

Selby District Council



Agenda

Meeting: **Executive**
Date: **2 October 2014**
Time: **4pm**
Venue: **Committee Room**
To: Councillor Mark Crane, Councillor Mrs Gillian Ivey, Councillor Cliff Lunn, Councillor John Mackman and Councillor Chris Metcalfe

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 4 September 2014. Pages 1 to 7 attached.

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Leisure Landlord Maintenance Programme

Report E/14/28 asks the Executive to approve the Year Six Landlord Planned Maintenance Programme for Tadcaster Leisure Centre and Selby Park. Pages 8 to 20 attached.

5. Council Tax Support

Report E/14/29 provides the Executive with options for the Council Tax Support Scheme. Pages 21 to 48 attached

6. Housing Development Strategy – Phase 1 Business Case - Eggborough, Site 1 - Key Decision

Report E/14/30 asks the Executive to consider the business case. Pages 49 to 56 attached.

7. Housing Development Strategy – Phase 1 Business Case - Eggborough, Site 2 – Key Decision

Report E/14/31 asks the Executive to consider the business case. Pages 57 to 64 attached.

8. Housing Development Strategy – Phase 1 Business Case - Eggborough, Site 3 – Key Decision

Report E/14/32 asks the Executive to consider the business case. Pages 65 to 73 attached.

9. Leeds City Region Business Rates Pooling – Key Decision - To follow

Report E/14/33 asks the Executive to consider the issues associated with the potential for Selby to join the Leeds City Region Business Rates Pool.

10. Hackney Carriage and Private Hire Vehicle Licensing Policy

Report E/14/34 asks the Executive to approve the policy for consultation. Pages 74 to 108 attached.

11. Constitutional Amendments – Appendix to follow

Report E/14/35 asks the Executive to consider the amendments to the Council's Constitution. Pages 109 to 112 attached.

Mary Weastell
Chief Executive

Dates of next meetings
16 October 2014 - Executive Briefing
6 November 2014 Executive

Enquiries relating to this agenda, please contact Glenn Shelley on:

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Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	4 September 2014
Present:	Councillor M Crane (Chair), Mrs G Ivey, C Lunn and J Mackman.
Officers present:	Chief Executive, Deputy Chief Executive, Executive Director (S151), Managing Director Access Selby, Solicitor to the Council, Business Manager (ES), Lead Officer – Finance, Policy Officer, Lead Officer - Contracts and Democratic Services Manager.
Also Present:	Councillor S Shaw-Wright
Public:	0
Press:	0

NOTE: Only minute numbers 31 to 32 and 34 to 38 are subject to call-in arrangements. The deadline for call-in is 5pm on the 16th of September 2014. Decisions not called in may be implemented on the 17th of September 2014.

27. Apologies for Absence

Apologies for absence were received from Councillor C Metcalfe.

28. Minutes

The minutes of the meeting on 3 July 2014 were submitted and agreed as a correct record and signed by the Chair.

29. Disclosure of Interest

Councillor J Mackman declared that he had registered as an “other interest” his role on the Selby and District Housing Trust. He stayed in the room during the consideration of, but did not vote on item 10 on the agenda (Phase 2 Affordable Housing Sites)

30. Financial Strategy – Key Decision

Councillor C Lunn presented the report which provided an update to the revised Medium Term Financial Strategy (MTFS) approved by Council in December 2013.

Councillor C Lunn set out that the financial challenges would continue as the Council faced further reductions in central funding. However, with a careful balance between savings and growth, the Strategy provided a framework which would help the Council minimise risk and enable the delivery of the next Corporate Plan.

The Executive discussed the future of the New Homes Bonus and the savings to be achieved from the Better Together Project with North Yorkshire County Council (NYCC). The Executive heard that significant savings were expected from the Council’s work with NYCC which formed one element of the savings plan. Further savings would be required from other areas.

Resolved:

Subject to comments from the Policy Review Committee, to recommend Council to approve the update to the Medium Term Financial Strategy.

Reason for the decision:

To set the framework for the 2015/16 budget and 2015 – 2017/18 Medium Term Financial Plan.

31. 1st Interim Budget Exceptions Report – Key Decision

Councillor C Lunn presented the report on the Council’s financial results and budget exceptions to 30 June 2014.

Councillor C Lunn stated that, at this early stage in the financial year, estimated surpluses of £416k on the General Fund and £23k on the Housing Revenue Account were forecast.

Resolved:

- i. **To endorse the actions of officers and note the contents of the report.**
- ii. **To update the budgets to reflect the additional income to the General Fund relating to prior years adjustments to NNDR and a corresponding increase to the Business Rate Equalisation reserve to be made.**
- iii. **To update the Capital budget for CRM to include back filling costs of £19,763 approved with the business case. transfer the £154k Access Selby General Fund surplus to 'Access Selby Reserve';**

Reason for the decision:

To ensure that budget exceptions are brought to the attention of the Executive with explanations from officers; in order to approve remedial action as necessary.

32. 1st Interim Treasury Management Progress Report – Key Decision

Councillor C Lunn presented the report which reviewed the Council's Treasury Management activity for the first three months of 2014/15 and presented performance against the Prudential Indicators.

The Executive heard that interest rates were still low and that some of the Council's higher rate investments were due to drop out this year. It was noted that, following approval at Council, NYCC sweeping arrangements would be in place within the next month.

Resolved:

To endorse the actions of officers on the Council's treasury activities for the period ending 30 June 2014 and approve the report.

Reasons for the decision:

To comply with the Treasury Management Code of Practice, the Executive is required to receive and review regular Treasury Management monitoring reports.

33. Housing Revenue Account (HRA) Business Plan

Councillor C Lunn presented the draft Housing Revenue Account Business Plan for councillors to consider prior to consultation.

Councillor C Lunn set out that this was a refresh of the existing plan, setting out the Council's vision for its housing service to 2017 and beyond. He highlighted that a new Stock Condition Survey had been commissioned, the results of which would feed into financial planning within the Business Plan in the autumn. The Executive also heard that the Housing Development Strategy had been approved and the Council planned to build 53 homes within the HRA over the next four to five years.

The Executive discussed the importance of the new Strategic Housing Market Assessment which it was planned to commission at the end of 2014. This would provide a detailed analysis of current and future housing need in Selby District.

Resolved:

To approve the Consultation Version of the HRA Business Plan.

Reason for the decision:

- i. To set out a viable business plan for HRA service:
- ii. To comply with the requirements set out in the Localism Act.

34. Spend to Save Investment in Planning

Councillor C Lunn presented the report which detailed the outcomes achieved in the first six months of operation of the pre-application planning advice.

The Executive discussed the 50% uptake level of the service which was lower than had been expected, however the additional capacity was being used to support other development management services. The Managing Director stated that Access Selby Board remained supportive of the idea and it was noted that, as a result of the introduction of the new service, Planning Agents who had become reluctant to engage in pre-application discussions were taking renewed advantage of the service.

Resolved:

To note the report.

Reasons for the decision

For information.

35. 1st Interim Corporate Plan Progress Report

Councillor M Crane presented the report which provided details of the Access Selby key performance indicators following the first quarter of reporting for the financial year 2014/15 and recommended appropriate action where required.

The Executive were pleased with the strong performance of Access Selby and discussed the interpretation of some of the customer satisfaction indicators.

The Executive noted the increase in the time taken to re let local authority housing. The Managing Director outlined a number of factors, such as demand for the properties, which together contributed to the fall in performance for June 2014.

The Executive also discussed the indicator relating to street cleansing and how the outcome was calculated. The Managing Director undertook to circulate further detailed explanation to the Executive on that issue outside the meeting.

Resolved:

To approve the report and ask that further consideration is given to appropriate measures of customer satisfaction as part of the current review of the Service Level Agreement with Access Selby

Reasons for the decision

The on-going management of performance and improvement data enables the Council to monitor the level of service delivered by Access Selby, and can assist the Council in achieving its strategic priorities.

36. Phase 2 Affordable Housing Sites – Key Decision

Councillor M Crane presented the report on the next review of potential affordable housing development sites in Council ownership.

Councillor M Crane gave a brief background to the report, he set out that the five sites at East Acres – Byram, Site3 Westfield Avenue – Eggborough, Landing Lane – Riccall, Highfield Villas – Sherburn and Austerbank View – Tadcaster were approved at Council in September 2013 as the first to be taken forward.

The Executive discussed the phasing of delivery as set out in the report and asked officers to consider an alternative approach which would see the southern phase of the programme delivered earlier.

