Leisure Increased marketing and enhanced customer service including better use of technology for bookings will enable a faster recovery profile, above and beyond the increases that have already been projected/assumed.		
Theme Alignment	Enabling	Innovative	Commercial
	✓	✓	✓
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
Increase in income target further to marketing, customer service improvements & digital intervention in 2021/22	250	100	100
Positive benefits, issues, risks and impacts	The Medium-Term Financial Forecast already assumes £1.1million less income in 22/23 compared to the pre-Covid budget. It also assumes a £150k improvement in 23/24 so therefore a c.£1m deficit on previous income levels is currently assumed. These interventions will reduce the potential loss of income. Given the competitive leisure market, delivery will need to be carefully monitored.		

Workstream Five Description	Digital Transformation <ul style="list-style-type: none"> “Digital by default” remains a key objective of the Transformation programme and reflects our ambition to produce efficiencies, innovations and opportunities through digital development. The Covid-19 pandemic prompted a successful acceleration of our digital roadmap, and we will continue to develop the potential of our people and technology, whilst maximising customer satisfaction. 		
Theme Alignment	Enabling	Innovative	Commercial
	✓	✓	
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
Digital Transformation	47	0	0
Positive benefits, issues, risks and impacts	This workstream captures some of the benefits that have come through the improved digital and home working practices initiated as a result of the Covid-19 pandemic. As the practices are now embedded, and as most staff continue to work largely from home, there will be no impact felt by the organisation. Use of these resources will continue to be monitored.		

Workstream Six Description	Service Innovations and Efficiency <ul style="list-style-type: none"> Progress has been made to enable customers and residents to do more for themselves, where our services have and are continuing to implement cloud-based systems which are accessible on any device. Savings have been realised in the contact and support and the benefits service, as less resource is needed to assist customers and residents. Services have also improved their processes by joining up with partners and working with data in a digital environment. Efficiencies in the Housing Benefit service means that we can increase their ongoing yearly saving from £100k to £150k due to the service being able to absorb new work as and when it arises. The saving will come from New Burdens income and Benefits will manage the extra work as part of their BAU workload. Transformation of Rowan House – the re-design and refurbishment of office space to reduce carbon emissions and the identification of surplus space to generate an income opportunity. Shared Services – the MTFF already assumes £130k of savings in 22/23 and £40k in 23/24 and we will continue to investigate and develop opportunities across a wide range of services. As an Anchor Institution, working across the pan-Essex Anchor movement, we will continue to work with other institutions to extend employment opportunities to the residents of North East Essex. 		
Theme Alignment	Enabling	Innovative	Commercial
		✓	✓
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	2024 – 2025
Service Innovations and Efficiency	110	0	0
Positive benefits issues, risks and impacts	Revising our model of office-based working and regenerating the Rowan House site, will provide a better working environment and additional revenue and will support our strategic plan of environmental sustainability.		

Workstream Seven Description	Partnership Working <ul style="list-style-type: none"> Smarter and more collaborative delivery of work to address anti-social behaviour in non-HRA properties, managing the workload across Partnerships, Vol Sector and within Environment Health and Community Services. Continues theme in 21/22 budget setting. 		
Theme Alignment	Enabling	Innovative	Commercial
	✓	✓	
	Identified Savings & Income		
Description of saving/income	Savings & Income (£000's)		
	22/23	23/24	24/25
Smarter delivery of work to address anti-social behaviour in non-HRA properties	25	0	0
Positive benefits, issues, risks and impacts	A more collaborative approach with community policing, CBH and Communities themselves, has enabled a more efficient use of Anti-Social Behaviour resources. CBC Community Safety team will continue to work with key partners to manage relevant workloads and minimise any impact to service delivery.		

	Total Savings & Income (£000's)		
	22/23	23/24	24/25
TOTAL PROJECTED SAVINGS & INCOME FROM COMMERCIAL THEME	922	250	250

MEDIUM TERM FINANCIAL FORECAST Assumptions 2022-2026	22/23	23/24	24/25	25/26	Comments
District council tax increase	£4.95	£4.95	£4.95	£4.95	Maximum increase under 2021/22 referendum principles assumed to apply 2022/23. 2022/23 referendum principles will be announced in the local government finance settlement
Council tax base increase	+1.0%	+1.0%	+1.0%	+1.0%	This is the average in past years. Covid does not appear to have had a significant impact. Will be further updated January 2022.
Council tax collection rate	+97.5%	+97.5%	+97.5%	+97.5%	Pre-Covid a 99% collection rate was assumed. Will be further updated January 2022.
LCTS take-up compared to pre-Covid	+12.5%				Pre-Covid take-up had been slowly declining. This is a prudent maximum increase. Will be further updated January 2022.
Business Rates					
Contractual inflation	0.240	0.240	0.240	0.240	This is a realistic provision based on previous years' budgets.
Pay inflation	2%/0.400	1%/0.200	1%/0.200	1%/0.200	This is a realistic provision based on previous years' budgets.
Allowance for additional cost pressures	0.500	0.500	0.500	0.500	Allocations will be confirmed by January 2022 Cabinet.
Government grant for Covid costs	0.000	0.000	0.000	0.000	No additional support assumed 2022/23 onwards

13 October 2021

Report of	Assistant Director of Corporate and Improvement Services	Author	Hayley McGrath ☎ 508902
Title	2020/21 Year End Review of Risk Management		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report provides members with an overview of the Council's risk management activity undertaken during the financial year from 01 April 2020 to 31 March 2021.
- 1.2 Effective management of risk is essential to ensuring that the Council's aims and objectives are achieved. The Council has therefore approved a Risk Management Strategy, which is included in the policy framework. This provides a comprehensive risk management process that is embedded across the organisation and includes a strategic risk register (which is the responsibility of the Senior Management Team), operational risk registers which are produced by each service, project risk monitoring and specific risk mitigation initiatives.
- 1.3 The Risk Management strategy and processes are reviewed annually to ensure that they are still appropriate to the Council's needs and continue to be effective in identifying and mitigating risks to its aims and objectives.
- 1.4 The key strategic risks are:
 - Covid-19 Pandemic
 - Spending Power
 - Compliance
 - Financial Inequality
 - Cyber Security
 -

2. Recommended Decision

- 2.1 Consider and comment on the Council's progress and performance in managing risk during the period from April 2020 to March 2021.
- 2.2 Consider and comment on the current strategic risk register.
- 2.3 Approve the proposed risk management strategy for 2021/22 and recommend to Full Council that it be included in the Council's Policy Framework.

3. Reason for Recommended Decision

- 3.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

3.2 During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 27 July 2021, where they approved its referral to this meeting.

3.3 As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

4. Alternative Options

4.1 There are no alternative options to consider

5. Background Information

5.1 The aim of the Council is to adopt best practice in the identification, evaluation, cost-effective control and monitoring of risks across all processes, to ensure that risks are properly considered and reduced as far as practicable.

5.2 In broad terms risks are split into three categories:

- Strategic – those risks relating to the long term goals of the Council
- Operational – risks related to the day-to-day operation of each individual service
- Project – the delivery risks of specific initiatives.

5.3 Identified risks, in all three categories, are judged against levels of probability and impact to give them an overall score. This allows the risks to be shown as 'high, medium or low' which enables a prioritised action plan to be set for managing risks. A high score does not mean that a risk has, or will definitely, occur.

5.4 In many cases the causes of risks are outside of the Council's control, such as general economic issues. The Council cannot stop these risks from occurring (the probability score) but can put plans in place to mitigate against their effect if they occur (the impact score). Likewise, there are occasions that risks can be reduced with preventative actions but there is not much that can be done to mitigate their effect if they do occur, such as a failure to protect public resources. Therefore, some risks will tend to maintain the same score, regardless of the controls that the Council puts in place.

6 Work undertaken during the period

6.1 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2020/21.

6.2 During the year the majority of risk management activity was assisting with the response to the pandemic. Senior Management Team continually reviewed the Council's business continuity plans in response to the emerging information about Covid-19, the economic lockdown and sector-specific guidance affecting operational activities, to ensure that essential services continued to be delivered, with some staff being redeployed where necessary.

6.3 Work has continued to develop the insurance and risk programmes for Colchester Commercial (Holdings) Limited, to ensure that emerging commercial risks are appropriately managed.

6.4 During the year the Council was asked to manage the insurance programme for Colchester Borough Homes (CBH). This included the procurement of insurance and the

management of claims. This has resulted in an overall saving for CBH and has provided better coverage.

- 6.5 Support continues to be provided, reviewing the risk elements of event plans, to both the Colchester, and the Community Stadium, Safety Advisory Groups.
- 6.6 The risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.

7 Strategic Risk Register

- 7.1 During 2020/21 the strategic risk register was reviewed by the Senior Management Team every quarter and reported to the Governance and Audit Committee every six months. The current register is shown at Appendix 1. These risks have been mapped onto a risk matrix, shown at Appendix 2, that shows the risk profile before, and after, mitigating actions.
- 7.2 The Corporate Governance Manager reviewed the strategic risks with the Senior Management Team in June 2021 to ensure that the identified risks were still appropriate.
- 7.3 For the majority of 2020/21 the Council's strategic risks were consistent. The main risk was the impact of the pandemic, including the effect on finances.
- 7.4 Many of the mitigating activities identified, and implemented, as a direct result of the Council's risk strategy and Strategic Risk Register have helped the organisation, with its partners, to cope with the impacts of Covid-19 . For example, strong partnership working, effective communications and prudent financial management.

8. Risk Management Strategy for 2021/22

- 8.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 8.2 Therefore a review has been undertaken and the strategy has been updated for 2021/22. The revised strategy is attached at Appendix 3. There are no changes proposed to the risk process, with amendments only to external review comments and the updating of external guidance references.

9. Equality, Diversity and Human Rights implications

- 9.1 There are no equality, diversity or Human Rights implications as a result of this report.

10. Strategic Plan References

- 10.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore, the risk process supports the achievement of the strategic objectives.

11. Risk Management Implications

- 11.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

12. Environmental and Sustainability Implications

12.1 There are no environmental or sustainability implications as a result of this report.

13. Other Standard References

13.1 There are no particular references to consultation or publicity considerations or financial; community safety or health and safety implications.

Appendices

Appendix 1 – The strategic risk register

Appendix 2 – Risk Matrix

Appendix 3 – Risk Management Strategy for 2021/22

Colchester Borough Council Strategic Risk Register
Draft For Cabinet September 2021

Appendix 1

				Initial Score										Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O			
ST4	Covid-19 Pandemic	Ongoing, and recovery, impacts of the COVID-19 pandemic on the council, the communities, our customers and the economy. The uncertainty of planning for future service delivery alongside the threat of further infection waves and restrictions.	Service Provision	5	4	20	Very High	The ongoing and future impacts of the COVID-19 pandemic including service and staff resilience and shortages, including through self-isolation, additional service pressures, short term changes in policy and alert status disrupting delivery of strategic priorities, impacts on service delivery with additional cost pressures and potentially reduced income levels alongside additional work to support recovery.	Delivery of the revised Strategic Plan which incorporates recovery objectives and additional burdens (e.g. outbreak controls). Specific recovery actions, including Reopening of the High Street, being monitored through the project management process. Maximise the use of available government support including income loss grant.	Chief Operating Officer	4	3	12			
ST2	Spending Power	Following two single-year spending reviews in 2021 the Government is committed to a Comprehensive Spending Review in 2021. This will impact on Council funding for 2022/23, with the Ministry for Housing, Communities and Local Government not one of the departments with 'protected' departmental expenditure limits (DEL).	Finance	4	4	16	Very High	Changes could be favourable or adverse for the Council's funding. If adverse, the Council could lose the opportunity to develop further, may have enforced changes to service delivery and covid recovery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Maintain a constant review of the budget situation, including the impact of decisions from central government. Identify additional actions and areas for increasing income as necessary, including through the Council's Transformation Programme. Reduce reliance on New Homes Bonus to support the base budget. Lobby Government for a fair, multi-year funding settlement.	Chief Operating Officer	4	3	12			
SP4	Compliance	Failure to protect public funds and resources – ineffective probity / monitoring systems/legislative breaches. Especially as a result of the rapid changes in service delivery required to respond to the impacts of Covid-19	Finance	3	5	15	Very High	Service delivery failure. Financial and reputational loss by the Authority. Personal liability of Officers and Members. Legal actions against the Council. Loss of stakeholder confidence in the Borough. Inability to sustain costs. Failure to delivered balanced budget as planned. A need to use balances / reserves or to adapt financial plans to deal with impact of changes. Required to use Reserves & Resources to fund capital priorities. Severe impact on cash-flow leading to negative effect on performance targets.	Ensure the outcomes of the assurance systems that form the internal control environment, (including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management) are appropriately reported so that issues and concerns are managed, and variances are spotted at an early stage. Horizon scanning upcoming legislative / policy changes	Chief Operating Officer	3	4	12			
CO3	Financial Inequality	The current, and future, impacts of Covid 19 are likely to increase the number of vulnerable residents leading to greater financial inequality and increasing the number of residents seeking support from the Council.	Community	3	4	12	High	The Council fails to support our most vulnerable residents leading to an increase in crisis intervention.	Regularly monitor the impact of the resources allocated to supporting customers, to ensure that they are signposted to appropriate providers/partners. AT THE CURRENT TIME, DUE TO THE UNKNOWN IMPACTS OF COVID-19, MITIGATION DOESN'T REDUCE THE SCORE.	Strategic Director, Customers and Relations	3	4	12			
SP3	Cyber Security	The Council suffers a successful cyber attack on it's computer systems.	Service Provision	4	4	16	Very High	Potentially severe disruption to core services, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents.	Ongoing review of IT policies and protocols to ensure that they are fit for purpose and implement a training program for all staff and members. Implementing defined action plans to rapidly respond to any attacks on our systems to help minimise any potential damage. CBC suffered a targeted cyber attack in December 2020, which was successful in breaching the security protocols. However the activation of the rapid response plans to lock accounts, reset all passwords and introduce new measures (including multi factor authentication for all users) were effective in limiting the impact and demonstrated the effectiveness of the mitigation measures in place.	Assistant Director, Corporate & Improvement	3	3	9			

				Initial Score									Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O		
CO1	Partnership Delivery	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, LEP, ICS, CBH, Emergency Services	Community	3	4	12	High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the 'withdrawn' partner. External assessment of the Councils partnerships are critical and score poorly.	Review the assessment process for proposed strategic partnerships (to ensure that they will satisfy the Council's objectives) that needs to be signed off by EMT before commitment to new partnerships is made.	Strategic Director, Customers and Relations	3	3	9		
ST3	Partnership Commitment	Change of direction / policy within key partner organisation and they revise input / withdraw from projects. Increased risk due to partners having to review service provision in response to the impacts of Covid-19 on their business.	Strategic	4	3	12	High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the 'withdrawn' partner. External assessment of the Councils partnerships are critical and score poorly.	Set a formal relationship / performance review process to be used by all partnerships and ensure results are reported to senior management. Ensure that Exec Board and Leadership review partnerships on a regular basis. Embed Scrutiny Cttee process for key partnerships including CBH and the Safer Colchester Partnership.	Strategic Director, Customers and Relations & Strategic Director, Policy & Place	3	3	9		
CO2	CBC Function	The expectation remains that the Council will step in to deliver services when other providers either fail or reduce service provision	Community	4	3	12	High	The Council suffers from a loss of reputation as customers' expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery.	Ensure that Cabinet set a clear and consistent message about the role of CBC for customers and partners.	Strategic Director, Customers and Relations	3	3	9		
CM1	Service Innovation	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	Service Delivery	4	3	12	High	If not properly managed then either the Council could lose the opportunity to develop further or may have enforced changes to service delivery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Clear approach and 'roadmap' for transforming the Council including an 'innovation' strand, monitored by the Senior Management Team and reported to Cabinet as part of the budget process.	Strategic Director, Policy & Place	3	3	9		
SP1	Data Protection	Sensitive data, in any format, is not correctly managed, processed or protected from loss or theft in line with GDPR and Data Protection Act requirements.	Service Provision	3	4	12	High	Potentially severe disruption to core services and/or data theft, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents from any breach, potential financial losses, directly or indirectly e.g. ICO fines.	Ongoing review of data security policies and protocols to ensure that they are fit for purpose and implement a training program for all staff and members as required. Provision of secure CBC devices to staff and Members.	Chief Operating Officer	2	4	8		
PR1	Budget Strategy	Inability to deliver the budget strategy as planned.	Finance	3	4	12	High	Failure to deliver the planned budget. Unplanned additional use of balances / reserves or to adapt financial plans to deal with impact of changes. May be a need to make in-year budget and service changes.	Ensure effective use of the controls built into the annual budget strategy, to enable the organisation to respond quickly to changes. Regular monitoring of actual spend/income and sensitivity analysis to consider the impact on income streams and the capacity of the organisation to deliver services. Regular and open reporting and updating of the budget position through Cabinet, prudent use of reserves where necessary to mitigate in-year losses. Transformation Programme established early in 2021 to contribute savings to balance the 22/23 and future year's budgets.	Chief Operating Officer	2	4	8		

				Initial Score							Residual Score		
Ref	Risk Title	Description	Strategic / Recovery Strand	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
OP1	ICT	Major system failure causing significant service disruption	Operational	2	5	10	High	The accelerated use of technology in 2020 and increasing reliance on IT to continue normal business leaves the Council potentially vulnerable to any major system failure, across all service areas.	Continue to shift any remaining legacy systems into more resilient, cloud-based solutions in line with ICT strategy. Ensure that the IT Disaster Recovery plan, and service plans, adequately reflect the organisation's requirements and provide an effective framework for maintaining service provision. Regularly review the IT development strategy to ensure it continues to support the organisations ambitions and provides appropriate safeguards for IT service delivery.	Assistant Director, Corporate & Improvement	2	4	8
SP5	Staff Wellbeing	The sustained response to the pandemic to ensure continued (and additional) service delivery, results in staff reaching their personal resilience levels, leading to organisational fatigue.	Service Provision	3	4	12	High	Decline in service performance. Disengaged and demotivated staff. Efficiency and productivity reduction. Inability to meet changing requirements and needs. Insufficient capacity to deliver the transformation programme. Customer perceptions decline as we deliver less. Loss of key staff.	Monitor staff morale and trends using staff surveys and by monitoring the People Dashboard; and ensure good communications with staff, exploiting new technologies such as Yammer. Implement the action plan for the People Strategy; ensuring that performance is regularly monitored. Regularly report the progress of the learning and development strategy, including financial considerations and business behaviours, and exploring training alternatives. Use it as an opportunity to review individuals in the community who could be retrained and reskilled, using processes such as supported internships.	Assistant Director, Corporate & Improvement	2	3	6
EF1	Capacity	The Capital programme contains more projects than the Council has the ability to deliver due to limited resources including specialist staff.	Efficiency	3	3	9	Medium	The Borough Council is unable to deliver the priorities as set out in the strategic plan and key projects are delayed, increase in cost or fail to be delivered. Inability to leverage additional resources.	Manage the recruitment and development processes to ensure that the organisation has the appropriate skills and expertise. Frequently review the Capital Programme to ensure that programmes are realistic and deliverable with available resources and / or identify any additional resources required to deliver key projects. Agile methodology enables project scopes to be adjusted through effective governance processes. Establishment of the Capital Programme Steering Group (informal Cabinet) to oversee the entire capital programme and address any capacity and other risks before they become issues.	Assistant Director, Corporate & Improvement	3	2	6

RISK MATRIX
July 2021

Low Risks	Medium Risks	High Risks
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Initial Score Matrix

Scoring 1-5

Risk Tolerance Line

Probability of Occurrence	5 Very High				ST4	
	4 High			CM1 ST3	CO2 ST2	
	3 Medium			CO5 EF1	CO3 PR1 CO1 SP5 SP1	SP4
	2 Low					OP1
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
Severity of Impact						

Residual Score Matrix

Scoring 1-5

Risk Tolerance Line

Probability of Occurrence	5 Very High					
	4 High			ST4 ST2		
	3 Medium		EF1	CM1 ST3 CO2	CO1 SP3	CO3 SP4
	2 Low			CO5 SP5	PR1 OP1	
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
Severity of Impact						

Risk Management Strategy 2021/22

**A guide to the Council's approach to
managing risk.**

Draft for committee approval

RISK MANAGEMENT STRATEGY

This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance to ensure management of risk is a routine process for all services.