Consideration was then given to the possible procurement approaches to deliver the sites and it was noted that the selected approach would be developed in partnership with Selby District Housing Trust (SDHT). The Executive agreed with the view of the SDHT Board that the Develop and Construct route would be the default procurement approach but they would allow consideration of alternative methods if appropriate for the particular scheme.

Resolved:

- i. To ask officers to consider an alternative phasing programme and to receive this at a subsequent meeting.**
- ii. To approve the proposed procurement approach as outlined in paragraphs 3.2.3 - 3.25.**

Reason for the decision:

The prioritisation of development sites is required to facilitate the delivery of the targets within the Council's Housing Development Strategy.

37. Green Deal

Councillor M Crane presented the report on the procurement of a delivery partner to help with the implementation of a Green Deal and Energy Company Obligation (ECO) scheme for all Local Authorities within the Leeds City Region boundary.

Resolved:

- i. To note and endorse the participation of the Council in the Leeds City Region Green Deal Project including support for the Framework and commitment to use the Call-Off Contract.**
- ii. To delegate authority to the Deputy Chief Executive to agree the commercial terms of the Call-Off Contract and sign the Contract.**
- iii. To note the discussions ongoing with regard to a sub-regional arrangement for implementation and monitoring of the Contract and attending the Home Energy Project Board (HEPB).**

Reason for the decision:

To ensure that the Council has the necessary authorisations in place to take full advantage of the Green Deal and ECO Scheme, once the

procurement exercise is complete, and on appropriate commercial terms.

38. URGENT ITEM - Tender for Procurement of Insurance Services – Key Decision

It was noted that this was a Key Decision which had been given due notice in the Forward Plan, it had been anticipated that the decision on the tender would be taken by the Executive Director (S151) under delegated authority, however, because the final tender price was in excess of the approved budget, the matter was being reported to the Executive for determination instead.

Councillor C Lunn presented the report on the tendering exercise for the provision of the Council's insurance for a five year period from 1st November 2014.

Resolved:

To award the contract for the provision of Insurance Services for a five year period, commencing on the 1st November 2014, to bidder (a) as shown in the report

Reason for the decision:

To ensure that adequate insurance cover is in place to protect the council's assets and mitigate financial risk.

The meeting closed at 5.25pm

Selby District Council

REPORT

Reference: E/14/28

Public – Item 4



To: The Executive
Date: 2 October 2014
Status: Non Key Decision
Report Published: 24 September 2014
Author: Keith Cadman, Lead Officer Contracts
Executive Member: Councillor Cliff Lunn
Lead Officer: Karen Iveson, Executive Director

Title: Leisure Planned Maintenance Programme – Year 6

Summary

In the contract with Wigan Leisure and Culture Trust (WLCT) the Council holds landlord responsibility for Abbey and Tadcaster Leisure Centres and Selby Park. An indicative 10 year planned maintenance programme was agreed during the tender period, which is reviewed each year when the Council refreshes its Medium Term Financial Plan and rolling Capital Programme.

However, a variation to the contract has been agreed that includes a 5 year extension to the original 10 year contract period that has been factored into a revised indicative planned maintenance programme for the remainder of the contract until expiry in 2024. The revised programme reflects the landlord responsibility for Tadcaster leisure centre, Selby Park and the replacement facility on the site of the former Abbey Leisure Centre.

The proposal for Year 6 includes work to the right elevation external wall at Tadcaster leisure centre and the replacement of defective timber cladding on the left elevation of the pavilion.

Recommendations:

- i. To agree that the Year Six Landlord Planned Maintenance Programme for Tadcaster Leisure Centre and Selby Park**
- ii. To fund the Year 6 programme from the Building Repairs**

Reserve within the budget proposals for 2015/16.

Reasons for recommendations

To ensure essential maintenance work required at the Council's leisure facilities is included in the Council's capital programme to enable the Council to discharge its duties as a landlord and ensure the facilities are maintained to an appropriate standard.

1.0 Introduction and background

1.1 In July 2014, the Executive approved a variation to the Leisure Services contract with WLCT including a 5 year extension to the contract period. The variation includes a number of leases that are co-terminus with the contract. The Council as landlord and WLCT as tenant for Tadcaster leisure centre, Selby Park and the replacement facility have as part of the variation agreed revised planned maintenance programmes. This briefing only considers items for Tadcaster Leisure Centre and Selby Park for year 6 due to the new facility being within the construction defects liability period.

1.2 The planned maintenance programme has been revised using recent condition survey data for Tadcaster leisure centre and Selby park plus a 30 year lifecycle model for the new facility. Each planned maintenance programme sets out both 'landlord' and 'tenant' responsibilities and we are now approaching Year 6 of the programme. The Year 6 Planned Maintenance Programme has been drawn up which now needs to be considered by the Executive for inclusion in the 2015/16 capital programme.

2.0 The Report

2.1. The revised Planned Maintenance Programme includes estimated costs that may be subject to change as formal tenders are required when the actual work is procured. It is reviewed on an annual basis as decisions are made regarding actual works required. The revised Maintenance Programme presented to the Executive for consideration for Tadcaster Leisure Centre and Selby Park is attached at Appendix 1.

2.2 The new leisure centre in Selby is due to be completed and operational early in 2015, as would be expected there are no planned maintenance requirements during the first year. In addition the building will be in the defects liability period of the construction contract and any maintenance issues that arise are likely to be dealt with as part of the construction contract.

2.3 The planned maintenance programme for Tadcaster for 15/16 includes structural repairs to the right hand external wall and replacement of the car park boundary fencing. However, after inspection the replacement of the car park boundary fencing can be deferred for 12 months.

2.4 The planned maintenance programme for Selby Park requires the replacement of defective timber cladding to the left hand elevation of the pavilion. In addition last years planned maintenance programme included patching and lining work to the car park that was deferred. After inspection this work can be deferred for another 12 months.

2.5 The proposed Year 6 Maintenance Programme is attached at Appendix 2. The costs included are a 'best known' at this stage and will be confirmed following a formal tender exercise. There will be no loss of income associated with any of the works proposed.

3.0 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

3.1 The Council, as Landlord, is required under the terms of the contract to ensure that essential maintenance work is carried out at the facilities leased by WLCT.

3.2 Financial Issues

3.2.1 A detailed breakdown of indicative costs are contained in the Year 6 Maintenance Programme at Appendix 2. In summary, they include;

Tadcaster Leisure Centre

Structural repairs to external wall = £2,500

Total = £2,500

Selby Park

Replacement of defective timber cladding = £850

Total = £850

Funding for the Council's landlord responsibilities within the terms of the contract with WLCT is contained within the buildings repairs reserve.

4. Impact assessment

4.1 PPM for each facility is specific to the site and associated structures and is designed to provide a safe well maintained facility for the benefit of all customers and staff and can be regarded as providing a positive impact.

5. Conclusion

5.1 In the contract with WLCT the Council holds landlord responsibility for Tadcaster Leisure Centre, Selby Park and the new leisure centre. Revised planned maintenance programmes were agreed as part of the contract variation negotiations. The repairs detailed in the report fulfil the landlord

obligations contained within the contract that enable continuity of service from the facilities.

6. Background Documents

None

Appendices

Appendix 1 – Indicative Planned Maintenance Programme
for Tadcaster Leisure Centre and Selby Park

Appendix 2 – Proposed Year 6 Planned Maintenance Programme

Contact Officer

Keith Cadman, Lead Officer Contracts

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Appendix 1

Tadcaster Leisure Centre Indicative Ten Year Planned Maintenance Programme

Element	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Main roof & gutters					Replace roof with liquid plastic and reline gutters Essential £65,000					
Shallow Pitched roof and gutters					Replace roof with liquid plastic and reline gutters Inc in above					
Gutters & downpipes	Clean & survey Desirable £1,500				Clean & survey Desirable £1,500					Clean & survey Desirable £1,500
Gutters & downpipes	Repair identified defects Desirable £2,200				Repair identified defects Desirable £5,000					Repair identified defects Desirable £5,000
Walls (cladding)	Clean & ivy removal Desirable £2,000				Replace cladding to affected areas Desirable £9,000					

External decoration	Decorate external doors and windows Essential £2,600				Decorate external doors and windows Essential £2,600					Decorate external doors and windows Essential £2,600
Car Park	Repairs to planters east boundary wall, boundary fence, surfacing kerbs Desirable £0		Repairs to planters east boundary wall, boundary fence, surfacing kerbs Essential £13,832		Reinstate line marking Desirable £1,000					Reinstate line marking Essential £1,000
Drainage	Clean & survey Desirable £1,500				Clean & survey Desirable £1,500					Clean & survey Desirable £1,500
Drainage	Repair identified defects Desirable £0				Repair identified defects Desirable £0					Repair identified defects Desirable £2,500
Internal decoration	Rolling programme Essential £4,500	Rolling programme Essential £2,500	Rolling programme Essential £10,991.35	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000
Floor finishes	Rolling programme Essential £2,500	Rolling programme Essential £2,500	Rolling programme Essential £4,347.75	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000	Rolling programme Essential £5,000
Sports hall walls	Rebuild sports hall wall including allowance for movement joints Essential £14,800									