INTRODUCTION

Strategy will ensure that:

1. The management of risk contributes towards ensuring effective service delivery and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes, at all levels, including strategic, programme, project and operational
5. All members and officers acknowledge and understand the importance of risk management as a good governance process, by which key risks and opportunities are identified, evaluated and managed.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. Where possible the Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

Endorsement by Adrian Pritchard, Chief Executive

“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is fluid and cursive, with a long, sweeping underline that extends to the right.**WHAT IS RISK MANAGEMENT**

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long- and short-term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could affect the achievement of objectives and develop actions to control, or reduce, those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

The ‘Delivering Good Governance in Local Government’ 2016 framework, jointly issued by The Chartered Institute of Public Finance & Accountancy and the Society of Local Authority Chief states that there are seven core principles of good governance including ‘Managing risks and performance through robust internal control and strong public financial management’. The document goes on to state ‘Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision-making activities.’

BACKGROUND

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long-term goals of the Council.
- Operational – risks related to the day-to-day operation of each individual service.
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives.

The following are some of the practical ways that risks are managed and how effectiveness is measured:

- Provision of a comprehensive strategic register, that is regularly reviewed.
- Provision of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the project management programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

This has led to a practical and workable approach to managing risk, which has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive project risk register. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2018/19 internal audit of risk management gave a substantial assurance opinion. Six recommendations were raised during the audit relating to embedding the risk management process in Colchester Commercial Holdings Company Ltd, development of e-learning and reporting of operational risk registers.

OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix 3 is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

Cabinet – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

Portfolio Holder for Resources – Lead Member for the risk management process

Governance and Audit Committee – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to Cabinet as necessary.

Performance Management Board (PMB) – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

Chief Operating Officer – Lead officer for the risk management process, demonstrating commitment to manage risk.

Assistant Director Corporate & Improvement – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

All Assistant Directors – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

All Employees – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

Internal Audit, External Audit and other Review Bodies – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

AIMS & OBJECTIVES

The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

The risk management objectives of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

STRATEGIC RISK MANAGEMENT

Strategic risks are essentially those that threaten the long-term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to the Governance & Audit Committee at least twice a year.

OPERATIONAL RISK MANAGEMENT

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

LINKS

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture, it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

ACTION REQUIRED

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.

REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to PBM, Governance & Audit Committee and Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision-making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat.
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored, to ensure that it is effective, and the work carried out by the Council conforms to best practise.

The three appendices attached give greater detail of key areas:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – CIPFA guidance on Risk Management Responsibilities

APPENDIX 1

The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

Stage 1 – Risk Identification

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the relevant Assistant Director who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews, then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

Stage 2 – Risk Analysis

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

Stage 3 – Risk Control

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

Stage 4 – Risk Monitoring

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

APPENDIX 2

Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore, it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

Types of Report

- The strategic risk register is reviewed a minimum of twice yearly by PMB, with interim reports quarterly as required.
- Six monthly review of the operational risk registers and a summary report of these reviews to PMB
- Project risks are reported through the project management process and reported to the project management board. Significant issues will also be included in the reporting process to PMB
- A six-monthly report is provided to Committee (Governance and Audit) detailing the current strategic and high-level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year – taking into account changes in methodology and results of internal and external reviews. Going to PMB, Governance & Audit and Cabinet.
- Ad-hoc reports need to be provided to PMB when new, significant risk issues arise.

The reports can be summarised as follows:

	Services	P.M.B.	Governance & Audit	Cabinet
Quarterly		Review of strategic risk register		
6 Monthly	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high-level operational risks	
Yearly		Scrutiny of annual progress report to cttee on R.M.	Endorsement of annual progress report on R.M.	Summary of past years work on R.M.

Appendix 3

Risk Management Responsibilities – CIPFA / SOLACE Guidance

	Framework, Strategy and Process	Identifying risk	Analysing Risk	Profiling risk	Prioritising action based on risk appetite	Determining action on risk	Controlling risk	Monitoring & Reporting	Reporting to external stakeholders.
Members	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk. Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
Risk Management Team	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
Senior Management Team	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues. Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process. Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
Assistant Director Corporate & Improvement	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
Service Managers / G.M.T's		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks. Delegating responsibility for control.		Monitoring progress on managing service risks. Reporting to the group management team	
Employees, contractors And partners		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks Reporting to the service manager.	

7 September 2021

Report of	Dan Gascoyne, Senior Information Risk Owner	Author	Nicola Cooke ☎ 01206 508929
Title	Review of the Council's Processing of Special Category & Criminal Convictions Personal Data Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report requests the Committee to review the Council's new Processing of Special Category & Criminal Convictions Personal Data Policy. This is a new policy which the Council is required to have under Data Protection Act 2018.
- 1.2 The report also requests the Committee to recommend to Full Council to include the new policy in the Ethical Policy Framework which comprises all of the Authority's key policies which set out the standards of conduct and integrity that the Colchester Borough Council (the Council) expects from its Councillors, staff and all partners when conducting Council business.

2. Recommended Decision

- 2.1 To recommend to Full Council that the Processing of Special Category & Criminal Convictions Personal Data Policy, attached at Appendix A to this report, be adopted and approved for inclusion in the Council's Policy Framework.

3. Background

- 3.1 The Council is committed to maintaining the highest standards of governance and a suite of policies is approved annually at Full Council.
- 3.2 A varied range of policies and procedures form the Corporate Governance framework and a selection of these relate to ICT and Data Protection
- 3.3 Paragraph 1 of Schedule 1 of the Data Protection Act 2018 requires that an appropriate policy document be in place where the processing of special category or criminal convictions personal data is necessary to carry out functions which are imposed or conferred by law on us or the subject of the data in connection with employment, social security or social protection matters.

4. Review of Ethical Governance Policies

- 4.1 This policy covers the processing of certain types of special category personal information. It sits alongside the Data Protection Policy which covers the Council's approach to the processing of any personal information.

5. Strategic Plan References

- 5.1 The manner in which the Council governs its business and protects the data it controls and accesses underpins the Council's Strategic Plan priorities to set out the direction and future potential for our Borough.

6. Publicity Considerations

- 6.1 The Council's ethical governance policies will be published on the Council's website.

7. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications

- 7.1 None.

Processing of Special Category & Criminal Convictions Personal Data Policy

August 2021



Customer Business Culture

Processing of Special Category and Criminal Convictions Data Policy

CONTEXT

The aim of this policy document is to set out how, within the provisions of applicable data protection law (specifically the Data Protection Act 2018 and the General Data Protection Regulations), Colchester Borough Council will seek to protect special category and criminal convictions personal data.

This policy should be read in conjunction with Colchester Borough Council's Data Protection Policy.

This document is to meet the requirements of paragraph 1 of Schedule 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category or criminal convictions personal data is necessary to carry out functions which are imposed or conferred by law on us or the subject of the data in connection with employment, social security or social protection matters.

It also meets the requirement of paragraph 5 Schedule 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest.

DEFINITION SPECIAL CATEGORY DATA

The legislation makes a distinction between 'personal data' and 'special category data'. Special category data is defined in Article 9 of the General Data Protection Regulation as personal data revealing:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Criminal proceedings or convictions
- Philosophical
- Genetic data
- Biometric data.

DEFINITION OF CRIMINAL CONVICTIONS DATA

Article 10 of the General Data Protection Regulation defines criminal convictions data as personal data relating to an individual's criminal convictions and offences or related security measures.

Section 11 of the Data Protection Act 2018 states that criminal convictions data includes personal data relating to:

- The alleged commission of offences by the data subject.
- Proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing.

Examples of criminal convictions data also includes information linked to security measures and restrictions, such as bail conditions, cautions, and restraining orders, and less obvious types of information, such as personal data relating to witnesses, victims of crime, and details of allegations (proven and unproven). It may also include information about civil measures which may lead to a criminal conviction if not adhered to.

CONDITIONS FOR PROCESSING SPECIAL CATEGORY AND CRIMINAL CONVICTIONS DATA

Examples of areas of Colchester Borough Council that exercise law enforcement functions are: wardens, fraud investigations, environmental services, food safety, health and safety, licensing, planning and private sector housing.

Article 9 lists the conditions for processing special category data:

- The data subject has given explicit consent.
- The processing is necessary in the context of employment law, or laws relating to social security and social protection.
- The processing is necessary to protect vital interests of the data subject or of another natural person.
- The processing is carried out, in the course of the legitimate activities of a charity or not-for-profit body, with respect to its own members, former members, or persons with whom it has regular contact in connection with its purposes.
- The processing relates to personal data which have been manifestly made public by the data subject.
- The processing is necessary for the establishment, exercise or defence of legal claims, or for courts acting in their judicial capacity.
- The processing is necessary for reasons of substantial public interest.
- The processing is required for the purpose of medical treatment undertaken by health professionals, including assessing the working capacity of employees and the management of health or social care systems and services.
- The processing is necessary for reasons of public interest in the area of public health.
- The processing is necessary for archiving purposes in the public interest, for historical, scientific, research or statistical purposes, subject to appropriate safeguards.

In addition Schedule 1 of the Data Protection Act 2018 establishes conditions that permit the processing of the special categories of personal data and criminal convictions data. The Schedule is split into four parts:

- Part 1 – Conditions relating to employment, health and research.
- Part 2 – Substantial public interest conditions.
- Part 3 – Additional conditions relating to criminal convictions.
- Part 4 – Appropriate policy document and additional safeguards.

DATA PROTECTION PRINCIPLES

Article 5 of the General Data Protection Regulation describes the data protection principles. Below sets out details of how Colchester Borough Council will comply with these in relation to the processing of Special Category and Criminal Offence personal data:

- Special category and conviction data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Special category and conviction data is processed fairly.

- Data subjects receive full privacy information so that any processing of special category and conviction data is transparent.
- We will only collect special category and conviction data for specified, explicit and legitimate purposes.
- We will not use special category and conviction data for purposes that are incompatible with the purposes for which it was collected. If we do use special category and conviction data for a new purpose that is compatible, we will inform the data subject first.
- We will only collect the minimum special category and conviction data that we need for the purpose for which it is collected.
- The data we collect is adequate and relevant.
- Special category and conviction data will be accurate and kept up to date where necessary.
- We only keep special category and conviction data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so.
- We will ensure there are appropriate organisational and technical measures in place to protect special category and conviction data.

ACCOUNTABILITY PRINCIPLE

Colchester Borough Council is responsible for demonstrating compliance with these principles. Our Data Protection Officer holds responsibility for doing this. They will:

- Ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.
- Carry out Data Protection Impact Assessment (DPIAs) for any high-risk personal data processing, and consult the Information Commissioner if appropriate.
- Provide independent advice and monitoring of departments' personal data handling.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.
- Keep a record of personal data breaches.

RETENTION AND ERASURE

Colchester Borough Council will ensure, where special category personal data or conviction data are processed, that:

- There is a record of that processing and that record will set out, where possible, the envisaged time limits for erasure.
- Data subjects receive full privacy information about how their data will be handled.
- Where we no longer require special category or convictions data for the purpose for which it was collected, we will delete it or render it permanently anonymous.
- We retain personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Details of the retention periods for personal data can be found in our Retention Policy.

THE INFORMATION COMMISSIONER (ICO)

Colchester Borough Council is registered with The Information Commissioner (ICO) as a data controller.

POLICY REVIEW

This policy document will be retained in accordance with Part 4 of Schedule 1 of the Data Protection Act. It will be made available to the Information Commissioners Office (ICO) on request. The policy will be reviewed on an annual basis and updated as necessary at these reviews.

FURTHER INFORMATION

For further information about Colchester Borough Council's compliance with Data Protection Legislation, please visit www.colchester.gov.uk/privacy or email dpo@colchester.gov.uk.

VERSION CONTROL

Purpose:	To specify how the Council complies with Data Protection Legislation with regard to the processing of special category and criminal conviction personal data
Status:	Draft
Final date:	
To be reviewed:	August 2022

21 July 2021

Report of	Assistant Director of Communities	Author	Jon Ruder ☎ 282840
Title	Licensed Vehicles – Statutory Standards//Outcome of Consultation		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To notify the Committee of the outcome of the consultation process, which ended on 9 July 2021, regarding proposed changes to the Council's Hackney Carriage and Private Hire Licensing Policy. The changes would bring the Policy into line with the Statutory Taxi & Private Hire Vehicle Standards issued by the Department of Transport in July 2020. The draft Policy is attached to this report at Appendices 1 to 6.

2. Recommended Decision

- 2.1 That the comments made as part of the consultation exercise be considered.
- 2.2 That the Council's Hackney Carriage and Private Hire Licensing Policy, be approved with any changes considered necessary by the Committee as a result of the consultation, and recommended to full Council for adoption.

3. Reason for Recommended Decision

- 3.1 To ensure the Council has a robust Hackney Carriage and Private Hire Licensing Policy that recognises that importance of safeguarding of children and vulnerable people.

4. Alternative Options

- 4.1 Failure to adopt the standards will mean the Council is not compliant with the minimum standards recommended by the Department of Transport and clear reasons for this position will need to be made.

5. Detailed Considerations

- 5.1 The consultation ended on 9 July and the representations received are set out at Appendix 7.
- 5.2 The Sub-Committee's views are sought on the points raised in the representations; the main points are set out below.

Increase in costs

- 5.3 One of the representations refers to the increased cost burden of the rise in the number of checks. It is acknowledged that the additional measures to ensure the suitability of applicants/licence holders will mean an increase in the costs borne by licence holders. The cost of a 6 monthly DBS will be £40 and to obtain the necessary safeguarding qualification is currently £25. The changes will be introduced in such a way as to give a reasonable time for compliance.

Application of fit and proper test to second owners

- 5.4 The relevant legislation makes no distinction between first and second owners. It is therefore recommended that the provisions are applied evenly across the board.

Enhanced DBS checks every 6 months for drivers

- 5.5 This is a recommendation from the Statutory Standards with the intention of improving safeguarding measures within the industry.
- 5.6 The Statutory Taxi & Private Hire Vehicle Standards is statutory guidance and sets out the core minimum standards that are required to regulate better the hackney carriage and private hire sector. The Department of Transport therefore expects the recommendations within the document to be implemented unless there is a compelling reason not to do so. The changes have been proposed with the intention of improving safeguarding in the industry and thereby the safety of the travelling public.

6. Consultation and Publicity Considerations

- 6.1 The changes have been the subject of consultation and therefore no further consultation is required. The relevant licence holders will be contacted at the appropriate time and advised what they need to do in relation to the changes.

7. Community Safety Considerations

- 7.1 The changes proposed are designed to ensure that the Council's Policy protects the public, safeguarding and promoting the welfare of children and vulnerable persons.

8. Strategic Plan References

- 8.1 The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role in the work to tackle the climate challenge, as part of the Borough's transport strategy, and in their role as ambassadors in promoting Colchester to residents and visitors alike.

9. Standard References

- 9.1 There are no known financial, equality, diversity and human rights implications, risk management, health & safety, and environmental and sustainability implications in relation to this report.

Annex 1 - Driver Licensing Standards and Conditions

The Council issues a dual 3 year hackney carriage/private hire driver's licence; on occasions a licence may be issued for a shorter period where it is appropriate to do so.

Any requirement of legislation, which affects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

These conditions should be read in conjunction with the Council's Policy documents and in particular regard should be given to the Penalty Points Scheme and Convictions Policy.

Applications for the grant or renewal of a licence must be made, and will be determined, in accordance with the Policy, its annexes and appendices. There is a right of appeal against the Council's decisions, details of which are set out at the end of this document.

If you fail to comply with any of these conditions enforcement action will be taken which may result in points being awarded on your hackney carriage/private hire driver's licence and in certain circumstances this may result in the suspension or revocation of your licence.

Pre-Licensing Standards

In order to be licensed as a hackney carriage/private hire driver you must –

1. Be over 21 years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or equivalent) driving licence for at least three years. You must supply your licence with the application.

Please note – If you hold an EU Country driving licence you must obtain a UK counterpart/ghost licence from the DVLA before you can be considered for a hackney carriage/private hire driver's licence and the details must be shared with the Council. Applicants from non-EU countries must apply for a full UK driving licence before being considered for a hackney carriage/private hire driver's licence.

2. Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.

Please note - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.

3. Obtain an Enhanced Disclosure from the Disclosure and Barring Service (DBS) as

Annex 1 - Driver Licensing Standards and Conditions

part of the application process. This must be less than three months old when the application is made.

Please note – Applicants for hackney carriage/private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Therefore, you must disclose all previous cautions and convictions whether they are “spent” or not. You should have regard to the Council's Convictions' Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration when determining the application.

4. If you have spent six continuous months or more living outside the UK, provide a criminal record check, or equivalent documentation, **or a Certificate of Good Character** from the country/countries involved covering the relevant period.

5. Have completed and passed, at your own expense, an independent medical examination to determine whether you meet the criteria set out in the 'Medical Aspects of Fitness to Drive' Group 2 standard and been found to be medically fit to hold a licence. Exceptional arrangements may be made if you have insulin treated diabetes and are able to meet a series of medical criteria. The medical must be supplied to the Council before a licence can be granted and is required on initial application for a licence and then every 3 years to the age of 65 when a medical will then be required annually irrespective of your renewal date.

6. Be found to be a fit and proper person to hold a hackney carriage /private hire driver's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy, its relevant annexes and appendices.

Please note - behaving in an inappropriate manner to Council staff or others involved in the licensing process may result in you being found not fit and proper to hold a licence.

7. Have passed the following competency tests and supplied proof of having done so to the Council; these tests to be completed at your own expense. The tests comprise –

- a. a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
- b. Passenger Assisted Transport Training, if you will be driving a fully adapted disabled assess vehicle, either private hire or hackney carriage (plate numbers 200 onwards),
- c. the English language test
- d. the Council's knowledge test

Please note – The knowledge test comprises questions picked at random from the Council's licensing policy, safeguarding training, topographical and tourism questions,

Annex 1 - Driver Licensing Standards and Conditions

the Highway Code and basic arithmetic. The decision of the adjudicator is final and no discussion of individual questions will be entered into. If you don't pass the test you will be permitted two further attempts at a minimum of fortnightly intervals when a further fee per test will be payable; these re-tests must be completed within three months of the first test being taken. A different question paper will be selected for each test re-sit. Failure to pass the knowledge tests after 3 attempts will deem the applicant unsuccessful. You will be required to wait for 12 months, from the date of the final test, before you can book a further knowledge test.

8. Have undertaken the Council's Mandatory Safeguarding Training and supplied proof of having done so to the Council.

9. Declare if you have previously held a hackney carriage and/or private hire drivers' licence whether with this authority or another local authority and whether you have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

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Driver Conditions

As the holder of a hackney carriage/private hire driver's licence you must comply with the following conditions:

1. Conditions of licence

- 1.1 The combined hackney carriage/private hire driver's licence (hereinafter referred to as 'driver's licence') is valid for three years from the date of its grant. On occasions a licence may be issued for less than the current standard length of 3 years where it is appropriate to do so having regard to the merits of the case, for example, where you have a limited right to remain in the UK.
- 1.2 You must present your driver's licence or a copy thereof to the proprietor/operator at the beginning of your employment and immediately after any renewal of the licence.
- 1.3 On the request of an authorised officer of the Council or a Police officer, you must produce your licence for inspection.
- 1.4 You must keep a copy of these driver conditions in the licensed vehicle you are using.
- 1.5 You must not act as a driver without the consent of the licensed proprietor of the vehicle.

Annex 1 - Driver Licensing Standards and Conditions

- 1.6 You must notify the Council in writing, within 7 days, of any change of name, or address.
- 1.7 At all times when your vehicle is available for hire, you must wear your driver's badge in a position where it can be seen and it should be produced if requested by the public. You must not wear your badge other than when carrying out work in connection with your business.
- 1.8 You must not allow your driver's badge to be used by any other person or cause or permit any other person to wear it. Nor permit any person to damage, deface, mutilate or obscure a driver's badge or any part of it.
- 1.9 Your licence and badge remains the property of the Authority at all times. They must be returned forthwith if your employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.
- 1.10 If your immigration status changes, for example your permission to stay in the UK has been curtailed, you have been served a deportation notice or have been convicted of an immigration offence, you must return your licence and badge to the Council within 7 days.
- 1.11 You must complete mandatory or any other training that the Council deems necessary and appropriate; this may include training required because of convictions or penalty points awarded against you or as a result of a complaint.
- 1.12 You must submit an Enhanced DBS every six months. Failure to do so will result in the Council suspending your licence as a current DBS check is a key element in the Council's determination of whether you are a fit and proper person to hold a licence.
- 1.13 You must sign up to the DBS Update Service. This is a mandatory requirement which will require you to register with the Disclosure and Barring Service online within 30 days from the issue of your DBS certificates (provided by the DBS). To register for the DBS Update Service, you will be required to pay the registration fee (which may be subject to change), which is payable direct to the DBS Service. Payment is taken initially by card, there is no option for direct debit payments. By selecting the option to automatically renew a subscription, the DBS will store your card details to take the subscription on an annual basis. It will be your responsibility to ensure that those payment details remain current and valid i.e., if you change your payment card over the course of the year, the DBS will not be able to take your annual subscription.

2. Driver Conduct

You must -

- 2.1 Behave in a civil, polite and orderly manner at all times in the course of carrying

Annex 1 - Driver Licensing Standards and Conditions

out your duties as a licensed driver, **this includes in your dealing with members of Council staff.** You must not behave in a way that will-

- Cause any person to take offence at your actions.
 - Cause any person to believe your actions are inappropriate.
 - Cause any person to fear for their physical safety.
 - Cause any person to doubt your integrity.
 - Bring into disrepute the integrity of the Council for having issued a licence to you.
- 2.2 Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 2.3 Drive with the utmost care and consideration to other road users and pedestrians.
- 2.4 Convey a reasonable amount of luggage, including wheelchairs and children's pushchairs (provided they can be carried in a safe manner) and provide reasonable assistance in loading and unloading such luggage.
- 2.5 Give reasonable assistance to elderly, vulnerable or disabled persons entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey
- 2.6 Not drink or eat in the vehicle nor play any radio or sound equipment, which is not connected with the operation of the business, without the hirer's consent.
- 2.7 Ensure that the vehicle licence plates are not willfully or negligently concealed from public view.
- 2.8 If you have agreed or have been hired to be in attendance with the vehicle at an appointed time and place you must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
- 2.9 Not smoke tobacco or any other like substance in a licensed vehicle nor use an electronic cigarette or similar device.
- 2.10 Not drive if you are unfit to do so because you are on legal or illegal drugs and/or you have certain levels of illegal drugs in your blood.
- 2.11 Not drive whilst under the influence of alcohol.
- 2.12 Whilst driving you must not use a handheld mobile phone nor any other handheld mobile device which performs an interactive communication function by transmitting and receiving data.
- 2.13 Not drive a vehicle if you no longer hold, have had suspended, or are disqualified from holding a DVLA licence for that type of vehicle.

Annex 1 - Driver Licensing Standards and Conditions

- 2.14 When hired to drive to a particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 2.15 Not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 2.16 Not solicit, by calling out, or otherwise importuning any person to hire or be carried for hire. Neither is it permitted to accept an offer for the hire of the vehicle except where it is first communicated to you by the Operator.
- 2.17 Not permit a private hire vehicle to be parked or ply for hire on a taxi rank.
- 2.18 Present the vehicle in a clean and tidy condition for each journey.
- 2.19 Not carry out food deliveries whilst carrying a fare without the express permission of the hirer. Vehicles can be used for the delivery of food (subject to the above condition) but drivers should ensure that the vehicle is clean and odour free before carrying a fare or that the hirer has given their express permission for food to be carried at the same time.
- 2.20 Not use the horn as a means of signaling that the vehicle has arrived for a hire.
- 2.21 Not convey, nor permit to be conveyed, in the vehicle more than the number of persons specified in the licence and referred to on the vehicle licence plate.
- 2.22 Not carry other persons in the vehicle when hired, without the express consent of the person hiring the vehicle.
- 2.23 Ensure compliance with any legislation relating to the length of working hours.

3. Dress Code

- 3.1 You are required to be respectably dressed, clean and tidy in appearance and must adhere to the Council's dress code as set out below:

Permitted clothing-

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.
- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit

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around the heel of the foot.

- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

This list is not exhaustive and where you are unsure please contact the Licensing Team for further advice.

4. Fares and Journeys

You must

- 4.1 If requested by the hirer, provide a written receipt for the fare paid, this may be by email. Each receipt should show the date and destination of journey, driver badge number and amount paid.
- 4.2 At the start of a hired journey, where a meter is fitted, ensure the meter is turned to the correct tariff and running and that it remains in operation until the termination of the hiring. This applies to all bookings.
- 4.3 Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 4.4 Ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness and at any other time at the request of the hirer.
- 4.5 Not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter, the fare shown on the face of the meter.
- 4.6 When driving a private hire vehicle, equipped with a meter, ensure that a table of fares as issued by the Private Hire Operator/Proprietor is kept within the vehicle, displayed in a clearly visible position, and made available to any passenger or authorised officer on request.
- 4.7 Not demand a fee for carrying a wheelchair or other mobility aids.
- 4.8 You may charge a customer if, during the duration of their journey, the vehicle is soiled in any way i.e. through vomiting in the vehicle.

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5. Convictions, Cautions, Criminal Investigations and Penalty Points

5.1 You must

- a. Notify the Authority, in writing, within a period of 48 hours, of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or being the subject of a criminal investigation whilst the licence is in force. An arrest for any of the offences within this scope will result in the Council reviewing whether you are fit and proper to continue to hold a licence. If you fail to disclose an arrest that subsequently comes to the attention of the Council, this might be seen as behaviour that brings into question your honesty and integrity and therefore your suitability as a licence holder regardless of the outcome of the initial allegation.
- b. Following conviction or the issue of a fixed penalty notice which results in points being given on your DVLA licence, produce your licence to the Council within 48 hours of its return from the DVLA, court of fixed penalty office following the endorsement of the offence.
- c. In the event that you are disqualified from driving, immediately inform the Council and surrender your driver's badge and where appropriate the vehicle plate.
- d. Make application and pay for a further DBS check, if required to do so by the Council in order that it may fully investigate any complaints or matters in which you are involved.

5.2 The Convictions Policy and Penalty Point Scheme will be applied as appropriate.

6. Fitness to Drive and Medical Evidence

- 6.1 You must inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect your ability to drive a licensed vehicle. Where this affects your ability to assist disabled passengers and you drive a wheelchair accessible vehicle you may be issued with a temporary exemption certificate on production of a letter from your GP or the Council's medical examiner.
- 6.2 Up to the age of 65 you must undergo a medical examination to DVLA Group 2 standard every 3 years, to assess your fitness to drive. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered or at a Council approved medical examiner and will be at your expense.
- 6.3 If you are suffering from a known and notifiable medical disorder or are over the age of 65, you will be required to undergo a medical examination to Group 2

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standard annually. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered or at a Council approved medical examiner and will be at your expense.

- 6.4 The Council may refer you for a further medical, specifically where you suffer from a medical condition which is diagnosed between your last Group 2 medical assessment and your next medical assessment. The certificate of examination must be submitted to the Council. Note – This examination is at the expense of the driver and must be at a clinic or hospital as directed by the Council.

7. Found Property

- 7.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- 7.2 ~~Items found in a licensed vehicle must be registered by the driver on Essex Police's website.~~ Items should be held for a minimum of 28 days.
- 7.3 The following found items must be surrendered to the Police and cannot be retained:
- Firearms / explosive material - These items are a threat to your safety. It is unlawful for you to retain them, please call 999 and Essex Police will arrange for collection.
 - Knives/offensive weapons/drugs/unidentified substances - This item is a threat to your safety. It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.
 - Offensive material/ items believed to be used in or in connection with a crime - It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.

Passports, driving licences or other government documents, for security reasons, must be sent back to the issuing authority as it is unlawful for you to retain these items.

8. The Carriage of Animals

- 8.1 You must not carry, in a licensed vehicle whilst being hired, any animal which belongs to or is being looked after by yourself, the proprietor or operator of the vehicle.
- 8.2 Animals in the custody of passengers may be carried, at your discretion, provided they are restrained in a safe manner.
- 8.3 You cannot charge a fee for carrying an assistance dog when it is acting in its

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capacity as an assistance dog.

- 8.4 You must carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger. Passengers must be permitted to sit in the front seat so that the guide dog can sit in the front foot well.

Assistance Dogs can be identified by their coloured harness which are as follows –

- Guide Dogs – Fluorescent strips around a white harness
 - Hearing Dogs – Burgundy
 - Support Dogs – Blue
 - Assistance Dogs – Purple, yellow or bright red
 - Medical detection dogs – Red
 - Buddy Dogs – Bright blue
 - Autism Dogs – Blue
 - Deaf Blind Guide Dogs – Red and White squared harness
- 8.5 If you have a medical condition, which may be exacerbated by such dogs, you may apply to the Authority for exemption from the condition 8.3 above. A certificate of exemption will be supplied on production of suitable medical evidence.
- 8.6 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all time carry a tactile exemption certificate which must be made available in appropriate circumstances.
- 8.7 You must not forge or alter for use a Certificate or Notice of Exemption; lend a Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

9. Wheelchair Accessible Vehicles

- 9.1 If you drive a wheelchair accessible vehicle you must be appropriately trained to secure and carry such passengers:
- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle.
 - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off.

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- ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

10. Certificate of Motor Insurance

- 10.1 You must ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.

11. Condition of the Vehicle

- 11.1 You are responsible for ensuring that the licensed vehicle you drive is in a roadworthy condition and complies with the relevant legislation and with the Council's licensing conditions for that vehicle.
- 11.2 You must report an accident or any damage to a private hire vehicle within 48 hours of the occurrence.

12. Seat Belts and Child Seats

(Please follow links in the paragraphs below)

- 12.1 You must wear your seat belt unless [exempt](#).
- 12.2 You have a responsibility to ensure that you are familiar and up to date with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts, child seats, and any other relevant construction and use and safety legislation.

13. Rank Discipline

- 13.1 It is an offence to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, on the rear of a Hackney Carriage rank will therefore be dealt with by way of a fixed penalty notice or penalty points.
- 13.2 You are expected to obey rank discipline; vehicles should immediately move forward when the vehicle at the front of the rank leaves.

14. Trailers

- 14.1 You may tow a trailer on a licensed Hackney Carriage vehicle provided that you

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hold the appropriate category on your DVLA licence, which must be produced to the Council.

~~15. Probationary Licences~~

~~15.1 If you are granted a Probationary Licence you must comply with the following condition in addition to those attached to the grant of the driver's licence.~~

~~If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or any another form of restorative justice or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where complaints or intelligence are received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.~~

~~15.2 Any breach of the probationary condition will result in the Council taking action to revoke your licence.~~

~~15.3 The revocation process is as follows~~

~~a. A member of the Licensing Team will investigate the facts of the breach which may include interviewing you under caution. The Council may also, as part of its investigation request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter or a new DBS check. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.~~

~~b. You be notified of the outcome of the investigation, and any resulting revocation, in writing.~~

~~c. There is a right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.~~

Appeal against the Conditions

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Annex 1 - Driver Licensing Standards and Conditions

Application and Renewal Processes

Application process for a new Driver's Licence

1. **Access the Council's web page for new drivers and read the Hackney Carriage & Private Hire Licensing Policy and Conditions and the information on how to apply and where to book the necessary tests.**
2. You will need to complete and pass the following –
 - The English Test.
 - Hackney Carriage/Private Hire Driver Assessment.
 - Knowledge Test.
 - Enhanced Disclosure and Barring Service Check (DBS) including a checked of the barred lists.
 - DVLA check.
 - Group 2 medical with a fitness to drive form.
 - **Mandatory safeguarding training.**
3. The following documentation must be supplied to the Council -
 - The completed application form.
 - The correct fee.
 - A Group 2 medical certificate.
 - A valid passport or birth certificate.
 - Your DVLA licence registered to your current address.
 - 2 x proof of address (letter from a doctor/utility bill etc.) these must be dated within the last three months.
 - If you have spent six continuous months or more living outside the UK a criminal record check or equivalent documentation is required from the country/countries involved covering the relevant period **or a Certificate of Good Character.**
 - If you have changed your name either by marriage or deed poll, the change of name document is required.
 - Proof that you have completed and passed a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
 - A Passenger Assisted Transport training course certificate if you will be driving a fully adapted disabled access vehicle.
 - Proof that you have passed the Council's English test.
 - **Proof that you have passed the Council's Knowledge test.**
 - **Proof that you have completed the Mandatory Safeguarding training.**

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Renewal process for a Driver's Licence

1. Access the Council's web page for information on how to renew and read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.
2. You will need to complete and pass the following –
 - Enhanced Disclosure and Barring Service Check (DBS) including a check of the barred lists
 - DVLA check
 - Group 2 medical with a fitness to drive form.
3. The following documentation must be supplied to the Council.
 - The completed application form.
 - The correct fee.
 - Your DVLA licence registered to your current address.
 - If you have spent six continuous months or more living outside the UK a criminal record check or equivalent documentation from the country/countries covering the relevant period **or a Certificate of Good Character**
 - If you have changed your name either by marriage or deed poll, the change of name document/marriage certificate.
 - A completed medical (please ensure you have both the medical and the covering declaration from the GP/medical examiner stating that you are fit to work).

Please note – As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver. It is your responsibility to ensure that you have booked the necessary appointments and have the necessary paperwork to enable you to complete the renewal process before the expiry date of your existing licence.

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Determination of New and Renewal Applications and the Appeal Process

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified you will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those identified are resolved, the application will be granted provided that the process has been complied with to the satisfaction of the Council.

If issues are identified the application will be processed in line with the procedures set out in the [Convictions Policy](#) and/or [Penalty Points Scheme](#) as appropriate.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Only those vehicles **and their proprietors** who comply with the specifications set out below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

Introduction

A hackney carriage vehicle licence remains in force for a year.

Any car to be used as a hackney carriage must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

In addition –

- any vehicle to be used as a hackney carriage on plates 200 onwards must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted; this includes vehicles on renewal.

As a hackney carriage vehicle proprietor, the Council must be satisfied that you are fit and proper, safe and suitable, to hold a hackney carriage vehicle licence. This requirement applies to all those with an interest in the vehicle as declared on the Proprietor Requisition Declaration.

PLEASE NOTE: Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the Hackney Carriage and Private Hire Licensing Policy, its Annexes and Appendices.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and, in the case of a wheelchair accessible vehicle, a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Pre Licensing Standards

Only those vehicles which comply with the specification detailed below, **and those proprietors who are fit and proper, safe and suitable**, can be granted a hackney carriage vehicle licence by Colchester Borough Council.

1. Vehicle Age and Condition

1.1 An application for a hackney carriage will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as hackney carriages and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis –

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

standard

2.4 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

3. Colour

3.1 Hackney Carriages must have a black full body livery.

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels and Tyres

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Any spare wheel must conform to construction and use regulations.

5.3 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.4 applies.

5.4 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.5 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

5.6 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

5.7 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

5.8 A vehicle must not be presented for examination and test with a space saver spare tyre in use.

6. Steering

6.1 The vehicle must be right hand drive.

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibuss type vehicle (multi seat vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. Electrical Equipment

12.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

13. Seat Belts

(Please follow the links in the paragraphs below for the current law on seat belts)

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

13.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts.

14. Vehicle Proprietors

In order to hold a hackney carriage vehicle licence you must –

- Be 18 years or over
- Complete the application form and pay the required fee
- **Complete the Proprietor Requisition Declaration**

The application form must be accompanied by the following documentation for all parties with an interest in the vehicle -

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by **a statutory declaration** listing all previous convictions, whether or not they are spent, and any other relevant material information.

If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- **Proof that you have completed the Council's Mandatory Safeguarding Training**

As the holder of a hackney carriage vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy, its Annexes and Appendices. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

The Convictions Policy and Penalty Point Scheme will be applied as appropriate in respect of any breaches of the **legislation and/or** conditions.

Conditions of licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period.
- 5 to 12 years old - twice during each 12 month period.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate must be given to the Council before the vehicle can be used again to carry passengers.

1.6 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed.

1.7 Vehicles must be maintained to MOT standard at all times. Vehicles that Pass the MOT with minor defects will be required to carry out remedial works within 7 working days of the MOT; if this is not possible prior approval for an extension in this time must be sought from the Licensing Manager. Proof of the completion of works must be presented to the Council within the period provided for remedial works to be carried out.

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle. The plates should be displayed on the front and the rear of the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the hackney carriage vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

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2.4 The licence plates must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the hackney carriage vehicle licence ceasing to be in force in respect of the vehicle.

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire as a hackney carriage, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully. **Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7

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days of the date of issue.

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue.

7. Signs, Notices, etc.

7.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or electronic advertising devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by-laws), or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

7.2 You must cause to be fixed and maintained to the front of the roof of the vehicle a sign which reads "Taxi" and must be able to be lit when available for hire and turned off at other times. The illuminated roof sign must be the standard size of 61cm and say Colchester. This condition does not apply when the vehicle is a London style cab such as for example, a TX1, FX4, Metrocab or any other type of vehicle that has a built in 'Taxi' sign at roof level. All other livery conditions apply to London style cabs unless they are actively displaying promotional advertising on the vehicle, permission for which must have been sought from the Council or other authorised supplier. The roof sign will be supplied by the Council at cost price. Roof signs indicating the tariff may be introduced at a later date.

7.3 Door signs as supplied or authorised by the Council, must be affixed and maintained on the top of the nearside and offside front doors of the vehicle.