Sports hall floor					Recoat existing floor Essential £7,500					
Sports hall steelwork decoration										Redecorate Desirable £11,000
Changing room ceilings					Renew ceiling tiles and clean grid Desirable £2,500					
Shower			Replace fittings Desirable £0	Replace fittings Essential £3,000						
Sanitary ware					Replace WC pans, urinals, washbasins and sinks Desirable £12,000					
Tiling	RegROUT and clean Essential £500				RegROUT and clean Essential £500					RegROUT and clean Essential £500
Car park and building lighting	Replace controller Essential £2,400									
Light fittings to public areas					Replace with energy efficient fittings Desirable £5,000					

Fixed wire tests		Full fixed wire test Essential £1,500			Full fixed wire test Essential £1,500					Full fixed wire test Essential £1,500
Sports hall radiant heating	Install grills/cage to existing heaters & replace faulty heaters Essential £2,700									
Sports hall emergency lighting					Replace to modern standards Desirable £3,500					
Sports hall extractors	Replace to modern standards Desirable £8,500									
High level lighting to sport hall		Replace with modern energy efficient lighting Desirable £10,000			Refurb at high level Essential £1,000		Refurb at high level Essential £1,000		Refurb at high level Essential £1,000	
Boiler controls	Renew boiler and controls Essential £20,000									
Changing room extractor					Replace roof units Essential £3,000					
Install TMV to changing	Install TMV Essential £675									

Fire alarm				Renew panel to modern standards Essential £5,000						
Latest Cost Essential Landlord Works	£40,575	£0	£13,832	£0	£73,000	£0	£0	£0	£0	£1,000
Latest Cost Essential Tenant Works	£10,000	£6,500	£15,339.1	£18,500	£23,000	£10,000	£11,000	£10,000	£11,000	£14,500
Latest Cost Desirable Landlord Works	£10,500	£0	£0	£10,000	£0	£0	£0	£0	£0	£7,500
Latest Cost Desirable tenant Works	£5,000	£10,000	£0	£0	£26,000	£0	£0	£0	£0	£16,500
Total Cost	£66,075	£16,500	£29,171	£18,500	£132,000	£10,000	£11,000	£10,000	£11,000	£39,500

Selby Park Indicative Ten Year Planned Maintenance Programme

Element	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Pavilion Roof	Inspect and repair Desirable £2,000				Inspect and repair Desirable £2,000					Inspect and Repair Essential £2,000
Gutters	Inspect and clean Desirable £100				Inspect and Clean Desirable £100					Inspect and Clean Desirable £100
External Decoration	Full external decoration Desirable £10,000				Full external Decoration Essential £10,000					Full external decoration Essential £10,000
Internal Decoration	Rolling Programme Essential £5,000	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500
Floor Coverings	Rolling Programme Essential £5,000	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500	Rolling Programme Desirable £2,500
Sanitary Ware					Replace WC pans, urinals, sinks Desirable £6,000					
Toilet Cubicles					Replace Cubicles Desirable £2,500					

Internal Lighting	Renew light fittings Desirable £3,000									Renew light fittings Desirable £3,000
Fixed Wire Test	Full fixed wire test and repair Essential £150				Full fixed wire test and repair Essential £150					Full fixed wire test and repair Essential £150
Car Parking					Patch repair and line markings Essential £5,000					Line Markings Essential £2,000
Crazy Golf Course		Renew surfacing to individual holes Deferred £0			Renew surfacing to individual holes Essential £6,300				Renew surfacing to individual holes Deferred £0	
Bandstand	Roof Repair and Inspection Desirable £1,500				Roof Repair and Inspection Essential £3,000					Roof Repair and Inspection Desirable £1,500
2012 Cost Essential Landlord Works	£0	£0	£0	£0	£14,300	£0	£0	£0	£0	£4,000
2012 Cost Essential Tenant Works	£10,150	£0	£0	£0	£10,150	£0	£0	£0	£0	£10,150
2012 Cost Desirable Landlord Works	£3,500	£0	£0	£0	£2,000	£0	£0	£0	£0	£1,500

2012 Cost Desirable tenant Works	£13,100	£5,000	£5,000	£5,000	£13,600	£5,000	£5,000	£5,000	£5,000	£8,100
Total Cost	£26,750	£5,000	£5,000	£11,300	£33,750	£5,000	£5,000	£5,000	£5,000	£23,750

Appendix 2

Wigan Leisure and Culture Trust							
Selby DC Year Five Landlord Planned Maintenance							
Cost Plan Version One: August 2013							
Site	Element	Best Known Cost	Property Consultant Fee (12%)	WLCT Fee (2%)	Loss of Income	Total Costs (excluding fees)	Comments
Tadcaster LC	Replace roof with liquid plastic and reline gutters	£56,761.20	£6,964.29	£1,274.51	£0.00	£65,000.00	
	Repair defects in gutters and downpipes	£4,366.25	£535.71	£98.04	£0.00	£5,000.00	
	Replace changing room roof extractor units	£2,619.75	£321.43	£58.82	£0.00	£3,000.00	
Selby Park	Car park patch repairs and line marking	£4,366.25	£535.71	£98.04	£0.00	£5,000.00	
	Band Stand roof inspection and repairs	£2,619.75	£321.43	£58.82	£0.00	£3,000.00	
	Renew playing surfaces to crazy golf course	£5,385.00	£646.20	£107.70	£0.00	£6,138.90	
Total		£76,118.19	£9,324.77	£1,695.94	£0.00	£87,138.90	

Selby District Council

REPORT

Reference: E/14/29

Public – Item 5



To: The Executive
Date: 2 October 2014
Status: Non Key Decision
Report Published: 24 September 2014
Author: Ralph Gill, Lead Officer for Benefits & Taxation
Executive Member: Cliff Lunn
Lead Officer: Karen Iveson, Executive director & S151

Title: Council Tax Support Scheme from April 2015

Summary:

To provide the Executive with details of the options for the provision of Council Tax Support for the financial year 2015/16

Recommendations:

- i. That the options be considered
- ii. That having regard to the consultation results the Council set a maximum award for Council Tax Support in relation to working age claimants
- iii. That Council adopt the new scheme for a period of two years

Reasons for recommendation

The Council must adopt a Council Tax Support scheme for every financial year.

1. Introduction and background

- 1.1 Council Tax Benefit was replaced by a local scheme known as Council Tax Support from April 2013
- 1.2 As the funding from DCLG does not cover the full amount of Council Tax Support awarded we reduced the maximum entitlement for working age people to 91.5% of their liability, so they have to pay 8.5% of their bill.
- 1.3 The changes impacted on working age claimants only. Pensioners will continue to receive Council Tax Support based on their full liability.
- 1.4 Additionally we reduced or removed certain Council Tax discounts and exemptions in order to help pay for the scheme.
- 1.5 The scheme the Council adopted was approved for two years to March 2015 – the Current scheme is attached at Appendix A.

2. The Report

- 2.1 This paper sets out the options available to the Council for the 2015/16 scheme.
- 2.2 The current scheme was adopted for two years. It is recommended that Members adopt a new scheme for more than two years, but no changes may be made to a scheme within a financial year. It is proposed that a 2 year scheme is adopted to minimise administration.
- 2.3 All proposed changes must be subjected to public consultation and the Executive previously resolved to consult on options ranging from a maximum award of 90% (the current maximum is 91.5%) down to a maximum award of 80%.
- 2.4 The modelling figures below are based on a data cut taken on 14/08/14 factored for a caseload of 5,130 as follows:

	Households	Percentage of caseload
Pension Age	2,638	51.43%
Household Vulnerable	639	12.46%
Vulnerable	624	12.16%
Working Age Employed	324	6.32%
Working Age Other	904	17.62%
Total Working Age	<u>2,492</u>	<u>48.57%</u>
Total Caseload	<u>5,130</u>	<u>100.00%</u>

2.5 In analysing the figures a 2% increase to Council Tax has been assumed in line with the draft Financial Strategy, and have included the uprating of allowances and premiums used in the calculation of entitlements by 1.6% which was the CPI figure for July 14.