7.4 The use of the Borough Coat of Arms is exclusive to Colchester Borough Council, therefore prior permission for the use of these signs or this symbol must be obtained in writing from the Licensing Manager. No other use of this door signage or the Borough Coat of Arms will be considered or allowed.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You must fix and maintain in the vehicle any signs or notices required by the Council.

7.8 You may display on the rear doors of the vehicle signs that give your business name and contact number. You must obtain prior approval from the Council in writing

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before they are used. Any signage should be the same size as the front door signs supplied by the Council.

8. Taximeters

8.1 A licensed hackney carriage vehicle must be fitted with a taximeter, of a type approved by the Council and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.2 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.3 The taximeter when standing at a rank or plying for hire must be kept locked in a position in which no fare is recorded on its face.

8.4 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that must be charged for a journey.

8.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must forthwith make arrangements for resetting with the approved meter agent.

8.6 The taximeter must be turned on at the start of every journey and must be used for every fare without exception and the fare demanded by the driver must not be greater than that shown on the meter. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is the fare or rate of fare that was made at the start of the journey; the fare to be charged should be no greater than that that would have been shown on the taximeter. If a fixed fare is negotiated, the taximeter must be used in order to confirm that any negotiated fare is less than the metered fare.

9. Table of fares

9.1 The proprietor must ensure that the current table of fares for that vehicle is available on request at all times.

10. Named Driver(s) on the Licence

10.1 You are permitted, either at the time the licence is granted or during the lifetime of the licence, to allow another licensed driver(s) to drive your vehicle. You are responsible for insuring the vehicle with any additional driver(s) noted on the policy as a named driver. In every case you must notify the Council of the name of the driver(s) and supply the Council with a copy of the insurance certificate showing the named driver(s) within 7 days. You will continue to be responsible either individually,

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severally or jointly for compliance with the licence conditions, statutory requirements and byelaw provisions.

Please note - Any agreement between you and a third party in relation to the use of the vehicle is of no concern to the Council and you should obtain your own legal advice.

11. Livery

11.1 The vehicle must, at all times, conform to the livery requirements unless the vehicle is one that has been supplied to you by an insurance company or similar business as a result of an accident to your vehicle and it is supplied as a short term replacement only and while repairs are being carried out to your vehicle. Any such replacement vehicle must still display an approved roof light and door signs.

11.2 London style taxis must conform to the prescribed full body livery (except for the display of the uniform roof light) at all times except when they are actively displaying full body livery promotional advertising on the vehicle, permission for which has been obtained from the Council.

11.3 Any hackney carriage vehicle found not complying with the Council's livery is liable to immediate suspension.

12. Insurance

12.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer at all such times and places as may reasonably be required. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

13. Temporary Replacement Vehicles

13.1 Where a vehicle cannot be used because it has been involved in an accident or is unusable for mechanical reasons, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council. At the end of the period the plate must be returned to the Council.

13.2 The temporary replacement vehicle, which can be any colour, should be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

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14. Return of Plates

14.1 Hackney carriage vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon giving up the business.

15. Additional specifications for wheelchair accessible vehicles.

15.1 The vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

15.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced. Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will not be sufficient.

15.3 All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

15.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

15.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

15.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

15.7 Any hackney carriage licence granted specially for the provision of a London style cab or Mini Bus type wheelchair converted vehicle, shall only remain valid and in force for as long as a vehicle of this type is provided. Should any proprietor wish to dispose of a vehicle with the benefit of such a licence, this condition will continue to

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

apply to any new proprietor.

15.8 All drivers, whether proprietor or lessee, who use a wheel chair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Team.

15.10 Refusal to accept a wheelchair user as a fare paying passenger, without an appropriate exemption, for any reason, will not be tolerated and a prosecution may follow.

15.11 Any damage to the equipment to facilitate access and egress by a wheelchair user must be reported immediately to the Council and must be repaired within 7 days.

15.12 Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

16. Trailers

16.1 A trailer can be towed by a licensed Hackney Carriage vehicle provided that:

- a. The vehicle towing is suitable for towing the intended trailer in accordance with the relevant regulations.
- b. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions.
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
 - iii. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.

17. Alteration of Vehicle

17.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the hackney carriage vehicle licence is in force.

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18. Liquid Petroleum Gas (LPG)

18.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

18.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA at Swansea of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

19. Wheels

19.1 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

20. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

20.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

21. Card Payment Devices

21.1 Where the vehicle is fitted with or carries a card payment device, the Council considers this to be part of the vehicle and as such it must be working at all times.

21.2 If the card payment device is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the card machine is again operational.

21.3 If there is concern that the card payment device may not work at the destination point, a fare may be agreed and paid in advance for the journey. This is permitted on condition that the meter is used, and in the event that the metered charge is less than the agreed payment for the journey, the overpayment is refunded.

22. Disclosure and Barring

22.1 You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is required every year on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

22.2 On the transfer of the vehicle licence to a new owner, the new owner must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is then required annually on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

22.3 If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

23. Selling a Vehicle

23.1 If you **transfer your interest** in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within

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14 days of the name and address of the **person to whom you have transferred your interest**. If this is not done you, as the existing owner, will remain responsible for the hackney carriage vehicle licence until such time as the new owner completes the change of owner paperwork.

24. Vehicle Proprietors and those with a registered interest in the vehicle

24.1 You must

- Notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or if you are the subject of criminal investigation whilst the licence is in force.
- Make application and pay for a further DBS check, if required to do so by the Council, in order that it may fully investigate any complaints or matters in which you are involved.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Application and Renewal Process

Application Process

1. Access the Council's web page for information on how to license a vehicle and read the Hackney Carriage & Private Hire Licensing Policy and Conditions.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented. If you do not currently hold the full log book, the green new keeper slip will only be considered if accompanied by a comprehensive Bill of Sale showing the vehicle type, registration number, purchase details, colour of vehicle, make and model, number of passengers and the date the vehicle was first registered.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire driver's badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The Pass Slip from the garage inspection.
- The correct fee.
- The completed application **form and Vehicle Proprietor Declaration.**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration—

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is

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- not possible a Certificate of Good Character is required.
- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate.

Plate Renewal Process

1. Access the Council's web page for information on how to renew a vehicle licence. Read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The correct fee.
- The Pass slip from the garage inspection (currently Riverside)
- The completed application form.
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration –

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.

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If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the renewal process has been completed to the satisfaction of the Council, it will issue the licence plate.

Please note – A vehicle can be consecutively licensed, for the 12 year period, as a private hire vehicle or hackney carriage if the vehicle is over five years old provided that it remains, at all times, licensed by the authority.

Determination of an application for a new licence or renewal

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
 2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
 3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
 4. There is a right of appeal to the Magistrates Court and any such appeal must be made in writing, within 21 days from the date of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
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Plate Transfer

The transfer of a plate is usually occasioned by the sale of a business. The Council has no interest in the sale of the business; any agreement between you and a third party in relation to the use of the vehicle is of no concern to the Council and you should obtain your own legal advice.

The plate however is owned by the Council and remains its property at all times. The transfer of the plate to another owner requires the consent of the Council and the following process should be followed –

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

1. Permission to transfer the plate, which is the property of the Council, must first be sought from the Council. Please put your request in writing to the Licensing Manager at licensing.team@colchester.gov.uk or to the Licensing Manager at Communities, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG. Permission to transfer must be sought by all parties with an interest in the plate (i.e. all those named on the **Vehicle Proprietor Declaration**). The request must be signed by all parties and proof of identity will need to be provided (the ID provided will need to prove name, address and signature). Where the Council is not satisfied with the proof of identity provided it reserves the right to require all parties to attend the Council offices to confirm their agreement to the transfer of the plate.
2. You will receive confirmation in writing of the Council's decision.
3. If the Council has authorised the transfer of the plate you need to call the Contact and Support Centre on 01206 282520 to make an appointment for a hackney carriage plate transfer. The old and new holder of the plate will need to attend this meeting. (It is not necessary for all joint holders to be at this meeting except in the circumstances outlined in point 1 above).
4. Please bring with you to the appointment the following documentation –
 - Vehicle registration document - the full log book must be presented in the name of the new holder of the plate.
 - A completed hackney carriage change of owner form.
 - The completed letter of release.
 - **A basic DBS for the proposed new plate holder if they do not hold a current hackney carriage/private hire driver's licence. The DBS must be less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**
 - A certificate of insurance in the new plate holder's name, with all proposed taxi drivers listed as named drivers.
 - A PATs certificate if the vehicle holds a disabled plate.
 - **A Vehicle Proprietor Declaration completed by the new holder of the plate.**
 - The correct fee (to be paid by credit or debit card).

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the Vehicle Proprietor Declaration –

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.

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If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- Proof that you have completed the Council's Mandatory Safeguarding Training

5. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate.

6. There is no right of appeal in the event that the Council refuses the transfer of the plate.

Please note – the Council has no interest in the business however, if the full vehicle registration documentation is not available the Council will in some circumstances agree to transfer of the plate subject to appropriate proof being provided of the transfer of the business. Plate holders in this position should expect to be asked to provide a Bill of Sale proving that the proposed new holder of the plate has purchased the vehicle (the Bill of Sale should include full details of the car, the name and address of both the buyer and seller, and should be signed by both parties and dated) and a bank statement showing the exchange of monies.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 3 - Private Hire Licensing Standards and Conditions

Only those vehicles **and their proprietors who** comply with the specification detailed below can be granted a private hire vehicle licence by Colchester Borough Council.

Introduction

A private hire vehicle licence remains in force for a year.

Any car to be used for the purposes of private hire must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

As a private hire vehicle proprietor, the Council must be satisfied that you are fit and proper, safe and suitable, to hold a private hire vehicle licence. This requirement applies to all those with an interest in the vehicle as declared on the Proprietor Requisition Declaration.

PLEASE NOTE: Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

Annex 3 - Private Hire Licensing Standards and Conditions

Pre Licensing Standards

Only those vehicles which comply with the specification detailed below, **and those proprietors who are fit and proper, safe and suitable** can be granted a private hire vehicle licence by Colchester Borough Council.

1. Vehicle Age and Condition

1.1 An application for a private hire will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as private hire vehicles and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard
-

2.5 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable

Annex 3 - Private Hire Licensing Standards and Conditions

manner.

3. Colour

3.1 Private hire vehicles **must not** be black and black wrapping of vehicles is not permitted. Existing licensed private hire vehicles which are black will continue to be licensed until they are 12 years of age when they must be replaced by a vehicle which is not black.

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels and Tyres

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Any spare wheel must conform to construction and use regulations.

5.3 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.4 applies.

5.4 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.5 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

5.6 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

5.7 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

Annex 3 - Private Hire Licensing Standards and Conditions

5.8 A vehicle must not be presented for examination and test with a space saver spare tyre in use.

6. Steering

6.1 The vehicle must be right hand drive.

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibus type vehicle (multi seat Vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Annex 3 - Private Hire Licensing Standards and Conditions

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. Electrical Equipment

12.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

13. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

13.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats. This will however ordinarily exclude limousines and vintage cars.

Annex 3 - Private Hire Licensing Standards and Conditions

14. Vehicle Proprietors

In order to hold a private hire vehicle licence you must –

- Be 18 years or over
- Complete the application form and pay the required fee
- **Complete the Proprietor Requisition Declaration**

The application form must be accompanied by the following documentation for all parties with an interest in the vehicle -

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made.
This must be accompanied by **a statutory declaration** listing all previous convictions, whether or not they are spent, and any other relevant material information.
If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.
- **Proof that you have completed the Council's Mandatory Safeguarding Training**

As the holder of private hire vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy, its annexes and appendices. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

The Convictions and Penalty Point Scheme will be applied as appropriate in respect of any breaches of **legislation and/or** conditions.

Conditions of Licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

Annex 3 - Private Hire Licensing Standards and Conditions

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate from the garage must be given to the Council before the vehicle can be used again to carry passengers.

1.6 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

1.7 Vehicles must be maintained to MOT standard at all times. Vehicles that Pass the MOT with minor defects will be required to carry out remedial works within 7 working days of the MOT; if this is not possible prior approval for an extension in this time must be sought from the Licensing Manager. Proof of the completion of works must be presented to the Council within the period provided for remedial works to be carried out.

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle. The plates should be displayed on the front and the rear of the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

Annex 3 - Private Hire Licensing Standards and Conditions

2.4 The licence plates remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the vehicle licence ceasing to be in force in respect of the vehicle.

2.5 If you have been granted an exemption from the requirement to display an external vehicle identification, you must carry the dispensation in the vehicle at all times and produce this on request to any officer of the Council or the Police (see Appendix 2 for information on Plate Exemptions).

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully.

Please note - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

Annex 3 - Private Hire Licensing Standards and Conditions

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue. This should be sent to eps.support@colchester.gov.uk

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue.

7. Signs, Notices and Advertisements, etc.

7.1 Vehicles must not display roof signs. Other signs or advertising below roof height cannot be displayed without the prior approval of the Authority.

7.2 Advertising material or decorative stickers on the windows of the vehicle, including the rear window, are strictly prohibited.

7.3 Vehicles must display on the front doors of the vehicle a sign stating the trade name, address and telephone number of the Private Hire Operator. This sign must contain the words 'pre-booked only' and 'private hire'. It must not contain the words 'taxi' or 'cab' or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.

7.4 Vehicles are permitted, subject to prior approval of the Council, to display signs, advertisements, notices or other markings on the outside of their vehicle subject to compliance with the following -

- a. Product advertising is permitted on the rear doors subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- b. Colour copies of artwork showing the advertising as it is intended to appear on the vehicle must be sent to the Licensing Team for prior approval and any change to the advertisement must not be made without the further approval of the Council.
- c. Each application for approval of advertising material will be considered on an individual basis, but advertisements must -
 - Comply with the UK's Advertising Standards Authority's Advertising Codes; it is the responsibility of the private hire proprietor to make sure that they do so (available at www.cap.org.uk)

Annex 3 - Private Hire Licensing Standards and Conditions

- Not advertise or promote age restricted products, such as tobacco, alcohol
 - Not contain pictures, text or graphics of a religiously discriminatory, political, racist, sexist or controversial nature
 - Not display nude, semi-nude or other figures in a sexually provocative manner or in a manner that would be considered to be objectionable
 - Not advertise any racist group or organisation that intends to promote such a group or such organisation and/or any of its activities
 - Only advertise one product or service at a time.
- d. All product advertising must be applied by a professional company and no reflective materials may be used.
- e. Wheelchair accessible vehicles may display the disability symbol on the wheelchair access door(s) only.
- f. Advertising material or decorative stickers on the inside of the vehicle (i.e. on the flip seat) will be permitted, subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- g. Any damaged or disfigured advertisement signs must be removed immediately.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You must fix and maintain in the vehicle any signs or notices required by the Council.

8. Meters

8.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly

Annex 3 - Private Hire Licensing Standards and Conditions

visible at all times to the hirer. The statement of fares must include the minimum hire charge, the rate charged per mile and any additional charges.

8.2 If a private hire vehicle is fitted with a meter for recording a fare it must be of a type approved by the Council, and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.3 If a pre-booked journey for which the fare has been agreed is carried out in a private hire vehicle with a meter, the meter must be turned on at the start of the journey and must be running for the duration of the journey. If the metered fare is cheaper than the agreed fare, the metered fare must be charged.

8.4 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.5 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed private hire operator at the time of booking and prior to the journey commencing.

9. Insurance

9.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer upon request. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

10. Temporary Replacement Vehicles

10.1 Where a vehicle cannot be used because it has been involved in an accident or is unusable for mechanical reasons, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council. At the end of the period the plate must be returned to the Council.

10.2 The temporary replacement vehicle, which can be any colour, should be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

11. Return of Plates

Annex 3 - Private Hire Licensing Standards and Conditions

11.1 Private Hire vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.

12. Additional specifications for wheelchair accessible vehicles.

12.1 The vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

12.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced. Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will not be sufficient.

12.3 All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

12.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

12.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

12.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

12.7 All drivers who use a wheelchair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Team.

12.8 Refusal to accept a wheelchair user as a fare paying passenger, without an appropriate exemption, for any reason, will not be tolerated and a prosecution may follow.

Annex 3 - Private Hire Licensing Standards and Conditions

12.9 Any damage to the equipment to facilitate access and egress by a wheelchair user must be reported immediately to the Council and must be repaired within 7 days.

12.10 Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

13. Trailers and Roof Carriers

13.1 A trailer can be towed by a licensed private hire vehicle provided that:

- a. The vehicle towing is be suitable for towing the intended trailer in accordance with the relevant regulations
- b. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions:
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.
 - iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
 - iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
 - v. If the trailer is towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency.
 - vi. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.

13.2 A roof box is not to be used without the prior approval of the Council.

Annex 3 - Private Hire Licensing Standards and Conditions

14. Alteration of Vehicle

14.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the vehicle licence is in force.

15. Liquid Petroleum Gas (LPG)

15.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

15.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

16. Wheels

16.1 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

17. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

Annex 3 - Private Hire Licensing Standards and Conditions

17.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats.

18. Selling a Vehicle

18.1 If you **transfer your interest** in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within 14 days of the name and address of the **person to whom you have transferred your interest**. If this is not done you, as the existing owner, will remain responsible for the private hire vehicle licence until such time as the new owner completes the change of owner paperwork.

19. Disclosure and Barring

19.1 You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is required every year on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

19.2 On the transfer of the vehicle licence to a new owner, the new owner must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is then required annually on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

19.3 If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

20. Vehicle Proprietors

20.1 You must

- Notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or

Annex 3 - Private Hire Licensing Standards and Conditions

fixed penalty notice imposed or if you are the subject of criminal investigation whilst the licence is in force.

- Make application and pay for a further DBS check, if required to do so by the Council, in order that it may fully investigate any complaints or matters in which you are involved.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Annex 3 - Private Hire Licensing Standards and Conditions

Application and Renewal Process

Application Process

1. Access the Council's web page for information on how to license a vehicle and read the Hackney Carriage & Private Hire Licensing Policy and Conditions.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented. If you do not hold the full log book, the new green registered keeper slip will only be considered if accompanied by a comprehensive bill of sale showing the vehicle type, registration number, purchase details, colour of vehicle, make and model, number of passengers and the date the vehicle was first registered.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The Pass slip from the garage inspection (currently at Westside).
- The correct fee.
- The completed application **form and Vehicle Proprietor Declaration.**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration—

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is

Annex 3 - Private Hire Licensing Standards and Conditions

- not possible a Certificate of Good Character is required.
- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate to the vehicle licence holder.

Plate Renewal Process

1. Access the Council's web page for information on how to renew a vehicle licence. Read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The correct fee.
- The Pass slip from the garage inspection (currently at Westside).
- The completed application form.
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration –

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is**

Annex 3 - Private Hire Licensing Standards and Conditions

- not possible a Certificate of Good Character is required.
- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the renewal process has been completed to the satisfaction of the Council, it will issue the licence plate to the vehicle licence holder.

Please note – A vehicle can be consecutively licensed, for the 12 year period, as a private hire vehicle or hackney carriage if the vehicle is over five years old provided that it remains, at all times, licensed by the authority.

Determination of Application for the Grant or Renewal of a Licence and the Right of Appeal

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. There is a right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 4 - Operator Licensing Standards and Conditions

The key consideration of the Council in licensing private hire operators is the safety of the travelling public. This encompasses those using an operator's premises and the vehicles and drivers arranged through them.

Whilst hackney carriage vehicles are allowed to ply and rank for hire, a private hire vehicle must be pre-booked.

If you are taking a booking, through a booking office, telephone booking line, website or App, you must have an operator's licence issued by the Council

Applications for the grant or renewal ~~or transfer~~ of a licence must be made, and will be determined, in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy, its annexes and appendices.

Pre-Licensing Standards

In order to be licensed as a private hire operator you must –

- Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.
- **Have a basic DBS less than three months old when the application is made.** This must be accompanied by **a statutory declaration** listing all previous convictions, whether or not they are spent, and any other relevant material information. **If you have spent six or more continuous months outside the UK, you must provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**
- **Have completed the Council's safeguarding training and provide evidence of having done so to the Council.**

Please note - Where the application is made by a company or partnership, the Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership and the provisions in relation to the DBS, as outlined above, apply for each party.

- **Provide a copy of your policy on employing ex-offenders in roles that relate to the booking and dispatch of vehicles.**
- **Be found to be a fit and proper person to hold a private hire operator's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy.**

Planning Consent - To operate a private hire business from a residential dwelling, planning permission for such business use may be required. All applications for an operator's licence are forwarded to the Planning Department. It is your responsibility to

Annex 4 - Operator Licensing Standards and Conditions

ensure that any necessary planning permissions are in place.

CONDITIONS OF LICENCE

As the holder of an operator's licence you must comply with the following conditions at all times:

1. Records

1.1 You must keep a rolling record of bookings data for a minimum of 12 months, in a suitable form that does not permit backdating, and in a format that can be easily inspected and/or downloaded at the request of a licensing officer/police officer.

Bookings

1.2 In respect of every booking for hire, howsoever booked, you must record and keep the following details -

- date and time of the booking
- name of the hirer
- time and date of the pick-up
- address of the point of pick-up
- destination
- whether the hirer has any special requirements
- any fare quoted at the time of booking including a breakdown of any additional charges to be levied for additional drop offs/ baggage etc.
- the final fee charged where this is different from the original fare quoted
- the licence number of the vehicle assigned to the booking
- the licence number of the driver assigned to the booking
- the details of the hiring operator (if the booking was made as a result of it being sub-contracted to you)
- the name of any individual who responds to the booking request
- the name of any individual who dispatches the vehicle

You have a duty under data protection legislation to protect the information you record. Please ensure you are familiar with the guidance issued by the Information Commissioner's Office on registering as a data controller and how to meet your obligations.

Drivers

1.3 In respect of drivers working for you, you must record and keep the following details –

Annex 4 - Operator Licensing Standards and Conditions

- proof of the name and address of the driver, their right to work documentation, their licence number and its expiry date, and a copy of the licence issued to them by the Council. **Please note** - you must keep records of the checks completed in relation to the verification of the above matters
- the call sign allocated to the driver
- copies of relevant insurance documentation
- the date of when a new driver begins service
- the date of when a driver ceases service

Vehicles

1.4 In respect of all vehicles operated under your licence you must record and keep the following details –

- name and address of the licensed proprietor of the vehicle
- make and registration number of the vehicle
- date the vehicle commenced operating under your operator's licence
- the vehicle plate number and its expiry date
- make and colour
- the year of manufacture
- name and address of licensed driver(s) of the vehicle and the badge number(s)
- a copy of licenses issued by the Council, for the private hire vehicles you operate.
- copies of the current licences of drivers and vehicles must be retained by you whenever they are working for you
- the date the vehicle ceased to accept work under your operator's licence

2. Duties as a licence holder

2.1 As the holder of an operator's licence you must maintain a current, consecutively dated, legible manual or computerised record of –

- the DVLA drivers' licence held by every driver accepting work and ensure that, at all times, the licence is valid.
- all alterations made to that driver's licence (i.e. endorsements, disqualification and medical conditions) and inform the Council immediately or in any case within seven days of any alterations.
- documents that provide you with proof of the driver's immigration status and their right to work in the UK.
- the current insurance certificate/cover note of all vehicles accepting work under your operator's licence and ensure that, at all times, they are consecutive and comply with the statutory requirements and licensing conditions.
- the continuous test certificates of all vehicles accepting work under your operator's licence and the action taken where a vehicle has failed its MOT or is not considered roadworthy.
- **all staff that take bookings or dispatch vehicles.**
- **the register of checks carried out in relation to the DBS requirement for other**

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staff.

2.2 You must take all reasonable steps to ensure that, at all times, vehicles operating under your operator's licence comply with the statutory requirements and licensing conditions appertaining to the mechanical and body condition of the vehicle including cleanliness. You must ensure that the vehicle complies with all the licensing conditions in relation to the door stickers, vehicle licence plate, livery and advertising.

2.3 You must not cause or permit the words 'taxi' or 'cab' on any private hire vehicle operated by or operating under your operator's licence.

2.4 You must not purchase a black vehicle to be used as a private hire vehicle with effect from 1 January 2019.

2.5 Ensure that all proprietors and drivers operating under the operator's licence, when carrying passengers for hire or reward, are dressed in accordance with the conditions attached to the drivers' licence issued by the Council to drive hackney carriage and private hire vehicles. (These are set out in the Council's Policy).

2.6 On the request of an authorised officer of the Council or any police constable produce your operator's licence for inspection.

2.7 Be responsible for the conduct, appearance and actions of controllers and other staff employed by you in respect of the licensable activities.

2.8 Ensure that details of all bookings accepted are recorded in such a way that the contract between the operator and the hirer can be honoured either by you or by the operator to whom the booking has been subcontracted.

2.9 You are responsible for reimbursement to the hirer in the event of a contract not being satisfactorily honoured where the Council finds in favour of the complainant after a full investigation.

2.10 Notify the Council of all cars and drivers operating under your licence and provide an updated list every six months.

2.11 Produce evidence that you have in force a current public and employers' liability insurance policy.

2.12 Ensure that those drivers using fully wheelchair adapted vehicles have undertaken a Passenger Assisted Transport training course.

2.13 Ensure that your drivers and other staff are aware of and adhere to the Code of Conduct for Working with Vulnerable Persons. In the case of App based operators it is expected that the business will be able to demonstrate that the appropriate area managers have completed the necessary safeguarding training and ensure that their drivers and other staff are aware of and adhere to the Code of Conduct for Working with Vulnerable Persons.

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2.14 Prior to employment of staff, you must carry out sufficient checks on the background of your control room staff, responsible for bookings and the dispatch of vehicles, to ensure they are a fit and proper person to carry out their tasks and duties in a professional and confident manner. These checks must include the following –

- A basic Disclosure and Barring Service report issued within the previous 3 months
- Proof of Right to work documentation

And may include the following –

- A Certificate of Good Conduct for the relevant foreign nationals
- Character references from previous employer(s)

You are permitted to use a responsible organisation to request the check on your behalf.

2.15 Provide appropriate training, including safeguarding training, customer service and data protection and maintain training records for all staff.

2.16 Have an appropriate policy in place in respect of alcohol, illegal substances or the abuse of prescription drugs in respect of control room and office staff and drivers whilst at work.

2.17 If it comes to your notice, that a driver of one of your vehicles may be under the influence of alcohol, illegal substances or abusing prescription drugs, you must not allow the driver to continue on duty and must inform the driver accordingly. You must then inform the Council within 72 hours of the incident.

2.18 Ensure that you comply with all legislation regarding the employment of staff, health & safety etc., and provide adequate staff facilities.

2.19 You must notify the Council of any change in directors or partners and ensure that where changes are made the requirements in relation to the provision of the DBS and accompanying information are fulfilled.

3. Standards of Service

3.1 You must at all reasonable times provide a prompt, efficient and reliable service to members of the public. In particular you should ensure that -

- when a vehicle has been hired, it arrives punctually at the appointed place and time unless unexpectedly delayed or prevented from satisfying the booking by sufficient cause.
- telephone facilities, app programmes and radio equipment are maintained in good working order.

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- all vehicles operated by you are maintained in a satisfactory and road worth condition.
- without prejudice to any other liabilities imposed under the act, that all drivers of vehicles owned, controlled or operated in association with you observe and perform to the conditions of their licence.
- the premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated and that any waiting area provided has adequate seating facilities.

4. Notifications to the Council

4.1 If you become aware that any driver is suffering from any illness, disability or a condition which may affect their ability to drive you must inform the Council immediately.

4.2 You must notify the Council in writing of any change affecting your licence, including a change of address (including any address from which you operate or otherwise conduct your business). This notice must be given, within 7 days of the change.

4.3 You must report to the Council, in writing within **48 hours**, any convictions, cautions, arrests or fixed penalty notices you have received since the completion of the application form for your licence. If you operate as a company or partnership, this requirement applies if any of the directors or partners receives a conviction or fixed penalty notice.

4.4 Report to the Council immediately or in any case within 72 hours, details of ANY accident or other damage sustained by a vehicle operating under your operator's licence.

4.5 You must notify the Council of any complaints received.

5. Sub-Contracting and Cross Border Working

5.1 Where you accept a booking and then are subsequently unable to honour it, or if you do not have a vehicle immediately available, the booking may be sub-contracted to another operator either in Colchester or elsewhere. It is against the law for you to pass bookings directly to a private hire vehicle or driver who is not licensed by the same Council as you.

5.2 If you have offices or bases in multiple council areas (for which you will need licences from each Council concerned) you can pass bookings between your offices/bases, but cannot give jobs directly to drivers licensed by the other council(s). You will also need to maintain separate records for each council area, which also show every job that has been contracted to or from another office. In these circumstances you must –

Annex 4 - Operator Licensing Standards and Conditions

- a) charge the fare agreed at the time of booking.
- b) keep a record of the initial booking details for audit purposes.
- c) contact the hirer to advise that the booking can no longer be honoured and to ask whether or not they wish the booking to be sub-contracted to an alternative private hire operator.
- d) identify an alternative private hire operator and advise the original hirer of that operator's details.
- e) provide full details of the booking to the alternative private hire operator and keep a record of the private hire operator to whom the booking was sub-contracted.
- f) keep a record of the alternative private hire operator's licence details as follows-
 - i) name of the issuing authority
 - ii) licence number
 - iii) grant date of the licence
 - iv) expiry date of the licence.
- g) make all records available for inspection on request of an authorized officer of the Council or Police officer.

5.3 You may sub-contract jobs to hackney carriage proprietor, although this must remain a minority part of the overall work undertaken by the hackney carriage vehicle.

5.4 Where you outsource booking and dispatch functions you must keep evidence that comparable protections in relation to children and vulnerable adults are in place and are applied by the company to whom you outsource these functions.

6. Carrying Vehicles (PSV) Licensed Drivers

6.1 Members of the public are entitled to expect when making a booking with you that they will receive a private hire licensed vehicle and driver. Therefore, the use of a driver who holds a PSV licence and the use of a PSV vehicle such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker. Where a private hire vehicle is unsuitable because a larger vehicle is needed to fulfil the booking, the booker should be informed that a PSV is necessary, and that a PSV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

7. Complaints

7.1 You must/are advised to have a published complaints procedure that deals with Customer and Employee complaints. Copies of this document must be provided to the Council and available at the operator's office for reference by customers and staff. The complaints procedure must be used when dealing with any complaint and a member of staff must be named as the complaints officer responsible for ensuring the procedure is satisfied.

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8. Display of Terms and Conditions

8.1 You must keep a copy of these conditions at all premises used for your business and make them available for inspection by customers and on request by Authorised Officers of the Council and Police officers.

9. Licence Duration

9.1 Your operator's licence will last for 5 years from the date of its grant. In certain circumstances, **where it is appropriate to do so**, a licence may be granted for a shorter period of time.

10. Operator Category

10.1 If, during the lifetime of your licence, you wish to change your operator category you must pay the relevant fee to effect the change plus the new category fee calculated on a pro-rata basis.

Category A	1 vehicle
Category B	2-5 vehicles
Category C	6 + vehicles

11. Use of Website and Booking Apps

11.1 Any Website or Booking Apps used in the operation of the business must be capable of recording all the information required under these conditions (specified in Condition 1).

12. Convictions and Penalty Points

12.1 The Convictions Policy and Penalty Point Scheme will be applied as appropriate.

14. Disclosure and Barring Requirements

14.1 You must submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous three months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS is required every year on the anniversary of the date of the grant of the operator licence.

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14.2 If you have spent six or more continuous months outside the UK, you must provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

Please note - Where the licence is held by a company or partnership, the provisions in relation to the DBS apply to each of the directors or partners in that company or partnership. If you are already a licensed driver with the authority, this requirement will not apply.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

New and Renewal Application Process

1. Access the Council's web page for information on how to apply for or renew an operator licence and read the Hackney Carriage & Private Hire Licensing Policy and Conditions.

2. You must pay the required fee and complete the relevant application form supplying the following documentation –

- A current Passport or Birth Certificate
- Evidence that you may legally work in the UK
Please note - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.
- Insurance certificate showing public liability of £2 million or more
- A basic disclosure and barring Check. This disclosure must have been issued within the previous three months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS is required on application and then every year on the anniversary of the date of the grant of the operator licence. If you have spent six or more continuous months outside the UK, you must provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

Please note - Where the licence is held by a company or partnership, the provisions in relation to the DBS apply to each of the directors or partners in that company or

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partnership. If you are already a licensed driver with the authority, this requirement will not apply.

In the case of a new application you will also need to provide -

- Insurance certificates for any vehicle already owned

In the case of the renewal of an application you will also need to provide -

- List of the drivers working for you.
- List of cars operating under your licence.

~~In the case of the transfer of a licence you will also need to provide -~~

- ~~• Insurance certificate for each vehicle to operate under your licence~~

3. Your operator's licence will be granted if the paperwork has been completed to the satisfaction of the Council and no matters of concern have been identified.

Annex 4 - Operator Licensing Standards and Conditions

Determination of Application for the Grant or Renewal of a Licence and the Right of Appeal

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. There is a right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 5 - Convictions Policy V2

1. Introduction

1.1 The key consideration of the Council, and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers, and operators, is the safety of the travelling public. The Council therefore considers its robust approach to convictions and motoring convictions to be fully justified.

1.2 Licensed drivers, proprietors and operators have close regular contact with the public who entrust their personal safety to licensed members of the trade whenever they take a journey. Users of licensed vehicles have a right to expect that their driver is not an individual with a predisposition towards or a propensity for violent behaviour at any level. The public also have a right to expect that licensed drivers, proprietors and operators are trustworthy with no propensity for dishonesty.

1.3 In line with these considerations the Council has a statutory obligation to ensure the applicant is a 'fit and proper', safe and suitable, person. This requirement remains with the Council throughout the lifetime of a licence and at the point of renewal. Therefore, the Council's Convictions Policy (the Policy) will apply to new and renewal applications, and where applicable transfers, and when reviewing an existing licence and decisions to suspend or revoke a licence. The Council will also have regard to the Policy when determining its own pre-licensing conditions and when considering pre-licensing matters.

1.4 Any decision, taken by officers of the Council and/or the Licensing Committee, needs to be justified, proportionate and consistent. The Policy has been drawn up to assist applicants, licence holders, officers and members of the Licensing Committee means exhaustive however, it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Policy is the stance to be taken on other forms of intelligence which can be considered by the Council as part of its fit and proper test.

2. Relevant legislation and Guidance

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Section 57 of the Act gives the Council the power to require a person to submit information about themselves so the Council can be satisfied that they are 'a fit and proper person'. Drivers, operators, vehicles and **their proprietors** are also subject to the Council's own licence conditions and policies.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period and Sections 61 & 62 of the '1976 Act', give the Council the power to suspend, revoke or to refuse to renew a driver or operator licence. **Section 60 (1)(c)**

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of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to suspend, revoke or refuse to renew a vehicle licence.

2.3 The Council has had regard to the Statutory Taxi & Private Hire Standards in the formulation of its Policy and in meetings its ongoing obligation to ensure that a licensee remains safe and suitable to hold a licence.

3. General principles

3.1 In this Policy any reference to offences should be taken to include convictions, cautions, fixed penalty notices, and any other form of restorative justice. Such determinations can be regarded as being similar in terms of culpability, evidence and the admission of guilt. The categories include attempts, incitement, aid and abet, cause and/or permit, counsel or procure or conspiracy to commit an individual offence which can attract the same penalty.

3.2 Reference to 'applicants and 'licence holders' in this policy includes drivers, proprietors, **those with a registered interest in the vehicle**, and operators as appropriate.

3.3 By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 'taxi' drivers are an exempt occupation for the purposes of the 1974 Act and convictions are therefore never spent. The Council is therefore able to take into account spent convictions but will do so in a fair and proportionate way.

3.4 Operators and vehicle proprietorship are not an exempt occupation. However, the Council has determined, in order to ensure it has a complete picture of an individual requesting/holding a licence, to request that an application for a licence or to renew a licence submitted by operators and vehicle proprietors (including those individuals named on the Vehicle Proprietor Declaration) be accompanied by a statutory declaration listing all previous convictions, whether or not they are spent, and any other relevant material information, for example a current investigation. The Council will consider on a case by case basis any motoring offences in relation to its assessment of whether an individual is safe and suitable to hold a vehicle licence.

3.4 The Policy also deals with any civil actions including injunctions, breaches of licensing conditions or byelaws, complaints, allegations, cautions and intelligence made available to the Council by the Police or other partner agencies, and anything considered by the Courts that hasn't resulted in a conviction.

3.5 Anecdotal evidence can be taken into account and may, on occasions, be the sole reason for the refusal, suspension or revocation of a licence. Where allegations are presented as evidence, further information will be sought from the applicant/licence holder.

3.6 Any applicant or licence holder who in the view of the Police may be a threat to the public, can expect the Council to carry out a full investigation. This intelligence

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may be provided by the Police or other agencies and may include circumstantial evidence.

3.7 The release of a licence holder on police bail or under investigation for an alleged offence is likely to call into question whether the individual is a fit and proper person to hold such a licence and the Council will carry out an investigation as it would in the case of a conviction.

3.8 The investigating officer/Licensing Committee cannot go behind the existence of a conviction in an attempt to re-try the case. The conviction will be considered in so far as it relates to whether the applicant/licence holder is a fit and proper person to hold a licence.

3.9 Each case will be considered on its own merits and discretion may be exercised where appropriate and the appropriate weight attached to the evidence under consideration. The Council will consider –

- the nature of the offence and any penalty imposed
- the length of time since the offence
- the individual's age when the offence was committed
- the history and pattern of offending
- whether the matter has previously been considered
- the intent or harm that was or could have been caused
- any other relevant matter

3.10 The Council may depart from the policy however it will only do so in exceptional circumstances where genuine and mitigating circumstances have been demonstrated. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3.11 The tables included within the Policy, at Paragraph 5 below, set out the number of points that will be attached for each offence when determining an application or when a licence is renewed or reviewed. The points may be applied to new applicants and existing licence holders. The points will remain on the licence as specified in the table.

3.12 The Council will immediately suspend or revoke a licence if it considers it necessary to do so in the interests of public safety.

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4. Application of Points

4.1 In addition to setting out the points to be applied for each offence the tables are colour coded to indicate the Council's stance in relation to a new, and where relevant, a renewal application or to the review of a licence.

Red (9 to 12 points) - Where the convictions of an applicant result in the accumulation of 9 or more points an applicant should expect their application to be refused. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be refused, they should expect consideration to be given to the revocation of their licence.