2.6 The actual uprating will be based on the September CPI figure.

3 Options available to the Council

3.1 For working age people, the following options (plus their associated cost) relating to the maximum award of Council Tax Support were consulted upon:

3.2 Option 1 – Set the maximum award for working age people to 90%

Assuming a 2% Council Tax increase the cost of the scheme next year would be £4.311m:

Pension Age	£ 2,339,109.67
Household Vulnerable	£ 497,653.95
Vulnerable	£ 540,577.58
Working Age Employed	£ 194,702.85
Working Age Other	<u>£ 739,348.51</u>
	£ 4,311,393.46

3.3 Option 2 – Set the maximum award for working age people to 85%

Assuming a 2% Council Tax increase the cost of the scheme next year would be £4.186m:

Pension Age	£ 2,339,109.67
Household Vulnerable	£ 465,361.63
Vulnerable	£ 508,869.39
Working Age Employed	£ 177,152.61
Working Age Other	<u>£ 695,484.10</u>
	£ 4,185,978.26

3.4 Option 3 – Set the maximum award for working age people to 80%

Assuming a 2% Council Tax increase the cost of the scheme next year would be £3.973m

Pension Age	£ 2,339,109.67
Household Vulnerable	£ 433,502.03
Vulnerable	£ 477,310.36
Working Age Employed	£ 160,065.68
Working Age Other	<u>£ 651,664.16</u>
	£ 4,061,652.71

3.5 Summary of the above options

Two comparisons of the minimum amount a working age householder with a full charge would need to pay in 2015/16 (assuming a 2% Council Tax increase) are shown. Selby Town has the highest charge in the district. Eggborough is representative of the average Council Tax charge in the district.

Option	Maximum award	Cost	Additional Saving	SDC Saving (10.7%)	Minimum amount to pay in Eggborough (Band B)	Minimum amount to pay in Selby Town (Band B)
Current scheme	91.5%	£4.349m	nil	nil	£104.14	£ 109.03
1	90.0%	£4.311m	£38k	£4.0k	£122.52	£ 128.27
2	85.0%	£4.186m	£163k	£17.4k	£183.79	£ 192.41
3	80.0%	£4.062m	£287k	£30.8k	£245.05	£ 256.54

4. Further change for consideration

- 4.1 Regardless of which option is chosen in part 4 above, it is recommended that the following change is made to the **Assessment of self-employed income**. this measure features in the legislation for Universal Credit.
- 4.2 Self-employed income is based on the profit and loss declared for the business. Where this shows that the business is not making much money or is operating at a loss, the customer has declared to us that they are putting in a working week for no remuneration.
- 4.3 It is proposed therefore that after the first year of trading has been completed, where a low or nil income is declared that we apply a Minimum Income Floor based on the National Minimum Wage to the claim against the number of hours that the person states they work.
- 4.4 The measure is not applied to the first year of trading to allow for start-up costs and time to establish and publicise its goods or services and thus support people in establishing the business.

5. Public Consultation

- 5.1 Public consultation originally ran for a 6 week period from 14th July. However a technical fault on the website meant that responses were not recorded.
- 5.2 Accordingly when the fault was corrected the consultation exercise was extended for a further 6 weeks and is due to end on 30th September. The fact that there had been a fault was publicised and people were asked to complete the survey again. There was a burst of activity immediately following this suggesting that people did complete it again.
- 5.3 The consultation has been run on the council's website and has been publicised through:
- Several pages on the council's website, including the home page;
 - Through the council's social media accounts on Facebook and Twitter;
 - Selby Association of Voluntary Services (AVS) have had a page on their website and have notified groups and organisations on their distribution list;
 - Direct to Selby CAB;
 - Press release with articles published in Selby Times and Selby Post;
 - Community Engagement Forums.
- 5.4 Latest results of the consultation are presented in Appendix **B** to this report.

6. Legal/Financial Controls and other Policy matters

Legal Issues

- 6.1 S10 Local Government Finance Act 2012:
- (2) Each billing authority in England must make a scheme specifying the reductions which are to apply to amounts of council tax payable, in respect of dwellings situated in its area, by—
- (a) persons whom the authority considers to be in financial need, or
 - (b) persons in classes consisting of persons whom the authority considers to be, in general, in financial need.
- 6.2 Part 5, Schedule 4, Local Government Finance Act 2012:
- (1) For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.
- (2) The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- (3) The Secretary of State may by order amend sub-paragraph (2) by substituting a different date.

- (4) If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.

- 6.3 Sub-paragraph 4 above requires an authority to consider if the changes it makes in the final scheme require a transitional scheme. Officer opinion is that the weekly impact of any of the options does not require such a scheme.

Financial Issues

- 6.4 Based on an estimated annual caseload of 5,130 with a 1.6% benefit uprating and a 2% Council Tax increase, the estimated costs of the schemes in 2015/16 in comparison with the current year are:

Scheme / Option	Year	Cost	Additional Cost	Additional SDC Cost
Current Scheme – 91.5%	2014/15	£4.204m		
Current Scheme – 91.5%	2015/16	£4.349m	£144.9k	£15.5k
Option 1 – 90.0%	2015/16	£4.311m	£107.3k	£11.5k
Option 2 – 85.0%	2015/16	£4.186m	-£18.2k	-£1.9k
Option 3 – 80.0%	2015/16	£4.061m	-£142.5	-£15.2k

Effect on Parishes

- 6.5 The award of discounts to Council Tax has the effect of reducing the Council Tax Base. Major preceptors were partly compensated for this loss through additional grant funding but parish councils do not receive Government funding directly. Instead the Government provided an additional grant which the Council paid to parishes – in the first year this amounted to £134k. This was not enough to cover the loss but SDC paid an additional amount to top this up to £160k although this still fell slightly short of the loss incurred.
- 6.6 Since 2014 the Council Tax Support grant provided by DCLG has been included within the Settlement Funding Assessment and as such it is not possible to identify how much money the Council receives for the scheme as a whole and how much to pay to parish and town councils. For 2014/15 the Council paid an amount equivalent to the £134k reduced by an amount equivalent to the grant cut SDC had received – £113k was paid to parishes in 2014/15. It is proposed that a similar calculation is applied for 2015/16 and 2016/17, which **subject to confirmation of this Council's settlement funding reductions**, means an estimated payment of £96k in 2015/16 and £86k in 2016/17.

- 6.7 Some parishes have responded to the reduction in Tax Base by increasing their precepts, which has been possible as they are not restricted through the 'excessive' council tax increase rules in the way that major preceptors are.
- 6.8 A number of parishes within Selby District are not affected by the Council Tax Support scheme as they do not raise precepts and one parish currently has no households receiving Support.
- 6.9 The estimated effect on the Tax Base of the parish and town councils (based on 2014/16 figures) can be seen in the attached Appendix C. It should be noted that these figures are illustrative only as the Council Tax Base for 2015/16 and its breakdown by parish has not yet been calculated.

Impact Assessment

- 6.10 The options all impact working age claimants equally and do not discriminate against any specific group.
- 6.11 Like the original DWP Council Tax Benefit Scheme there are premiums and personal allowances built into the scheme to aid people who are disabled; are in receipt of a war pension; or those who have children. People who work benefit from earnings disregards.
- 6.12 A detailed analysis of the impact on each claimant group is shown in Appendix D.
- 6.13 The average reduction in working age entitlement for each option is:

	2014/15	Entitlement			
		2015/16			
		Option 1	Option 2	Option 3	
Average	91.5%	91.5%	90%	85%	80%
Weekly	£15.76	£15.45	£15.16	£14.20	£13.24

- 6.14 The following number of households currently receiving Support are expected to lose entitlement to Council Tax Support entirely under each option:

	90%	85%	80%
	0	8	34

Self-employed

- 6.16 The National Minimum Wage for someone aged 21 or over is currently £6.31 per hour. Assuming a 35 hour week after tax and National Insurance it gives a take-home pay of £207 per week. As such 97.5% of self-employed earners would be affected by this measure in some way.

Weekly earnings	Number	Weekly earnings	Number
Over £200	4	£40 to £49	5
£175 to £199	7	£30 to £39	11
£150 to £174	8	£20 to £29	11
£125 to £149	13	£10 to £19	8
£100 to £124	12	£5 to £9	7
£75 to £99	22	£1 to £4	4
£50 to £74	21	Under £1	31

7. Conclusion

- 7.1 The authority must adopt a Council Tax Support Scheme for 2015/16.
- 7.2 A number of options have been assessed and the Executive is asked to put forward their recommendation to full Council.
- 7.3 The Executive are also requested to confirm whether or not they wish they wish to adopt the minimum income floor for self-employed claimants; to apply where claimants have been trading for more than 1 year.
- 7.4 It is proposed that the new scheme is adopted for two years.
- 7.5 If it is decided to adopt a scheme for two years the scheme can still be changed from April 2016 although in year changes are not permitted. Any changes to the scheme must be subject to public consultation and adopted by the authority before they can be implemented.