Orange (5 to 8 points) - Where the convictions of an applicant result in the accumulation of between 8 and 5 points an applicant should expect their application to be referred to the Licensing Committee for determination.

Green (0 to 4 points) - Where the convictions of an applicant result in the accumulation of 4 or less points the application is likely to be granted with the relevant number of points attached to the licence. An existing licence holder should expect that the points will be applied to their licence. The application of points in both circumstances can be appealed to the he Licensing Committee.

Please note – In addition to points for convictions, licence holders may also receive penalty points for breaches of policy etc. under the Council's Penalty Points Scheme. These points will be added to those given under this Policy and where 12 or more points are reached in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence. Points will not be given under both Policies for the same offence.

4.2 The Policy requires that, in the case of existing licence holders, offences are reported to the Council within **2 days** and where this occurs any points awarded can be appealed as set out in paragraph 5.2 below subject to paragraph 5.2 c. Where there is a repeated failure to declare offences, the licence holder forfeits their right to appeal to the Licensing Committee as the offences will be considered together and are likely to place the licence holder in the red category with consideration being given to the revocation of the licence on the grounds that they are not fit and proper, **safe and suitable, to hold a licence. In this case, the appeal mechanism would be as set out in 5.3 below.**

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5. Investigation, Determination and Appeal Procedure

Applicants for a New Licence

5.1 The Council will deal with offences as follows –

- a. On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the applicant is a fit and proper person to hold a licence,
- b. A member of the Licensing Team will investigate the facts, which may include interviewing the applicant. The Council may also, as part of its investigation, request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter.
- c. If the points on the Convictions Policy place the applicant in the red zone, the applicant will be informed that their licence has been refused on the grounds that they are not fit and proper or safe and suitable to hold a licence. The right of appeal against this decision is to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the Licensing Manager's decision.
- d. Where the points on the Conviction Policy place the applicant in the orange zone, an applicant should expect their application to be referred to the Licensing Committee for determination. There is no separate right of appeal in relation to the award of points, the Licensing Committee will consider the application of points on the licence as part of its consideration whether to grant the licence.
- e. Where the points on the Convictions Policy place the applicant in the green zone, the licence will be granted with relevant points attached. Once the licence is granted these points can be appealed to the Licensing Committee. The award of points can be appealed to the Licensing Committee within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.
- g. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf.
- h. The Committee will make its decision based on the evidence presented at the hearing and may exercise its discretion to increase or reduce the number of points that are applied. Where the number of points is increased and results in the applicant being placed in the red category there will be a right of appeal to

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the Magistrates Court. The number of points may be reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances.

- i. The determination of the Licensing Committee is final and there is no right of appeal to the Magistrates' Court except in the circumstances outlined in 5.1 c above.

Existing Licence Holders

5.2 The Council will deal with offences as follows –

- a. On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the licence holder is a fit and proper person to hold a licence,
- b. A member of the Licensing Team will investigate the facts, which may include interviewing the licence holder under caution **where an offence has been committed under the relevant legislation. Interviews under caution will not take place in relation to breaches of policy or general complaints.** The Council may also, as part of its investigation, request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter; **this evidence will be made available to the Committee to assist it in reaching its decision.** This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and this may result in a licence, previously granted, being revoked.
- c. **If following completion of the investigation (set out in 5.2 a and b above) there are matters of significant concern regarding an existing licence holder that requires urgent action, and which circumstances and/or the Policy indicates should result in the revocation of the licence or the refusal to renew an existing licence, the process set out at 5.3 below will be followed. This will usually, but not always, mean that the matters of concern have placed the licence holder into the red category on the Council's tables indicating that a licence holder should expect consideration to be given to the revocation of their licence on the grounds that they are not fit and proper, safe and suitable, to hold a licence. In such circumstances there is no right of appeal to the Licensing Committee. The right of appeal is to the Magistrates Court.**
- d. In all other cases **(i.e. where 5.2.c does not apply)**, upon completion of the investigation, points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.
- e. The award of points can be appealed to the Licensing Committee and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the

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Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.

- f. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf.
- h. The Committee will make its decision based on the evidence presented at the hearing and may exercise its discretion to increase or reduce the number of points that are applied. The number of points may be reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances.
- i. The determination of the Licensing Committee is final and there is no right of appeal to the Magistrates' Court except in the circumstances outlined in 5.2 c below.

Revocation or refusal to renew an existing licence

5.3 If following completion of the investigation (set out in 5.2 a and b above) there are matters of significant concern requiring urgent action, the following process will be followed –

- a. The matter will be reported to the Licensing, Food & Safety Manager (the Licensing Manager) for determination.
- b. The Licensing Manager will consider the matter and confirm his decision in writing to the licence holder. ~~Depending on the nature of the offence the decision may be either to revoke the licence but allow the licence holder to operate until the appeal has been determined or revoke with immediate effect and not permit operation.~~
- c. There is a right of appeal to the Magistrates' Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the Licensing Manager's decision. Where an appeal has been made the implementation of any suspension or revocation will be held over until the appeal has been determined unless the licence has been revoked with immediate effect.

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Examples of how the scheme will operate

New Applicants

A new applicant with convictions will be assessed in accordance with the Convictions Policy. They will be advised of the likely success of their application in line with the 'traffic light' system and can then choose whether to proceed with their application. If they determine to proceed but are then refused on the grounds that they are not fit and proper to hold a licence there is a right of appeal to the Magistrates Court. If they fall within the amber category their application will be determined by the Licensing Committee if they choose to proceed.

An applicant with a 5 year old conviction for shoplifting and an 8 year old one for driving with no insurance will have 4 and 3 points respectively. This places the application in the orange zone and they should expect it to be referred to the Licensing Committee for determination. In the event that a licence is granted 7 points will remain on the driver's record. These points will continue to decrease during the course of the licence in accordance with the Convictions Policy for example when the licence is 2 years old there will be 5 points on the licence. If a driver then receives penalty points for smoking in a vehicle the points will be added to the 5 points already on their licence. These penalty points only last for a period of 12 months.

Existing Licence Holders

A driver with a new convictions for a Breach of the Peace will be given 3 points on their licence. These points will reduce over the course of the licence. If the conviction were for Possessing Controlled Drugs 12 points would be given and in line with the Policy consideration given to the revocation of the driver's licence. Any penalty points awarded during the course of the licence will be added to the existing conviction points.

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5.2. Criminal Convictions

Level 1 – Serious crime including sexual offences

Offences (including but not limited to) -

Serious Crime including Sexual Offences	
Type of offence	Number of Points (Points are doubled for a term of imprisonment)
Murder	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for any of the offences listed in this table
Manslaughter	
Manslaughter or culpable homicide while driving	
Causing death by dangerous or careless driving	
Gross indecency with a female	
Gross indecency with a male	
Indecent assault on a female	
Indecent assault on a child under 16 years	
Buggery	
Rape	
Indecent exposure	
Indecent exposure to the annoyance of residents	
Indecent exposure with intent to insult a female	
Unlawful sexual intercourse	
Importuning	
Living of immoral earnings	
Prostitution	
Possessing or distributing obscene material	
Exploitation *	

*For the purposes of this Policy, exploitation means where there is evidence that an applicant or licensee has been convicted of is the subject of an ongoing investigation or where a concern has been raised in relation to abuse, exploitation, misuse or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse and domestic violence. This list is not exhaustive and other matters may fall into this definition.

Annex 5 - Convictions Policy V2

Level 2 - Offences usually associated with violence or high value crime

Offences (including but not limited to) –

Offences usually associated with violence or high value crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Possessing Controlled Drugs	12	12	12	12	8	6	4	2	1	0
Possessing Controlled Drugs with intent to supply	12	12	12	12	12	12	10	8	6	4
Producing Controlled Drugs	12	12	12	12	12	10	8	6	4	2
Importing drugs	12	12	12	12	12	12	10	8	6	4
Burglary & Theft – Aggravated	12	12	12	12	12	12	8	6	4	2
Robbery	12	12	12	12	12	12	12	12	8	6
Aggravated vehicle taking (causing death)	12	12	12	12	12	12	12	12	8	6
Arson	12	12	12	12	12	12	12	12	12	12
Grievous Bodily Harm, s20	12	12	12	12	12	12	8	6	4	2
Grievous Bodily Harm, s18	12	12	12	12	12	12	12	12	8	6
Possess Offensive Weapon	12	12	12	8	6	4	2	0	0	0
Possession of Firearm with intent	12	12	12	12	12	8	6	4	2	0
Possession of a Firearm	12	12	12	8	6	4	2	0	0	0
Criminal Damage	12	12	12	8	6	4	2	0	0	0
Violent Disorder	12	12	12	8	6	4	2	0	0	0
Riot	12	12	12	12	8	6	4	2	0	0
Affray	12	12	12	6	5	4	3	2	1	0
Assault on Police Officer	12	12	12	8	6	5	4	3	2	1
Common Assault	12	12	12	8	6	5	4	3	2	0
Hate crime	12	12	12	12	8	6	4	3	2	0
Resisting Arrest	12	12	12	8	6	4	2	0	0	0
Using threatening, abusive words or behaviour	5	4	3	2	1	0	0	0	0	0
Battery	12	12	12	8	6	5	4	3	2	0
Breach of the Peace	3	2	1	0	0	0	0	0	0	0
Drunk and Disorderly	3	2	1	0	0	0	0	0	0	0
Obstruction	12	12	12	6	4	2	0	0	0	0
Indecent/nuisance telephone calls	12	12	12	12	12	8	6	4	2	1

Annex 5 - Convictions Policy V2

Level 3 - Dishonesty crime

Offences (including but not limited to) –

Dishonesty Crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Theft	12	12	12	6	4	2	1	0	0	0
Theft – Shoplifting	12	12	12	6	4	2	1	0	0	0
Theft – Employee	12	12	12	6	4	2	1	0	0	0
Theft – from vehicle	12	12	12	6	4	3	2	1	0	0
Burglary & Theft – Dwelling	12	12	12	12	8	6	4	2	1	0
Burglary & Theft – Non Dwelling	12	12	12	6	4	3	2	1	0	0
Fraudulent Use	12	12	12	6	4	3	2	1	0	0
Handling/receiving	12	12	12	6	4	3	2	1	0	0
Forgery	12	12	12	6	4	3	2	1	0	0
Conspiracy to defraud	12	12	12	6	4	3	2	1	0	0
Obtaining money by deception	12	12	12	6	4	3	2	1	0	0
Obtaining money by forged instrument	12	12	12	6	4	3	2	1	0	0
Deception	12	12	12	6	4	3	2	1	0	0
False Accounting	12	12	12	6	4	3	2	1	0	0
False Statement to obtain benefit	12	12	12	6	4	3	2	1	0	0
Going equipped	12	12	12	6	4	3	2	1	0	0
Taking/driving or attempting to steal vehicle	12	12	12	6	4	3	2	1	0	0
Allow to be carried in a stolen vehicle	12	12	12	6	4	3	2	1	0	0
Perverting the course of justice	12	12	12	12	8	6	4	2	0	0

Level 3 – Smoking offences

Offences (including but not limited to) –

Smoking										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Smoking in a licensed vehicle	3	3	3	2	1	0	0	0	0	0

Annex 5 - Convictions Policy V2

5.3 Road Traffic/Motoring Convictions

Level 1 – Driving offences involving the loss of life

Code	Offence	Number of Points
BA40	Causing death by driving while disqualified	<p>12 for all offences listed in this table</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for such an offence.</p> <p>A current licence would be revoked in all but the most exceptional circumstances</p>
BA60	Causing serious injury by driving while disqualified	
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 alcohol analysis	
CD80	Causing death by careless or inconsiderate driving	
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	
DD60	Manslaughter or culpable homicide while driving a vehicle	
DD80	Causing death by dangerous driving	
DG60	Causing death by careless driving with drug level above the limit	

Annex 5 - Convictions Policy V2

Level 2 – Driving under the influence of alcohol/drugs and other serious driving offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
BA30	Attempting to drive while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU80	Breach of requirement as to control of the vehicle, mobile phone etc.	12	12	12	12	12	8	6	4	2	1
DD10	Causing serious injury by dangerous driving	12	12	12	12	12	8	6	4	2	1
DD40	Dangerous driving	12	12	12	12	12	8	6	4	2	1
DD90	Furious driving	12	12	12	12	12	8	6	4	2	1
DG10	Driving or attempting to drive with drug level above the specified limit	12	12	12	12	12	8	6	4	2	1
DG40	In charge of a vehicle while drug level above a specified limit	12	12	12	12	12	8	6	4	2	1
DR10	Driving or attempting to drive with alcohol level above the limit	12	12	12	12	12	8	6	4	2	1
DR20	Driving or attempting to drive while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	12	12	12	12	12	8	6	4	2	1
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	12	12	12	12	12	8	6	4	2	1
DR40	In charge of a vehicle while alcohol level above limit	12	12	12	12	12	8	6	4	2	1

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DR50	In charge of a vehicle while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
DR61	Driving or attempting to drive then 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	12	12	12	12	12	8	6	4	2	1
DR70	Failure to provide a specimen for breath test	12	12	12	12	12	8	6	4	2	1
DR80	Driving or attempting to drive when unfit through drugs	12	12	12	12	12	8	6	4	2	1
DR90	In charge of a vehicle when unfit through drugs	12	12	12	12	12	8	6	4	2	1
AC20	Failing to give particulars or report an accident within 24 hours	12	12	12	12	12	8	6	4	2	1
AC30	Undefined accident offences	12	12	12	12	12	8	6	4	2	1
IN10	Using a vehicle uninsured against third party risks	12	10	8	7	6	5	4	3	2	1
LC20	Driving otherwise than in accordance with a licence	12	10	8	7	6	5	4	3	2	1
MS50	Motor racing on the highway	12	10	8	7	6	5	4	3	2	1
MS90	Failure to give information as to the identity of a driver etc.	12	10	8	7	6	5	4	3	2	1
UT50	Aggravated taking of a vehicle	12	12	12	6	4	3	2	1	0	0

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Level 2 - Convictions relating to Personal Health

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
LC30	Driving after making a false declaration about fitness when applying for a licence	12	12	12	12	8	6	4	2	1	0
LC40	Driving a vehicle having failed to notify a disability	12	12	12	12	8	6	4	2	1	0
LC50	Driving after a licence has been revoked or refused on medical grounds	12	12	12	12	8	6	4	2	1	0
MS70	Driving with uncorrected defective eyesight	12	12	12	12	8	6	4	2	1	0
MS80	Refusing to submit to an eye test	12	12	12	12	8	6	4	2	1	0

Please note - Where a licensed driver receives a conviction relating to personal health it will be regarded as a high risk to public safety and immediate suspension will be considered until all safety issues have been resolved and in any other case consideration should be given to revocation.

Where there is a second conviction relating to personal health or any failure to comply with any reasonable request from an authorised officer of the Council in respect of their enquiries into the matter, consideration should be given to the immediate suspension of the licence, its revocation, or a refusal to renew.

Level 3 – Intermediate Road Traffic Offences – Speeding, careless driving, construction and use offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU10	Using a vehicle with defective brakes	3	3	3	3	2	1	0	0	0	0

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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	3	3	3	2	1	0	0	0	0
CU30	Using a vehicle with defective tyre (points given per tyre)	3	3	3	3	2	1	0	0	0	0
CU40	Using a vehicle with defective steering	3	3	3	3	2	1	0	0	0	0
CU50	Causing or likely to cause danger by reason of load or passengers	3	3	3	3	2	1	0	0	0	0
CD10	Driving without due care and attention	10	9	8	7	6	5	4	3	2	1
CD20	Driving without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
CD30	Driving without due care and attention or without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
SP10	Exceeding goods vehicle speed limits	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP30	Exceeding statutory speed limit on a public road	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP40	Exceeding passenger vehicle speed limit	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP50	Exceeding speed limit on a motorway	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0

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Level 4 – Minor Road Traffic Offences – Motorway, pedestrian crossing, traffic direction and signs and miscellaneous offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
MS10	Leaving a vehicle in a dangerous position	3	3	3	3	2	1	0	0	0	0
MS20	Unlawful pillion riding	3	3	3	3	2	1	0	0	0	0
MS30	Play Street Offences	2	2	2	2	1	0	0	0	0	0
MS60	Offences not covered by other codes (as appropriate)										
MW10	Contravention of special roads regulations (excluding speed limits)	3	3	3	3	2	1	0	0	0	0
PC10	Undefined contravention of pedestrian crossing regulations	3	3	3	3	2	1	0	0	0	0
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	3	3	3	2	1	0	0	0	0
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	3	3	3	2	1	0	0	0	0
TS10	Failing to comply with traffic light signals	3	3	3	3	2	1	0	0	0	0
TS20	Failing to comply with double white lines	3	3	3	3	2	1	0	0	0	0
TS30	Failing to comply with 'stop' sign	3	3	3	3	2	1	0	0	0	0
TS40	Failing to comply with direction of constable/warden	3	3	3	3	2	1	0	0	0	0
TS50	Failing to comply with traffic sign (excluding 'stop' signs)	3	3	3	3	2	1	0	0	0	0
TS60	Failing to comply with school crossing patrol sign	3	3	3	3	2	1	0	0	0	0
TS70	Undefined failure to comply with traffic directions sign	3	3	3	3	2	1	0	0	0	0

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6. Driving Offences

Totting Up

6.1 If the number of current points on the DVLA licence exceeds 12 points a new application will be refused or a current licence suspended or revoked. ~~A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 12 points.~~

6.2 When disqualified from driving under the 'totting up' procedures, ~~If a decision is made to suspend the licence it will remain suspended for the duration of the suspension period~~ and until the driver has achieved a pass in 'driving skills' training with a nationally recognised and accredited driving assessment programme

~~6.3—Where a licence shows 12 points or more but no disqualification was imposed because of 'exceptional hardship'; the requirement to undertake 'driving life skills' development and be successful will apply and must be achieved within 3 months of the Court decision or the licence will be suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.~~

~~6.4—If there is a further period of disqualification the licence will be revoked and not considered for renewal for a minimum period of 12 months from the end of the disqualification period. Where there is a third period of disqualification the minimum period is 3 years. In both cases the licence will remain suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.~~

Repeated convictions

6.5 Repeated convictions on a DVLA licence ~~for the following offences~~ or combination of offences will result in a licence being refused, suspended or revoked. ~~and not restored until the number of active occasions for those types of offence has reduced to one or less.~~

Code	Offence
CU10	Using a vehicle with defective brakes
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU80	Breach of requirement as to control of the vehicle, mobile telephone etc.
IN10	Using a vehicle uninsured against third party risks

Failure to report relevant matters~~report a disqualification~~

6.6 It may be that by the time the Council becomes aware of ~~a matter, disqualification, the period has passed and the driver is able to drive again.~~ the

Annex 5 - Convictions Policy V2

sanction applied in relation to it has passed and so by being dishonest the intentions of the policy have been evaded. In such circumstances the failure to report a matter will ~~such a disqualification would~~ normally result in the relevant sanctions under this Policy being applied with the addition of penalty points, under the Council's Penalty Point Scheme, for failing to notify the Council.~~in the driver licence being suspended or revoked. The period of suspension or revocation would not normally be less than would have been effective if the disqualification had been properly reported to the Council.~~

6.7 A licence would not normally be granted or a suspension lifted until the completion of a 'driving life skills' training with a nationally recognised and accredited driving assessment programme.

6.8 Where false declarations have been made at the time of application or renewal these will be considered under the 'fit and proper' person assessment.

Implementation and Review of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 6 - Penalty Point Scheme

1. Introduction

1.1 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, proprietors, drivers and operators is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are key factors of its Policy in relation to the licensing of hackney carriage and private hire vehicles, drivers, proprietors and operators.

1.2 The aim of the Penalty Point Scheme (the Scheme) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provided by the legislation and creates a record of a licence holder's conduct thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence. The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

2. Relevant legislation and Guidance

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Section 57 of the Act gives the Council the power to require a person to submit information about themselves so the Council can be satisfied that they are 'a fit and proper person'. Drivers, operators, vehicles and their proprietors are also subject to the Council's own licence conditions and policies.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period. Sections 61 & 62 of the '1976 Act', give the Council the power to suspend, revoke or to refuse to renew a driver or operator licence. Section 60 (1)(c) of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to suspend, revoke or refuse to renew a vehicle licence.

2.3 The Council has regard to the Statutory Taxi and Private Hire Vehicle Standards in meeting its ongoing obligation to ensure that a licensee remains safe and suitable to hold a licence.

3. General Principles

3.1 The Scheme applies to all hackney carriage and private hire drivers and vehicle proprietors, including those with a registered interest in the vehicle, and operators.

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3.2 Where an offence or breach of the rules is committed or alleged, or a complaint received, the investigation process set out in this document will be followed and may result in the issue of penalty points and/or other appropriate action.

~~3.3 The provisions set out in 3.2 above do not apply where a one-year Probationary Licence has been granted and the following condition applied –~~

~~If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or any another form of restorative justice or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where complaints or intelligence are received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.~~

~~Any breach of this probationary condition will result in the Council taking action to revoke the licence; the suspension process under this Penalty Point Scheme will not apply.~~

3.3 The penalty point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, regulations and its own Policy.

3.4 On occasions it may be determined not to award points but to proceed immediately to the revocation of a licence on the grounds that the Council considers that the licence holder is not fit and proper to hold a licence. In such cases the right of appeal will be direct to the Magistrates' Court.

3.5 Points issued under this Penalty Point Scheme will remain current for 12 months from the date they are issued. At the conclusion of a period of suspension 6 penalty points will remain on the licence.

3.6 The penalty points issued will be at the discretion of the investigating officer and in accordance with the penalty points' table.

3.7 If a licence holder fails to report a conviction, 4 points will be applied to the licence **under this Scheme** in addition to those that would be applied under the Council's Convictions Policy. If the conviction is reported only those points for the conviction will be applied to the licence

Please note – the failure to respond to an investigating officer's repeated attempts to make contact, in order to properly investigate a matter, or refusing to cooperate may result in points being applied without having had the licence holder's input.

Annex 6 - Penalty Point Scheme

3.8 The imposition of penalty points against a driver who is an employee will not necessarily result in the imposition of points to their employer. However, points may be issued to one or more parties for a single contravention if the circumstances warrant such action being taken i.e. where there is joint responsibility for the contravention.

3.9 Licence holders may see their penalty point record at any time. Vehicle proprietors and licensed operators may make a written request to view the penalty point record of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Licensing, Food & Safety Manager.

3.10 The Council may as part of its investigations into an alleged offence/complaint or similar matter request a Police National Computer check (PNC) to ensure that it has all the evidence necessary to properly investigate the matter; this evidence will be made available to the Committee to assist it in reaching its decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.

3.11 In addition to penalty points, licence holders may also receive points for convictions etc. under the Council's Convictions Policy. These points will be added to those given under this Scheme and where 12 or more points are reached in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence. **With the exception of points given for the failure to declare a conviction or similar matter**, points will not be given under both Policies for the same offence. Points given under the Convictions Policy are not removed by a period of suspension.

4. Investigation, Committee and Appeal Procedure

4.1 The Council will deal with all genuine complaints or witnessed/alleged breaches of the legislation, licence conditions and/or policy as follows –

- a. On receipt of a complaint or where there is an alleged breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether they believe there is a case to answer.
- b. If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution **where an offence has been committed under the relevant legislation. Interviews under caution will not take place in relation to breaches of policy or general complaints.**
- c. Upon completion of the investigation, penalty points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or

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operator within 7 days of the decision. The award of points can be appealed to the ~~Licensing Manager-Licensing Committee in the first instance~~ and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG

- ~~d. The Licensing Manager will consider the matter and confirm his decision in writing to the licence holder.~~
- ~~e. There is a further right of appeal, where points are awarded, to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days of being notified of the Licensing Manager's decision.~~
- f. The Committee will make its decision based on the evidence presented at the hearing and may exercise its discretion to increase or reduce the number of points that are applied. The number of points may be reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances.
- g. The determination of the Licensing Committee is final and there is no right of appeal to the Magistrates Court.

Please note – it is important to exercise the right of appeal if the licence holder does not believe the points should have been awarded and wishes to challenge the evidence that resulted in the award of points. If further points are awarded and the 12 point threshold is reached, the earlier impositions of points cannot be challenged at a later suspension hearing. Points must be challenged in line with the process set out above. It is important to note that the Licensing Committee, in addition to dismissing or upholding the appeal, have the discretion to award a lesser or greater number of points than displayed on the Penalty Point Table.

Suspension of a licence

4.2 Where a licence holder accumulates 12 or more points the following suspension periods apply -

- 28 consecutive days for the first occasion
- 56 consecutive days for the second occasion

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- Revocation for any third accumulation of 12 points on the grounds that the licence holder is not fit and proper or safe and suitable to hold a licence.

4.3 In cases where the licence holder has reached the threshold for suspension, the licence holder will be notified in writing that their licence is suspended following the accumulation of 12 or more points. The award of points can be appealed to the **Licensing Committee** and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG

4.4 In cases where the licence holder has reached the threshold for revocation, the licence holder will be notified in writing that their licence is revoked following the accumulation of 12 or more points on the grounds that they are not fit and proper or safe and suitable to hold a licence. In such cases there is the right of appeal to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the decision. Where an appeal has been made the implementation of the revocation will be held over until the appeal has been determined unless the licence has been revoked with immediate effect.

Revocation

4.5 If following completion of the investigation (set out in 4.1 a and b above) there are matters of significant concern requiring urgent action, which the Policy indicates should result in the revocation of the licence, the following process will be followed –

- a. The matter will be reported to the Licensing, Food & Safety Manager (the Manager) for determination.
- b. The Manager will consider the matter and confirm his decision in writing to the licence holder. Depending on the nature of the offence the decision may be either to revoke the licence but allow the licence holder to operate until the appeal has been determined or revoke with immediate effect and not permit operation.
- c. **There is no right of appeal to the Licensing Committee in the case of revocation. The right of appeal is to the Magistrates' Court as set out in Paragraph 4.4 above.**

Annex 6 - Penalty Point Scheme

Examples of how the scheme will operate

a. A driver may be given 6 points for failing to report an accident within 72 hours. These points will stay on their hackney carriage/private hire driver's licence for 12 months from the date they are given. If the driver also has 3 points on their licence from a previous conviction they will carry 9 points for the duration of that year. After this time the 6 points will be removed and the points for the conviction will reduce in line with the Convictions Policy.

b. If a driver already has 3 points under the convictions policy and then receives 9 points for plying for hire without a hackney carriage licence the driver should expect a 28 day suspension of the licence.

~~c. A new applicant with convictions will be assessed in accordance with the Convictions Policy. They will be advised of the likely success of their application in line with the 'traffic light' system and can then choose whether or not to proceed with their application. If they determine to proceed but are then refused on the grounds that they are not fit and proper to hold a licence there is a right of appeal to the Magistrates Court.~~

Annex 6 - Penalty Point Scheme

Penalty Point Table

No.	Offence/Breach of Conditions	Points Applicable	Driver	Vehicle Owner	Operator
1*	Giving false information a licence application	6	x	x	x
2*	Failure to notify the Council of a change of address 1 st offence 2 nd offence	3 6	x x	x x	-
3*	Plying for hire without a hackney carriage licence 1 st offence 2 nd offence	9 12	x x	- -	- -
4*	Driving a licensed vehicle without a hackney carriage / private hire driver's licence	12	x	-	-
5*	Lending or parting with a hackney carriage / private hire driver's licence.	9	x	-	-
6*	Employing or permitting an unlicensed driver to drive a licensed vehicle	12	x	x	x
7*	Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle	3	-	x	-
8*	Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle	3	-	x	-

Annex 6 - Penalty Point Scheme

9*	Failure to display a hackney carriage or private hire identification plate	4	x	-	-
10*	Refusal to take a fare without a reasonable excuse	4	x	-	-
11*	Charging more than the agreed or legal fare	6	x	-	-
12*	Obtaining more than the legal fare (including failure to refund)	6	x	-	-
13*	Travelling less than the lawful distance for an agreed fare	6	x	-	-
14*	Failure to wait after a deposit has been paid	6	x	-	-
15*	Carrying persons other than with the consent of the hirer	6	x	-	-
16*	Driving a licensed vehicle without the proprietor or operator's consent	12	x	-	-
17*	Allowing a person to drive a licensed vehicle without the proprietor or operator's consent	12	x	-	-
18*	Driver leaving a hackney carriage unattended on a rank	4	x	-	-
19*	Hackney carriage driver obstructing other hackney carriages	4	x	-	-
20*	Breach of Byelaws	4	x	x	-

Annex 6 - Penalty Point Scheme

21*	A licensed driver using an unlicensed vehicle for private hire purposes	12	x	-	-
22*	Operating a private hire vehicle without a private hire operators' licence	9	-	-	x
23*	Operating an unlicensed vehicle as a private hire vehicle	12	x	x	x
24*	Operating a private hire vehicle when the driver is not licensed as a private hire driver	12	x	x	x
25*	Failure to notify the transfer of a vehicle licence	3	-	x	x
26*	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6	x	x	x
27*	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3	x	x	x
28*	Failure to report an accident to the Council within seventy two hours	6	x	x	x
29*	Failure to produce the vehicle and/or insurance upon request	6	x	x	x
30*	Failure to produce a driver's licence upon request	6	x	-	-
31*	Failure to wear a driver's badge	3	x	-	-
32*	Failure of a private hire operator to keep proper records of all bookings and driver and vehicle licences, or	4	-	-	x

Annex 6 - Penalty Point Scheme

	failure to produce them upon request of an authorised officer of the Council or a police officer within reasonable time / or time specified				
33*	Failure of a private hire operator to produce his licence upon request	4	-	-	x
34*	Making a false statement or withholding information to obtain a hackney carriage/private hire driver's	12	x	-	-
35*	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6	x	x	x
36*	Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew	6	x	-	-
37*	Permitting a private hire vehicle to wait on a hackney carriage rank	6	x	-	-
38*	Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement	8	x	-	-
39*	Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle	8	x	-	-
40*	Unnecessarily prolonging a journey	8	x	-	-

Annex 6 - Penalty Point Scheme

41*	Interfering with a private hire taxi-meter with intent to mislead	12	x	x	x
42*	Obstruction, failure to give information or assistance or failure to comply with a requirement of an authorised officer of the Council or a police officer	6	x	x	x

Matters marked with a * are direct contraventions of either the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 and may result in prosecution in addition to any penalty points incurred.

Licensing Policy

No.	Offence/Breach of Conditions	Points applicable	Driver	Vehicle Owner	Operator
43	Failure to ensure the safety of passengers	12	x	x	x
44	Concealing or defacing a vehicle licence plate	6	x	x	x
45	Failure to attend or attend on time for a pre- arranged appointment at the request of the Council without reasonable cause	4	x	x	x
46	Conveying a greater number of passengers than permitted	6	x	-	-
47	Failure to give reasonable assistance with passengers luggage	3	x	-	-

Annex 6 - Penalty Point Scheme

48	Private Hire soliciting for hire or accepting a fare that is not pre-booked	6	x	-	-
49	Operating/using a vehicle that is not properly maintained internally /externally 1 st offence 2 nd offence	6 12	x	x	x
50	Driving without the consent of the proprietor	12	x	-	-
51	Drinking or eating in the vehicle whilst carrying passengers	3	x	-	-
52	Smoking in the vehicle, including the use of electronic cigarettes, at any time 1 st offence 2 nd offence 3 rd offence	 3 + FPN 12 + FPN 12 + P	x	-	-
53	Causing excessive noise from any radio or sound-reproducing equipment which annoys anyone either in or outside the vehicle	3	x	-	-
54	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s)	3	x	-	-
55	Sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance	3	x	-	-

Annex 6 - Penalty Point Scheme

56	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6	x	-	-
57	Using a non-hands free mobile telephone whilst driving / engine running 1 st offence 2 nd offence	6 + FPN 12 + FPN	x	-	-
58	Failure to advise of a relevant medical condition	12	x	-	-
59	Failure to provide a receipt for a fare when requested	3	x	-	-
60	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage	8	x	x	-
61	Failure to notify the Council of relevant change to licence details within the time specified in the associated licence conditions	3	x	x	x
62	Failure to produce a hackney carriage or private hire licence upon request	3	x	x	x
63	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3	x	-	-
64	Failure of a private hire operator to request and	3	-	-	x

Annex 6 - Penalty Point Scheme

	keep a copy all driver's licence in his employ at the beginning of employment				
65	Failure of a licence holder to disclose convictions within 7 days of the conviction	4 plus the points for the actual offence as set out in the Convictions Policy	x	x	x
66	Failing to deal with lost property in an appropriate manner 1 st offence 2 nd offence	6 12	x	-	-
67	Failure to report an accident within 72 hours	6	x	-	-
68	Failure to comply with requirements for the safe carrying of a wheelchair	6	x	x	-
69	Operating a vehicle that does not comply with the Council's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein	3-12	-	x	x
70	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence	12	x	-	-
71	Failure to carry and/or maintain an approved operational fire extinguisher, where fitted	3	x	x	-

Annex 6 - Penalty Point Scheme

72	Modifying a licensed vehicle without the consent of the Council	6-12	-	x	x
73	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly	4	x	x	-
74	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle	4	x	x	-
75	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	6	-	x	x
76	Using a taxi-meter that does not conform to Council requirements	6	x	x	x
77	Using a licensed vehicle with no insurance or inadequate insurance for the vehicle	12	-	x	x
78	Permitting the vehicle to be used for any illegal or immoral purposes	12	x	x	x
79	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3	-	-	x
80	Failure of a private hire operator to keep the operating premises in	3	-	-	x

Annex 6 - Penalty Point Scheme

	accordance with Council requirements				
81	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	9	-	-	x
82	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	6	-	-	x
83	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions	3	x	x	-
84	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Council's Policy	6	x	x	x
85	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the licence conditions	3	-	x	-
86	Illegal ranking	6	x	-	-
87	Failure to comply with Council Livery	6	x	x	x
88	Smoking or allowing smoking in an operator's premises	6	-	-	x
	1 st offence	12	-	-	x
	2 nd offence				

Annex 6 - Penalty Point Scheme

89	Driver allowing a customer to smoke, including the use of an electronic cigarette, in a licensed vehicle	6	x	-	-
90	Failure to carry an assistance dog without an exemption certificate	12	x	x	x
91	Failing to conform to statutory road signs	4	x	-	-
92	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and /or other road users	4	x	-	-
93	Unacceptable standard of driving, witnessed by authorised officer or police officer	6	x	-	-
94	Late application for the renewal of a licence	6	x	x	x
95	Failure to display internal licence plates	4	x	x	x
96	Failure to produce the tariff or advise of charges when requested by the hirer	3	x	x	x
97	Unsatisfactory appearance of the driver or not conforming to the dress code	4	x	-	-
98	Providing false or misleading information on a licence application form, or failing to provide relevant information	6	x	x	x

Annex 6 - Penalty Point Scheme

99	Failure of private hire operator / driver to honour a booking without a reasonable excuse	6	-	-	x
100	Dropping off or picking up a fare in an inappropriate place such as to cause an obstruction or nuisance to other road users	4	x	-	-
101	Failure to carry plate exemption notice in the vehicle	6	x	-	-
102	Failure to notify the Council of having being arrested, cautioned or charged for an offence or being the subject of a criminal investigation within 7 days of the said action	6	x	x	x
103	Failure to comply with the Highway Code	6	x	-	-
104	Failure to have a valid MOT	6	x	x	x
105	Failure to notify the Council of a change in contact details where such failure results in the Council being unable to contact you directly 1 st offence 2 nd offence 3 rd offence	 3 6 9	 x	 x	 x
106	Allowing an engine to idle in one of the Borough's air quality management areas	3	x	-	-
107	Failure to provide a DBS when requested	6	x	x	x
108	Charging more than the agreed fare	6	x	x	X
109	Failure to notify the Council	6	-	X	-

Annex 6 - Penalty Point Scheme

	of a named driver				
110	Failure to supply to the Council insurance for a named driver	6	-	X	-
111	Refusing a wheelchair fare without reasonable cause	4	X	-	-
112	Unacceptable behaviour or conduct by a licensed driver , licence holder e.g. language	6	X	X	X
113	Carrying food and or drinks in a vehicle as part of a separate delivery without the express consent of the hirer	4	X	-	-

Please note –

FPN – Fixed Penalty Notice

P – Prosecution

Authorised Officer - means a member of the Council authorised under its scheme of delegation to carry out matters relating to the enforcement of legislation and the Council's policy in relation to hackney carriage and private hire drivers, operators, proprietors and vehicles.

Implementation of the Scheme - The Scheme will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Scheme may be made without consultation.

Appendix 2

Hi to all, what I want to say is , yes it's ok sometimes to have some changes, but what you have to do is to check and change how many hours we have to work because some drivers they working all day and all night, this is dangerous you have to let the taxi company know how many hours the taxi driver it is allowed to work. Thanks very much!!!

Thanks for your email. I agree that safeguarding is a very important area and that drivers can be in a unique position where they can pick up early signs of concern. However given the difficulties of the past year I would be reluctant to undertake anything which added to the costs and expenses of licensing, especially taking into account that as a newly self employed driver the amount of help I have received from national and local government has been minimal.

Thank you for providing me with the opportunity to comment on the amendments to the Hackney Carriage and Private Hire Licensing Policy. You do not indicate which points are the new standards initiated by the change in the law last year, or which the Council has some discretion over. Please see below my comments below in either case:-

p5 - Regulations being extended to both proprietors of hackney carriages. My partner is joint proprietor with my licence. She is 70 years old, has never driven a hackney carriage in her life and will never do so. I think it is unreasonable for her to have to have regular DBS checks and safeguarding training, as she has no involvement whatsoever. She is only a joint proprietor to ensure that, if anything happened to me, the licence plate would not have to be immediately returned to the Council.

p13 - Annual medicals for those drivers over 65. I consider this to be too low and too often. This should be 70 years of age, as per DVLA's requirement to renew your driving licence at that time. The last time I had a medical, my doctors point blank refused to do it and sent me to the Oaks Hospital, which cost me a huge amount. If the Council insists this must be done annually, then I would ask that somewhere/some way be found to make this cheaper for drivers.

p14 - Competency tests. I am wholeheartedly in agreement with this, as the standard of driving by some of the foreign drivers is appalling. Many of them do not appear to know English rules of the road or signs, let alone the full highway code, e.g. jumping red lights at night!

p24 - Enhanced DBS checks every 6 months. This seems way over the top and probably very expensive. Yearly would be more acceptable.

p35 - All joint proprietors needing checks. As in my first comment, my partner has been my joint proprietor for over 35 years. I have been a proprietor for 45 years.