8. Background Documents

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Appendices:

Appendix A - The Current Scheme
Appendix B - Public consultation results as at 17/09/14
Appendix C - Parish Effect
Appendix D - Impact Assessment

The current scheme

1 Council Tax Support

- 1.2 Under the current scheme pensioners continue to receive the same level of benefit they received under the old Council Tax Benefit scheme, increased for annual uprating.
- 1.3 For people of working age the following changes were made from the previous Council Tax Benefit scheme:

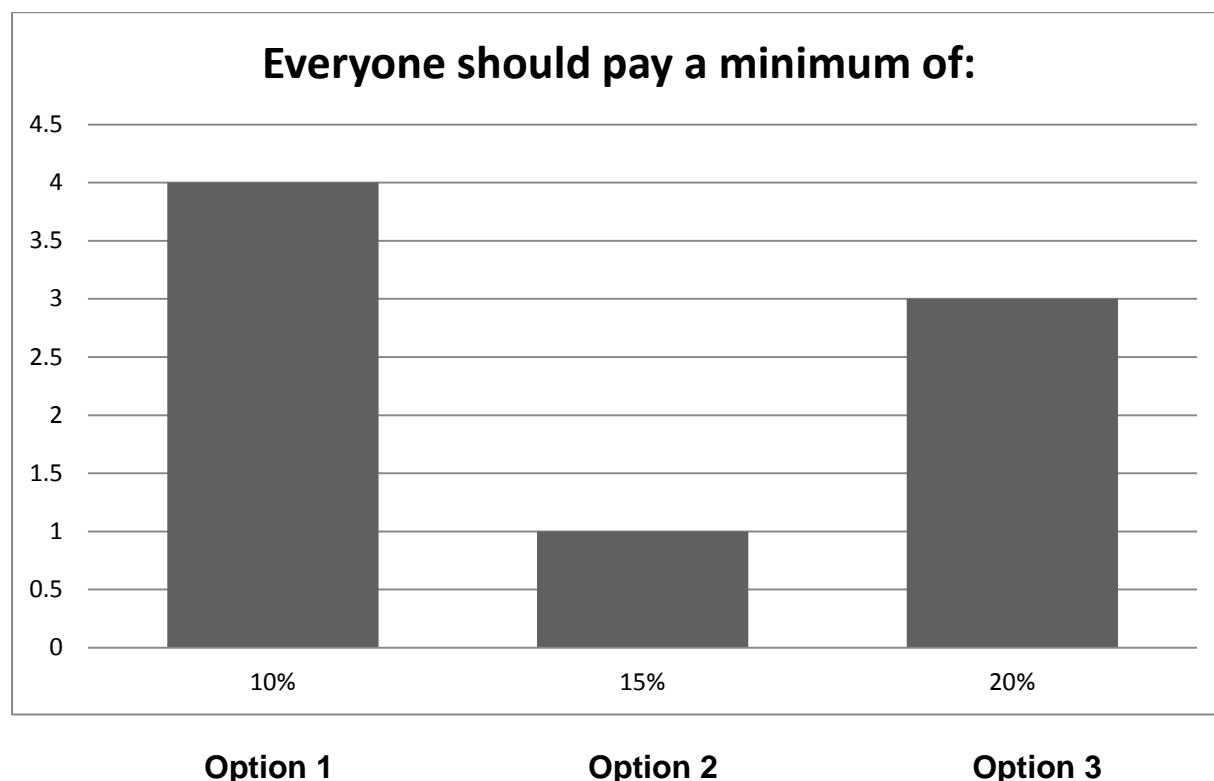
CTS Element	CTB Element to March 2013	CTS element from April 2013
Council Tax Liability	100% Liability	91.5% Liability
Second Adult Rebate	Up to 25% for normal households / 100% for student households	0% for normal households / 91.5% for student households

2 Council Tax discounts and Exemptions

Discount / Exemption	Level of discount / exemption to March 2013	Level of discount / exemption from April 2013
Council Tax Class A Exemption – <i>Vacant premises, which require, are undergoing or have recently undergone major repair including structural repairs</i>	100% for 12 months	20% for 12 months
Council Tax Class C Exemption – <i>Premises that have been unoccupied and substantially unfurnished for less than six months</i>	100% for 6 months	100% for 1 month; then 20% for 5 months
Second Homes	10%	0%
Long-Term Empty Dwellings	10%	0%

Public Consultation responses as at 17/09/14

Part 1 – Options 1 to 3

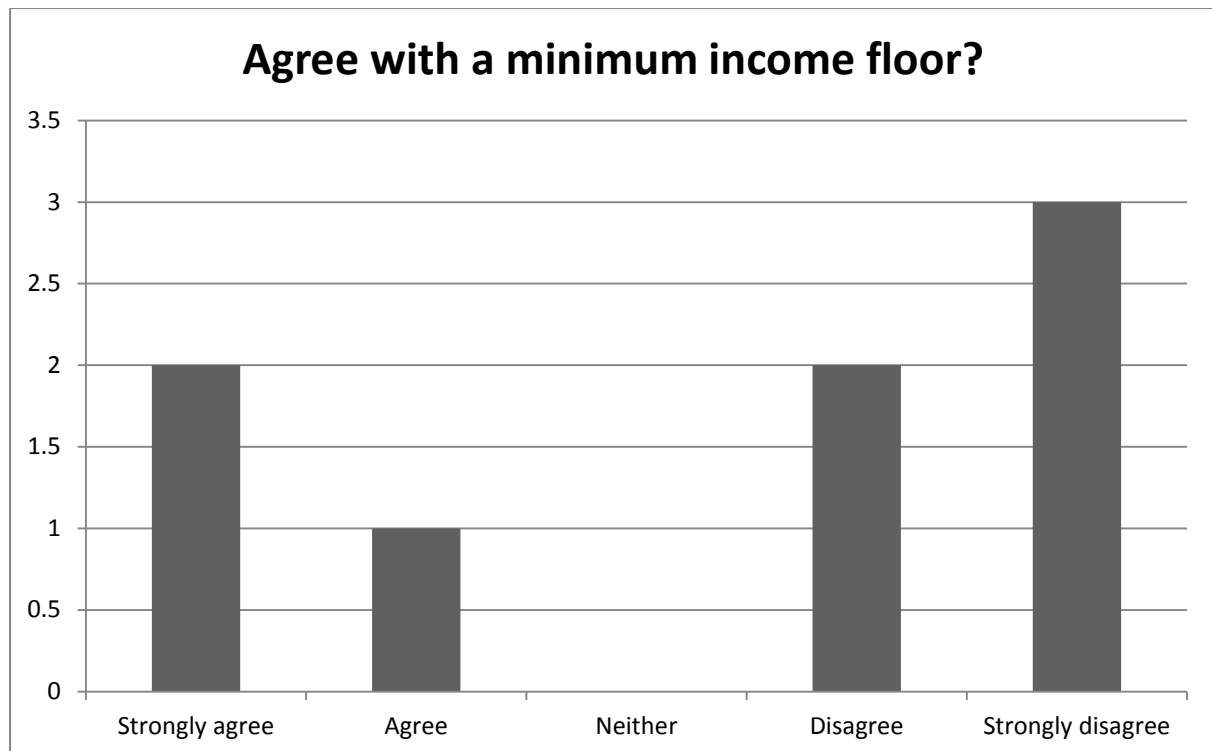


Comments:

- Responding on behalf of the CAB. Our concern is that many of the people concerned have been receiving full benefit and do not recognise the need to pay; there is also the added pressure on low income families. When they are unable to pay they do not realise that with court action and transfer to Debt collection/bailiffs often the debt increased several fold Perhaps additional information to show the impact may help those families to realise that non-payment can extend debt An additional example would be a working age person on basic JSA (£72.50) has a liability usually around £100 a year (equiv to £2 a week) a high percentage of their income
- Whilst the law says Pensioners should not be affected I personally see no reason for them not to be; their income levels are far higher when looking at people who qualify for help
- The higher the percentage the higher the likely CT arrears and consequent management costs will be.