Surely, the Council's history on us should give us both grandfather/mother rights?
This must be as good a proof of qualification as any?

Once you have reached your decisions about all this, please confirm when they will become effective, so we all have time to prepare and not spring it on us at the last minute'



Scrutiny Panel

Item
13

20 July 2021

Report of	Assistant Director, Corporate and Improvement Services	Author	Owen Howell Tel. 282518
Title	Annual Scrutiny Report		
Wards affected	Not Applicable		

This is a report setting out the work of the Scrutiny Panel during 2020/21

1. Executive Summary

- 1.1 This report sets out the work of the Scrutiny Panel during 2020/21 and requests that the Panel recommend the report to Full Council for approval on 20 October 2021.

2. Action Required

- 2.1 The Panel is asked to consider and comment on the draft Annual Scrutiny Report.
- 2.2 The Panel is asked to recommend this report to Full Council for approval on 20 October 2021.

3. Background Information

- 3.1 The Constitution states the Scrutiny Panel shall report annually to the Full Council on its work and make recommendations for future work programmes and amended working methods if appropriate.
- 3.2 The purpose of the report is to inform the Council of the work undertaken by the Scrutiny Panel, and for the Full Council to form an opinion of the effectiveness of the scrutiny function. The final report will be submitted to Full Council for consideration and approval following endorsement by Scrutiny Panel members.
- 3.3 This Scrutiny Report is a descriptive record of the scrutiny reviews undertaken by the Scrutiny Panel in 2020/21.

4. Standard and Strategic Plan References

- 4.1 Scrutiny and challenge is integral to the delivery of the Strategic Plan 2020-2023 priorities and direction for the Borough as set out under the strategic themes of:
- [Tackling the climate challenge and leading sustainability](#)
 - [Creating safe, healthy and active communities](#)
 - [Delivering homes for people who need them](#)
 - [Growing a fair economy so everyone benefits](#)
 - [Celebrating our heritage and culture](#)

- 4.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self-governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

5. Appendices

- 5.1 Appendix A – Draft Scrutiny Panel Annual Report 2020-21.

Scrutiny Panel Annual Report 2020-21

This Annual Report demonstrates the contribution made by the Scrutiny Panel at Colchester Borough Council.

Scrutiny Panel Role

The role of the Scrutiny Panel is to examine the policies and strategies from a Borough-wide perspective and ensure that the actions of the Cabinet accord with the Council's policies and budget. The Panel also reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

The Scrutiny Panel in 2020/21

The function of the Scrutiny Panel continued to be important, given the challenges faced by the Council in addressing the impacts of the Covid-19 pandemic. This required the Council to address reductions in income and to continue to provide services in a safe but successful manner under very difficult circumstances. As a consequence the Council was required to innovate and look for different ways which enabled the continued delivery of vital services throughout the Borough.

In addition to its work examining the Council's responses to the Covid-19 pandemic, the Panel continued to carry out its annual programme of scrutinising the Council's financial affairs, budget setting and performance against its Strategic Plan.

The success of Scrutiny Panel reviews depended on the involvement of Councillors, Council officers, partner organisations, expert witnesses and members of the public, and the Chairman of the Scrutiny Panel would like to thank everyone for their contribution to the work of the Scrutiny Panel in 2020/21.

Call-ins

The general low level of call-ins and matters of urgency on Scrutiny Panel agendas suggests that the governance arrangements within the Council are working effectively.

One call-in was received during the 2020-21 municipal year, relating to the Council's response to a consultation on the Bradwell B Project [proposed new nuclear power station]. Members raised concerns that:

- The Council did not carry out sufficient consultation of residents, owing to the Covid 19 pandemic.
- The Council's response did not reflect decisions made and views expressed by full Council regarding its opposition to any building of a new nuclear facility at Bradwell.

The Scrutiny Panel recommended that the decision be referred back to the Portfolio Holder for Communities, Well Being & Public Safety and that an extraordinary meeting of Full Council be considered in order to formally discuss and approve a policy regarding the Council's opposition to the building of a new nuclear facility at Bradwell.

In response to the Panel's recommendations, an extraordinary meeting of the Full Council was convened, at which a unanimous decision was made to make clear the Council's ongoing views in opposition to the building of a new nuclear facility at Bradwell. A new consultation response was also drafted; however this was not able to be submitted until after the consultation deadline had ended and therefore was not accepted by the Bradwell Project. The Bradwell Project gave assurance that future rounds of consultation would be open for submissions from the Council.

Decisions taken under urgency provisions

Certain decisions were noted as having been taken under urgency provisions within the Constitution, with these decisions relating to the Council's response to the Covid-19 pandemic. Decisions taken by Cabinet or Portfolio Holders under urgency provisions are decisions made to take immediate action on urgent matters, which must then be reported on to the Scrutiny Panel at the earliest possible meeting. Such decisions are not subject to the usual decision making/call in process.

During the first lockdown of 2020, the Leader of the Council agreed to interim scrutiny arrangements being put in place, to reflect the then impossibility of holding Panel meetings. These stated that urgent decisions were to be made in consultation with all Party Group Leaders and the Chairman of the Scrutiny Panel, who would then report back to the Panel itself at the earliest Panel meeting possible. These scrutiny arrangements were in place until remote meetings of Council formal decision-making meetings became permissible by virtue of temporary Regulations brought in by Government.

Decisions taken under special urgency provisions during 2020-21 related to:

- Disbursement of Government funds allocated to the Council for issuing to support economically vulnerable people and households within the Borough to mitigate the detrimental effects of the pandemic and the related lockdown measures [reported to Panel on [1 June 2020](#)].
- Decisions relating to the Council's work on validation and disbursement of Government Discretionary Business Grants, as a support for businesses during lockdowns [reported to Panel on [1 June 2020](#)].
- The mechanism used to oversee the payment of Discretionary Business Grants [reported to Panel on [15 December 2020](#)]

Pre-decision scrutiny of decision making.

During 2020/21 the Scrutiny Panel was asked to conduct proactive scrutiny of key areas of decision making by Cabinet, including the setting out of Council's strategy and actions in response to the Covid-19 pandemic. The Panel conducted reviews and offered recommendations to Cabinet and individual portfolio holders.

Covid-19 response

At an additional meeting held on 1 June 2020 the Panel examined the Council's early response to the Covid-19 pandemic and lockdown:

- The Council's community leadership response;

- Actions taken to assist residents, businesses and communities;
- Actions taken to adapt, continue and where required, reduce service provision;
- Decisions taken under urgency provisions;
- Interim Scrutiny and planning arrangements;
- The proposed amended Budget Strategy and Medium-Term Financial Forecast for 2020-21

The Scrutiny Panel made a number of recommendations to Cabinet, to improve the transparency of emergency decision making and reporting of effects upon service provision, from Covid-19 and the related lockdown measures. The Panel also offered recommendations on clarifying the Council's financial position and the Cabinet's evolving Budget Strategy.

Garden waste collections

At an additional meeting held on 7 July 2020, the Scrutiny Panel considered Cabinet's proposals for making changes to the Council's garden waste collection service. These changes would see an introduction of charging for the collection of garden waste, as part of a raft of measures to address the major reduction of income forced upon the Council by Covid-19.

The Panel made a number of recommendations to Cabinet, including the pausing of plans to introduce new charges and the formation of a group to examine waste service costs and plans, and for consultations to be held wherever any new roll-out of wheelie bins is proposed.

Council's Recovery Programme

At its meeting on 18 August 2020, the Scrutiny Panel examined the Council's proposed Recovery Programme relating to Covid-19. A comprehensive review was held, with senior officers and Councillor David King, Portfolio Holder for Business and Resources explaining the plans for returning to full levels of service provision, and to mitigate the harmful effects of the pandemic on the Council's finances.

Business Case for Council's Efficiency and Transformation Project

The Panel used its meeting on 13 October 2020 to consider a report due to be considered by Cabinet and regarding the setting of a new Budget Strategy which would deliver a balanced budget and make necessary savings in the face of great financial upheaval. This included measures to increase efficiency, review service delivery models and increasing the effectiveness of commercial operations.

Councillor Mark Cory, Leader of the Council, brought this item to the Panel for their consideration. The Panel conducted questioning regarding the measures proposed, alternatives which may have been considered but rejected, and looked at ways to find new ways of working and providing services. As a result of this, the Panel laid out its intention to examine alternative ways of working and providing services, and to review the Council's use of its property portfolio.

Prominent Reviews at Colchester Borough Council

The Scrutiny Panel held a number of reviews during 2020/21.

On 17 August 2020, the Scrutiny Panel reviewed the Council's financial contributions to the North Essex Garden Communities [NEGC] Project and NEGC Ltd's finances. Following a full scrutiny session, the Panel recommended

that the Council should not write off any carried costs owed to the Council by NEGC Ltd and that an independent external audit and/or peer review should be carried out on the NEGC Project, with all shareholder local authorities being asked to participate. This was investigated by Cabinet, and Cabinet invited the Council's partner authorities to consider such a review or audit. There was not found to be enough support from the shareholder partners for such an audit or review to be pursued.

On 18 August 2020, the Panel received review reports on the pandemic/lockdown recovery operations carried out by Colchester Borough Homes and the Council's wholly owned companies.

Gareth Mitchell, Chief Executive of Colchester Borough Homes, introduced the Panel to the project principles and structure of their operations to address the effects of Covid-19, both on the business but also on the tenants, leaseholders and those seeking housing support from CBH. The operations of CBH were found to have been quickly moved to operate within the restrictions introduced to prevent Covid-19 being spread.

The Council's Amphora companies had been significantly affected by the lockdown, and the Scrutiny Panel examined their recovery and mitigation operations, clarifying how the companies would continue until revenue and work streams could be normalized.

The 2020/21 Half Year Performance Report, received on 15 December 2020 gave the Panel an opportunity conduct a detailed scrutiny of the effects of Covid-19 on the Council during the first half of that municipal year and was an opportunity for the Panel to make a number of recommendations to Cabinet, including a prioritisation of Key Performance Indicators [KPIs] which involved the parts of Council's work which had the largest life-enhancing effect on residents of the Borough, and a recommendation to maintain KPI targets, rather than alter them, until the widespread uncertainty and effects on services caused by Covid-19 had stabilised and reduced.

Review of Bus Service Provision

In response to a request from Councillor Lee Scordis, the Panel used its meeting on 16 March 2021 to hold a review into the provision of bus services across the Borough. This review drew together Borough and County Council officers, alongside bus operators to review the situation facing the bus network, the effects of the pandemic and the plans being formed for the future of bus services, including a pilot project to provide new services in a currently unserved part of central Essex.

The Panel were briefed on the underlying pressures and difficulties within the bus sector and on the specific challenges caused by having to introduce Covid-19 safety measures and by the critical fall in passenger numbers caused by furlough and home working.

After in in-depth discussion of ways in which the Borough Council and its members could support Essex County Council, as the relevant authority, and local bus service providers, the Panel made the following recommendations to Cabinet:

RECOMMENDATION to CABINET that: -

- (a) Cabinet encourages councillors to take up the ‘#UseTheBus challenge’, to invest in local communities, jobs and the environment by championing bus travel.
- (b) Cabinet uses the powers available to a Tier Two authority to enhance and highlight modal shift from car use. Powers of Planning, redevelopment of Town Centre and a boroughwide Parking Strategy being examples (but not an exhaustive list) of these powers.
- (c) Cabinet investigates incentives and offers, through the Business Improvement District [BID] and business partners, in developing a level playing field for bus passengers, when compared to parking deals, thus promoting sustainable transport options.
- (d) Guidance be issued to all elected members as to the options available regarding use of Section 106 funds from new developments, potentially to support bus infrastructure and routes.
- (e) Cabinet directs officers to investigate the possibility of working with partners to create a Borough-wide travel app, to support and encourage use of sustainable and active travel options.

Financial scrutiny

The Scrutiny Panel, during 2020-21, conducted an informal review of its approach to scrutinising the financial affairs and position of the Council. Over past years, a large number of regular reports had been added to the Panel’s work programme which gave annual updates on different elements of the Council’s finances. It was found that a number of these reports covered areas which were already scrutinised by the Governance and Audit Committee and that the matters covered should more correctly sit with that Committee, except in instances where performance diverges significantly from expectations, or when members identify causes for concern which would benefit from consideration by the Scrutiny Panel.

Working in conjunction with the Governance and Audit Committee, the Scrutiny Panel identified the financial reviews which should remain on the Panel’s work programme each year [items for scrutinising the Council’s proposed budget before it is voted upon and to review annual budget performance after each financial year]. The building of a closer working relationship with the Governance and Audit Committee has seen invitations extended by that Committee to Scrutiny members to participate (in a non-voting capacity) in its work to scrutinise different financial and governance aspects of the Council and its wholly owned companies.

Partnership arrangements

Colchester Business Improvement District

On 18 August 2020 the Scrutiny Panel discussed and examined the work of the Colchester Business Improvement District [BID]. Joined by Simon Blaxill, BID Chairman, and Sam Good, District General Manager, the Panel examined the work of the BID to promote local businesses, town centre footfall, online

marketing, assist town centre firms in instituting Covid-19 security measures and recovering from lockdowns. The BID laid out their four-stage framework for recovery and their partnership working with the Council and other key partners.

North East Essex Health & Wellbeing Alliance

At the meeting on 21 July 2020, Mark Jarman-Howe, Chairman of the North East Essex Health & Wellbeing Alliance, and Pam Donnelly, Strategic Director of Customer and Relationships, presented the work of the Alliance. Benefits had been gained from working with partners across North Essex, including local authorities, NHS organisations, the Mental Health Trust, Community360 and other charities. The main challenges being faced by the Alliance included suicide, alcohol-related conditions and violent crime.

The Panel discussed the Alliance's response to the Covid-19 crisis and the model of partnership and stakeholder co-operation which had proved to be very successful in co-ordinating the partners engaged in health and wellbeing work in the area.

Review of Arts Organisations in receipt of Council funding.

The Scrutiny Panel holds an annual session to hear from the local arts organisations which receive Council funding, namely The Mercury Theatre, FirstSite and the Colchester Arts Centre. This had been forced to be delayed, due to the impact of Covid-19, but was held on 18 March 2021.

Representatives of the three organisations briefed the Panel on the effects of Covid-19 on their operations, the outreach work they had conducted during the year and on specific highlights, such as the Mercury Rising Project to renovate and redesign the Mercury Theatre. They also briefed members on the current financial difficulties facing their organisations, including the recent withdrawal of funding from Essex County Council.

Following an in-depth question and answer session, the Panel made the following recommendations to Cabinet:

RECOMMENDATION to CABINET that: -

- (a) Cabinet formally recognises the importance of the three art organisations, built on trust and partnership working;
- (b) Cabinet explore whether the procurement model used for the 'Mercury Rising' project can be used more widely by the Council to boost the local economy;
- (c) All councillors be kept informed of all outreach work and events by the arts organisations, to ensure that they can share the great work undertaken within the cultural sector and ensure that those who could benefit from them have the opportunity so to do.

Scrutiny Panel operating as Crime & Disorder Committee

The Scrutiny Panel sat as the Crime and Disorder Committee to review the performance and operation of the Safer Colchester Partnership on 15 September 2020. An additional meeting was also scheduled for 16 February 2021 to provide an update from the Council's partners in the Partnership, and to

give members a briefing by the charity 'Next Chapter' on the specific issue of domestic abuse and violence, and the work being done by that organisation and its partners to tackle this problem, which had increased during the Covid-19 lockdowns. Members were informed of the ways in which services and support for victims continued to be provided, in a Covid-secure fashion.

The reviews held by the Crime and Disorder Committee provided information on the work of the Safer Colchester Partnership during 2020/21, progress on the Town Centre Action Plan, the work of the Community Safety Team and provided updates from partner organisations covering their work over the year. Additional detail was given on policing efforts in the Town Centre, residential areas and rural communities. Furthermore, they gave an opportunity for the Panel and the public to learn more about how the Safer Colchester Partnership members had adapted their work to ensure that services and support options were maintained through the difficulties and restrictions resulting from the pandemic.

The Panel thanked the representatives for attending the meetings and responding to members' questions and noted the work of the Partnership.

Councillor Call for Action (CCfA)

There were no CCfA issues brought to the attention of Scrutiny Panel during 2020/21.

Task and Finish Groups

There were no Task and Finish Groups commissioned by the Scrutiny Panel 2020/21. The Panel did recommend that Cabinet commission a Task and Finish Group to examine matters relating to waste collection. Cabinet commissioned such a Group to report back to it.

Appendix

Appendix A – Schedule of Meetings and Reviews for 2020/21.

Schedule of meetings and reviews

Scrutiny Panel 2020/21

Councillor Davies (Chairman)*, Councillor Bentley (Deputy Chairman)*, Councillor Bourne, Councillor Dundas, Councillor Hayter, Councillor Hogg, Councillor McCarthy, Councillor Whitehead.

NB: Following the meeting on 1 June 2020, Councillor Davies retired from the Council. At the Scrutiny Panel meeting on 7 July Councillor Bentley was appointed as new Chairman, and subsequent to that Councillor Barber was nominated to join the Panel and was elected Deputy Chairman.

1 June 2020	<ul style="list-style-type: none"> • Finance and Council Response Reports relating to Covid-19
7 July 2020 (Additional Meeting)	<ul style="list-style-type: none"> • Pre-Scrutiny of Proposed changes to Garden Waste Collection
21 July 2020	<ul style="list-style-type: none"> • Year End 2019/20 Performance Report and Strategic Plan Action Plan 2018-21 • N.E. Essex Health and Wellbeing Alliance • Annual Scrutiny Report
27 July 2020 (Call-in Meeting)	<ul style="list-style-type: none"> • Call-in of Bradwell B Consultation response
17 August 2020 (Additional Meeting)	<ul style="list-style-type: none"> • North Essex Garden Communities Project and NEGC Ltd Update and Financial Information
18 August 2020	<ul style="list-style-type: none"> • Recovery work by CBC, CBH and CCHL relating to the Covid-19 situation • Colchester Business Improvement District
15 September 2020 (Crime and Disorder Committee)	<ul style="list-style-type: none"> • Safer Colchester Partnership (Crime and Disorder Committee)
13 October 2020	<ul style="list-style-type: none"> • Local Council Tax Support – Year 2021/22 (Provisional) • Budget Strategy for 2021-22
15 December 2020	<ul style="list-style-type: none"> • Half Year 2020-21 Performance Report & Strategic Plan Action Plan progress
26 January 2021	<ul style="list-style-type: none"> • 2021-22 Revenue Budget, Capital Programme, Medium Term Financial Forecast and Treasury Management Investment Strategy • Housing Revenue Accounts Estimate and Housing Investment Programme
16 February 2021 (Crime and Disorder Committee)	<ul style="list-style-type: none"> • Safer Colchester Partnership (Crime and Disorder Committee)

16 March 2021	<ul style="list-style-type: none"> • Alternative ways of working and service provision involving partners and communities [initial verbal briefing on how this would be brought back to the Panel in 2021-22 with focus on areas identified by the Panel] • Bus Service Provision in Colchester Borough
18 March 2021 (Additional Meeting)	<ul style="list-style-type: none"> • Arts Organisations receiving Council Funding • Corporate Key Performance Indicator Targets for 2021-22 – moved from 26 January 2021 • Colchester Borough Homes: Key Performance Indicator Targets for 2021-22