- The level of reduction and cost savings needs to be weighed up against the reduction in the collection rates for Council Tax. I have worked with a number of local authorities who have reduced the maximum discount from 91.5% to 80% and collection figures have fallen by over 1.5% in some (which in one authority equates to nearly £1.5m in lost revenue to the Council and caused them obvious difficulties. Selby's loss would be relative). The cost of collection has also increased with an increased number of reminders, summons and court costs along with time spent chasing the 'can't pays' as opposed to the 'won't pays' and monitoring bailiffs to a greater extent due to the increased workload passed to them. There would, potentially, need to be an increase in staffing levels or a redesign of service delivery to maintain the current collection rates. The level of write offs will increase as it is deemed too costly and inefficient to chase these people and the Council I will potentially be left with a hole in its budget for the year. This in turn could lead to a larger increase in Council Tax for the rest of us the following year than is necessary to plug any potential budget shortfalls. There also needs to be the knock on consideration against the spare room subsidy ('bedroom tax') as a number of the people affected by any further reduction in assistance for CTS will already have been affected by a reduction in their HB payable due to under occupancy. There is only a finite amount of money a lot of these people have to spend and it can have a ripple effect on their ability to pay the shortfall in their rent if their Council Tax payments have also increased. This leads to greater rent arrears for the Social Landlords and affects their ability to invest in more affordable homes.

Part 2 – Self-Employed Minimum Income Floor



- Responding on behalf of the CAB. Whilst in principle we can see that an equivalent income is to be recognised this should be in line with the actual hours 'worked' and potentially linked to any say Tax credits claimed so a single parent/single disabled person self-employed 16hrs a week at most would have 16 hrs of the min wage equivalent This is particularly the case for that increasing group of people who are neither employable (through sickness/disability) or eligible to get ESA who manage by 'self-employment ' managed within their capability This potential legislation is taken from Universal Credit and does appear to be flawed from the outset.
- The actual hours equivalent should be based on the actual hours worked not assume 35 hours
- Calculation should be based on actual income.
- I disagree because of the administration of this. How would it be administered? CTS is awarded through the Northgate Revs & Bens system alongside HB. If a customer is claiming HB and CTS one claim is administered into the system and it is the system that splits out the different awards of HB and CTS. HB has its defined regulations as to how self-employed income should be treated and in the scenario above would be assessed on nil income and their award based on that. CTS would also seek to award on that basis unless the parameters behind the scenes can be changed to reflect a minimum income floor (which I don't believe they can although I am prepared to be corrected). As such a separate CTS claim would

need to be assessed increasing workloads for the HB dept, increasing demand on Customer Services as people contact them to get an explanation as to why they have two different assessments and stating that their CTS income is wrong as they don't earn that. It would also leave the door open to challenge at Tribunal as you would be treating self-employed earners differently to other claimants. Unless you bring in a minimum income floor for all claimants i.e. those on 12, 16, 20 hours a week etc. increased to 35 hours per week at the National Minimum Wage for their age group then I believe you would be opening the Council up for a discrimination challenge as you are allowing all other claimant's claims on their actual income whereas for self-employed claimants you are artificially inflating their income. As an aside would this only apply to those whose income is zero or making a loss or would it apply to all self-employed earners whose income was below the level of 35 hours at the NMW. Would all self-employed earners be inflated to the NMW level or is the equivalent of 16 hours per week income acceptable. What if the customer only works 16 hours per week self-employed? Why would they be inflated to the minimum income floor of 35 hours per week? I believe whilst well intentioned this potential policy has too many flaws and would be revoked at tribunal. I would certainly advise anybody affected by this to appeal to a tribunal and further if required.

Parish	Effect on CT Base				
	2014/15	91.5%	90.0%	85.0%	80.0%
Appleton Roebuck & Acaster Selby	9.90	5.68	5.61	5.38	5.15
Balne	9.62	6.84	6.81	6.70	6.60
Barkston Ash	8.18	5.68	5.63	5.46	5.28
Barlby	141.31	127.40	126.17	122.08	117.99
Barlow	9.74	8.78	8.66	8.25	7.84
Beal	18.09	16.79	16.67	16.24	15.82
Biggin	0.94	0.82	0.79	0.69	0.60
Bilbrough	1.08	0.23	0.22	0.17	0.12
Bolton Percy, Colton & Steeton	3.84	3.14	3.11	2.99	2.87
Brayton	112.19	111.48	110.53	107.36	104.19
Brotherton	33.90	32.71	32.37	31.24	30.13
Burn	20.08	16.72	16.58	16.10	15.63
Burton Salmon	7.32	7.80	7.75	7.58	7.41
Byram Cum Sutton	65.66	59.56	59.03	57.23	55.44
Camblesforth	36.44	32.81	32.44	31.21	29.98
Carlton	61.82	59.77	59.27	57.62	56.00
Cawood	24.58	27.99	27.73	26.87	26.04
Chapel Haddlesey	4.58	3.63	3.59	3.43	3.27
Church Fenton	26.06	25.90	25.63	24.76	23.90
Cliffe	25.41	26.58	26.31	25.42	24.53
Cridling Stubbs	5.36	4.90	4.86	4.73	4.60
Drax	15.02	10.83	10.71	10.32	9.92
Eggborough	50.54	45.01	44.60	43.22	41.90
Escrick	20.90	17.89	17.69	17.03	16.37
Fairburn	20.86	21.96	21.70	20.85	19.99
Hambleton	28.12	29.46	29.15	28.13	27.10
Healaugh & Catterton	1.50	1.39	1.39	1.39	1.39
Heck	6.51	6.13	6.06	5.83	5.60
Hemingbrough	42.83	38.57	38.20	36.95	35.70
Hensall	18.79	18.21	18.05	17.52	16.98
Hillam	10.91	9.65	9.62	9.52	9.42
Hirst Courtney	2.85	3.11	3.10	3.07	3.04
Huddlestone with Newthorpe	2.43	3.15	3.12	3.00	2.88
Kelfield	10.01	8.91	8.81	8.48	8.15
Kellington	34.34	29.70	29.47	28.70	27.94
Kirk Smeaton	2.33	2.07	2.06	2.01	1.97
Long Drax	1.27	0.72	0.69	0.63	0.56
Monk Fryston	22.03	21.63	21.32	20.28	19.26
North Duffield	22.70	23.30	23.16	22.69	22.23
Riccall	59.73	48.31	47.79	46.04	44.29
Ryther cum Ozendyke	0.80	0.66	0.63	0.53	0.42
Saxton cum Scarthingwell & Lead	1.06	1.45	1.42	1.31	1.20
Selby	868.09	844.92	835.48	804.05	772.91
Sherburn In Elmet	205.03	198.57	196.61	190.09	183.62
South Milford	53.39	61.21	60.64	58.73	56.87
Stillingfleet	8.28	7.12	7.08	6.93	6.78
Stutton with Hazelwood	39.51	37.70	37.48	36.74	36.00
Tadcaster	185.80	176.36	174.88	169.92	165.03
Thorganby	6.07	6.03	5.97	5.78	5.59
Thorpe Willoughby	70.46	62.89	62.38	60.69	59.05
Towton, Grimston, Kirkby Wharfe, North Milford	7.00	5.65	5.62	5.52	5.43
Ulleskelf	15.38	17.43	17.16	16.28	15.39
West Haddlesey	4.42	4.18	4.11	3.90	3.70
Whitley	28.49	25.99	25.71	24.78	23.85
Wistow	19.17	17.89	17.68	16.98	16.30
Womersley	<u>14.16</u>	<u>13.02</u>	<u>12.84</u>	<u>12.27</u>	<u>11.70</u>
	2526.86	2406.30	2382.13	2301.67	2221.88

Council Tax Support Scheme Changes April 2015 – Impact Assessment

- 1.0 Each of the options will impact on working age claimants equally, so no one client group is disadvantaged by the adoption of a particular scheme.
- 1.1 The assessment of a person’s entitlement to Support includes personal allowances and premiums. The application of these is based on the circumstances of the claimant’s household; such as:
- Single or couple
 - An allowance for each child
 - Premiums for disability of any household member
- 1.2 Where a person is employed disregards are allowed against earned income as a way of incentivising work.
- 1.3 The effect on the average weekly entitlement of each claimant category is shown below; however as the effect of each option is to limit the Council Tax liability upon which CTS can be awarded, the differences between each option affect all claimants equally:

	2014/15	Entitlement		
		2015/16		
		Option 1	Option 2	Option 3
	91.5%	91.5%	90%	85%
Pension Age	£16.50	£17.12	£17.12	£17.12
Household Vulnerable	£14.65	£15.20	£14.91	£13.94
Vulnerable	£16.48	£16.89	£16.59	£15.62
Employed	£11.02	£11.81	£11.50	£10.46
Working Age Other	£15.57	£15.94	£15.66	£14.73

- 1.4 Vulnerable is defined as:
- People receiving a disability premium
 - People receiving a war disability or war widows pension
 - People with children aged under 5
- 2.0 The following number of households currently in receipt of Council Tax Support expected to lose entitlement to entirely under each option are:-

	90%	85%	80%
Household Vulnerable	0	3	11
Vulnerable	0	2	5
Employed	0	3	16

Working Age Other	<u>0</u>	<u>0</u>	<u>2</u>
	0	8	34

3.0 The National Minimum Wage for someone aged 21 or over is currently £6.31 per hour. Assuming a 35 hour week after tax and National Insurance it gives a take-home pay of £207 per week. As such 97.5% of self-employed earners would be affected by this measure in some way.

Weekly earnings	Number	Weekly earnings	Number
Over £200	4	£40 to £49	5
£175 to £199	7	£30 to £39	11
£150 to £174	8	£20 to £29	11
£125 to £149	13	£10 to £19	8
£100 to £124	12	£5 to £9	7
£75 to £99	22	£1 to £4	4
£50 to £74	21	Under £1	31

- 4.0 The Council Tax Support Vulnerability Policy (attached at Annex 1) addresses how the Scheme takes account of the Council's responsibilities for:
- Child poverty
 - The chronically sick and disabled
 - The Armed Forces Covenant
 - Work Incentives

How the authority's policy for Council Tax Support addresses the issues of;

- **Child poverty**
- **The chronically sick and disabled**
- **The Armed Forces Covenant; and**
- **Work Incentives**

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Child Poverty

1.0 Child Poverty

- 1.1 The Child Poverty Act 2010 requires the Secretary of State to meet four targets to eradicate child poverty by 2020. It requires a strategy every three years (the first being in Spring 2011) to meet these targets and report annually on progress. The Act conveys the following duties on local authorities and their partners:
- Co-operate to tackle child poverty in their area
 - Prepare and publish a local child poverty needs assessment
 - Prepare a joint local child poverty strategy
 - Take child poverty into account when preparing or revising their Sustainable Communities Strategy
- 1.2 The Government published its first Child Poverty strategy in April 2011 (*A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives*)'. At the heart of this strategy is strengthening families, encouraging responsibility, promoting work, guaranteeing fairness and providing support to the most vulnerable.
- 1.3 Under the Act and from 2011 each local strategic partnership is required to have a Child Poverty Strategy to meet these targets and report on annual progress.
- 1.4 The definition used within this policy (which will be subject to change as Central Government) is as follows;
- Households with children in which income is less than 60% of the national median;
- 1.5 The authority is mindful of the proportion of dependant children within its area who live in households whose equivalised income is below 60% of the national median.

How the Council's policy addresses the issues of child poverty

- 1.6 The Council in creating its policy has looked to maintain the key elements of the previous Council Tax Benefit regime and as such provides the following;
- a. Where the claimant or partner is in receipt of Income Support, Income Based Job Seekers Allowance or Income Related Employment and Support Allowance (passported benefits) – Council Tax Support will be paid at the maximum determined by the authority;
 - b. Where the claimant or part is not in receipt of the benefits specified in (a) above but is on a low income, their income will be compared with the specified applicable amounts (living allowances). The applicable amounts (living allowances) will continue to contain the following elements;
 - i. Dependants Additions – an allowance for each child is used within the calculation;
 - ii. Disabled Child Premiums – where a child is deemed to be disabled under the policy an additional premium is granted for each child within the calculation;
 - iii. Enhanced Disability Premium (where the child is entitled to Disability Living Allowance Care Component at the highest rate); and
 - iv. Family premium – where any claimant has at least one child, a family premium is awarded.
 - c. Where the claimant or partner is not entitled to 'passported benefits' and the income of the family is calculated in assessing entitlement to support, the following incomes are disregarded or part disregarded;
 - i. Child Benefit;
 - ii. £15 of Child maintenance; and

iii. Other income payable to children

- 1.7 In all cases including those families in receipt of 'passport benefits', the approach taken provides support where income is low. Where the families are not in receipt of passported benefits, families with children will in the main, receive relatively more support than those claimants with no children
- 1.8 All claimants are encouraged to undertake work and where they are able to achieve this, the policy allows for disregards to be made against earnings which will allow for child care charges to be disregarded (to the maxima specified within the policy)

Chronically Sick and Disabled

2.0 Chronically Sick and Disabled

2.1 The definition of chronically sick and disabled is set out in the following legislation:

- Disabled Persons (Services, Consultations and Representation) Act 1986
- Chronically Sick and Disabled Persons Act 1970
- Equality Act 2010

How the Council's policy addresses the issues of disability

2.2 As with child poverty, the Council has sought to maintain the key elements of the previous Council Tax Benefit scheme and as such provides protection in the overall calculation of the support. For claimants who receive a 'passported' benefit they will receive the maximum support offered by the Council.

2.3 Where a claimant or their partner (if any) is not in receipt of a 'passported benefit', their calculation of benefit will include all of the premiums that existed under council tax benefit including the following;

- a. Disability premium - awarded when a claimant or partner (if any) is disabled;
- b. Severe Disability Premium – awarded when both claimant or partner (if any) are both severely disabled in accordance with the scheme;
- c. Enhanced Disability Premium – Where either the claimant or partner (if any) are in receipt of Disability Living Allowance Care Component at the Highest Rate or where the claimant received the support component;
- d. Work related activity component – where a similar component is awarded within a claimant or partner's Employment and Support Allowance; and
- e. Support component – where a similar component is awarded within a claimant or partner's Employment and Support Allowance.

2.4 In calculating the income of a claim for support where a claimant or their partner (if any) is not in receipt of a 'passported benefit', incomes related to disability such as Disability Living Allowance or Personal Independence Payments (from April 2013) will be disregarded in full.

2.5 In all situations, where a claimant or their partner (if any) is classified as disabled under the scheme, then no non-dependant deductions will be made where a claimant or partner is blind or where they are in receipt of the care component of the Disability Living Allowance

The Armed Forces Covenant

3.0 The Armed Forces Covenant

- 3.1 The Armed Forces covenant, published in May 2011, exists to redress the disadvantages that the Armed Forces community faces in comparison to other citizens, and to recognise sacrifices made. In some cases this will require special consideration, especially for those who have given the most such as those who are injured, disabled and bereaved as a result of service.
- 3.2 The covenant sets out an obligation the whole nation and State has towards those who have served their country in this way.

How the authority's policy meets the Armed Forces Covenant

- 3.3 The authority decided to maintain the existing disregard of 100% of all monies received in respect of war widows and war disablement pensions. This continues to be in excess of the existing central government requirement for a standard disregard of £10 per week and will assist all claimants and families who receive such payments. It maintains the current protection

Work Incentives

4.0 Work Incentives

- 4.1 A key part of any welfare benefit scheme is to incentivise claimants to return to work or to increase the number of hours they work, wherever possible. The Council Tax Benefit scheme, which is in place until 31 March 2013, does this in a number of ways and these have been replicated within the authority's council tax support scheme, which is effective from 1 April 2013.
- 4.2 The authority is keen to encourage all households of working age to enter and remain in work and is aware that the transition between out of work benefits and receiving earnings is a particularly difficult time.
- 4.3 The work incentives built into the council tax support scheme are as follows;
- a. Before taking earnings into account, only the net earnings are used in the calculation and depending on circumstances disregards of £5, £10, £20 and £25 are made from the net amount. The level of disregard will depend on the claimant circumstances and these are defined within schedule 3 of the authority's policy;
 - b. Where the claimant or their partner is able to undertake work for a longer period of time, then an additional earnings disregard may be applied;
 - c. Where the claimant has to incur childcare charges in order to allow them to go to work, the authority will disregard from any earnings up to the limit specified within the policy. It should be noted that this only applies where the full criteria are met as specified within section 17 of the policy;
 - d. Extended payments of support are also available where certain conditions are met and where the claimant has been continuously in receipt of certain unemployed benefits for a period of 26 weeks or more. These are outlined within section 60 of the policy.
- 4.4 The authority is keen to encourage claimants back to work where this is possible and feels strongly that the policy supports this.

Selby District Council

REPORT

Reference: E/14/30

Public – Item 6



To: The Executive
Date: 2 October 2014
Status: Key Decision
Report Published: 24 September 2014
Author: Sally Rawlings
Executive Member: Cllr Mark Crane
Lead Officer: Karen Iveson

Title: Housing Development at Westfield Grove (site 1), Eggborough

Summary:

This report provides the outline business case for the development of affordable housing on the SDC garage site at Westfield Grove, Eggborough. The proposal is for the development of five bungalows on the site to be owned by SDC and added to the Housing Revenue Account. The report also requests the funding route for any housing development to be delegated to the S151 officer.

Recommendations:

- i. The land to the rear of Westfield Grove be developed for non-general needs housing in the form of five bungalows
- ii. The development forms part of phase one of the Housing Development Programme
- iii. Subject to agreement to recommendation i. up to £471,580 be allocated from the HRA Housing Development Strategy budget, to be funded by borrowing.

Reasons for recommendations

- To increase the provision of non-general needs affordable housing in Selby District Council area (as identified in the evidence supporting the Core Strategy) - and in particular in Eggborough.
- To maximise the use of an under-utilised site.
- To increase the number of properties contributing to the HRA

1 Introduction and background

- 1.1 The Council own the garage site at Westfield Grove, Eggborough which was approved to be brought forward for re-development as part of Phase 1 of the Housing Development programme by Executive at their meeting of 5 June 2014 which forms part of the wider Housing Development Strategy approved by Council on 13 September 2013. A steer was given by the Executive on 5 June 2014 that this site can be packaged with others in a revised Phase 1 Programme which concentrates on developing housing in Riccall, Byram and Eggborough in order achieve value for money.
- 1.2 This site currently houses 10 garages of which three are currently let, as well as some grassed areas – one of which is overgrown. This site is also adjacent to the recreation area leased to the Parish Council by SDC.
- 1.3 It is proposed to redevelop the site using the existing access off Westfield Grove, with the potential to widen the access to include a parking area for existing residents, as this is currently limited and causing problems across the whole estate.
- 1.4 The proposed redevelopment will consist of 5 x two-bedroomed bungalows which would be added to the SDC Housing Revenue Account and age-restricted to residents aged 60 or over unless they have a disability with mobility issues.

2 The Report

2.1 Housing Needs

- 2.1.1 Eggborough is situated in the Southern areas of the District and the SHMA and Core Strategy identify that 4.6% (138) of households are in housing need (the mean average across the District is 7.7%)
- 2.1.2 19.8% of the Council's housing stock (as at 2009) was made up of bungalows and the SHMA 2009 shows that demand for bungalows exceeds supply in the Southern area of the District and consequently puts *'some pressure on (housing) stock'*.
- 2.1.3 The Council's stock of bungalows in Eggborough consists of 16 x one-bedroomed bungalows and 1 x two-bedroomed bungalow, hence the

proposed development is to build 5 x two-bedroomed bungalows (to be let at 80% of market rent) to try and redress the balance.

- 2.1.4 The data available from HomeChoice shows that there are 78 bidders who have expressed a preference for Eggborough as their first choice - of these 13 are aged 60 or over and would be eligible for bungalows. The number of bidders for Eggborough is lower than could be expected which is probably due to the proportionately lower number of SDC owned bungalows in the village compared with the overall housing stock, thus there is likely to be a higher than expected level of interest in any rented properties which are developed in the village. Since 2011 eight bungalows have 'turned over' – but only one of these was in 2013, which implies that turnover is not regular, and as such there could be 'under bidding' via home choice for bungalows in Eggborough.

2.2 Consultation

- 2.2.1 Local consultation about the use of the site for affordable housing, the type of affordable housing which might be located on the site and its impact is currently underway. This consultation has included the Ward Councillors (26 March 2014) and the Parish Council (at their meeting on 3 April 2014). It is also intended to undertake a consultation with the local residents (Westfield Grove, Westfield Road and Westfield Avenue).
- 2.2.2 The Ward Councillors were supportive of the development proposed for this site – especially if an area for existing residents parking could be created as part of the scheme. Further consultation about this site will be required with the Parish Council, who were less supportive when consulted about the development of the garage site off Westfield Road/Avenue (site 3).
- 2.2.3 Pre-application consultation has taken place with the SDC planning department about developing the site and there appears to be no reason why this site, in principle, cannot be developed.

3 Legal/Financial Controls and other Policy matters

3.1 Legal issues

- 3.1.1 SDC own the site marked **1** as outlined in Appendix A of this paper. The access from Westfield Grove to the site is currently classed as a driveway and not wide enough to become adopted highway.
- 3.1.2 If it is preferred to widen the access to provide off-street residents parking for existing residents then the impact on the recreational open space (planning policy RT1) will need to be considered as part of the planning application process. As the area of land in question currently forms a verge to the site it could be argued that a change of use would have no material impact on the area of recreational open space and that the

community benefit afforded by the provision of additional car-parking would mitigate the loss of the grassed area.

3.1.3 There appear to be no access arrangements for neighbours to this site which would restrict any proposed development of the site.

3.2 Financial issues

3.2.1 Impact of the loss of garages

3.2.1.1 SDC garages generate a net annual rental of £355.20 per year per garage. Across the district, 349 garages are let out of a district wide total of 393 – at a rate of 70%. The letting rate for the 10 Westfield Grove garages is 30% - much lower than the district average.

3.2.1.2 The loss to the housing revenue account would be £3,552 per year if they were fully let. Currently only £1,065.60 per year is being received. The condition of the Council's garage stock is being reviewed as part of the wider stock condition survey later on this summer and the impact of the loss of garage sites will be factored into the revised HRA Business Plan.

3.2.1.3 The number of displaced garage tenants may increase the car-parking requirement locally, and this provision will also be assessed as part of the wider asset management strategy review. Alternatively, current users could be transferred to unused garages on another site(s) on the estate which are not proposed to be developed.

3.2.2 Outline business case

It is proposed to build five bungalows for rent to be let at sub-market rent (assumed to be at 80% of market rent) on this site.

Capital works (inc. demolition and fees)	£444,940
Contingency	£28,140
<i>Total</i>	<i>£473,080</i>
<i>Less capital contribution</i>	<i>£1,500</i>
Loan/internal borrowing required	£471,580

1. *Cost estimates subject to tender*

2. *Assumed rental value per unit = £104.58 per week for 2b/3p*

3.2.3 As this is an outline business case being undertaken at feasibility stage, the financial model has assumed estimated costs within the benchmark of a 4.31% internal rate of return (IRR) over 30 years. The loan interest rate has been estimated at the current PWLB annuity rate giving an interest rate of 3.81%.

3.2.4 Based on the assumptions, the scheme has a payback period of 28 years, with a 30 year NPV of £14.87 and £324k at 60 years. Both the 30 year and 60 year IRR benchmark rates are met at 4.31% and 6.72% respectively.

The scheme is achieving all the benchmark targets set and shows to be financially viable based on the current assumptions, provided that a capital contribution of £1.5k is made to the scheme. This could come from either a cross subsidy from the East Acres site at Byram, a contribution direct from the HRA, or savings which might be able to be achieved at a later stage in the project.

4 Impact Assessment

4.1 Impact on community

This scheme should have a largely positive impact on the community as a site which could be perceived as an eyesore is developed into much needed housing for older people. If the additional car parking is provided, this will have an additional positive impact on the community by reducing the levels of on-street car parking in the area, which is currently perceived as a nuisance.

4.2 Impact on equality and diversity

This scheme has a neutral impact on equality and diversity as access to the housing will only have age restrictions which are intended to ensure that older people have access to accommodation more suited to their needs.

4.3 Impact on environment

This scheme has a neutral impact on the environment as this is a brown field site, excepting for any widening of the access road, which will have some impact as up to an additional 4 metres could be added to the width of the access road in order to accommodate the additional parking.

4.4 Impact on economy

This scheme should have a positive impact on the economy of the District in the short term through the employment and skills requirements placed on any contractor by the Council. In the longer term the impact is probably neutral.

5 Conclusion

5.1 This scheme will help deliver the target (set out in the SDC Housing Development Strategy) of developing 106 affordable homes over five years. As this is for non-general needs, it is proposed that the scheme remain in the ownership of SDC and increase the councils HRA housing stock.

6 Background Documents

The following documents provide background to this proposal:

- Selby District Council Housing Development Strategy - report to Council – 10 September 2013 (pp 115 – 122) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf

- Selby District Council Housing Development Sites - report to Council – 10 September 2013 (pp 84 – 114) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf
- Housing Development Strategy Phase 1 progress report – report to Executive - 5 June 2014 (pp 6 – 10) http://www.selby.gov.uk/upload/Exec_Agenda_5.6.14.pdf
- Strategic Housing Market Assessment (SHMA) 2009
- Selby District Core Strategy - http://www.selby.gov.uk/service_main.asp?menuid=&pageid=&id=1164

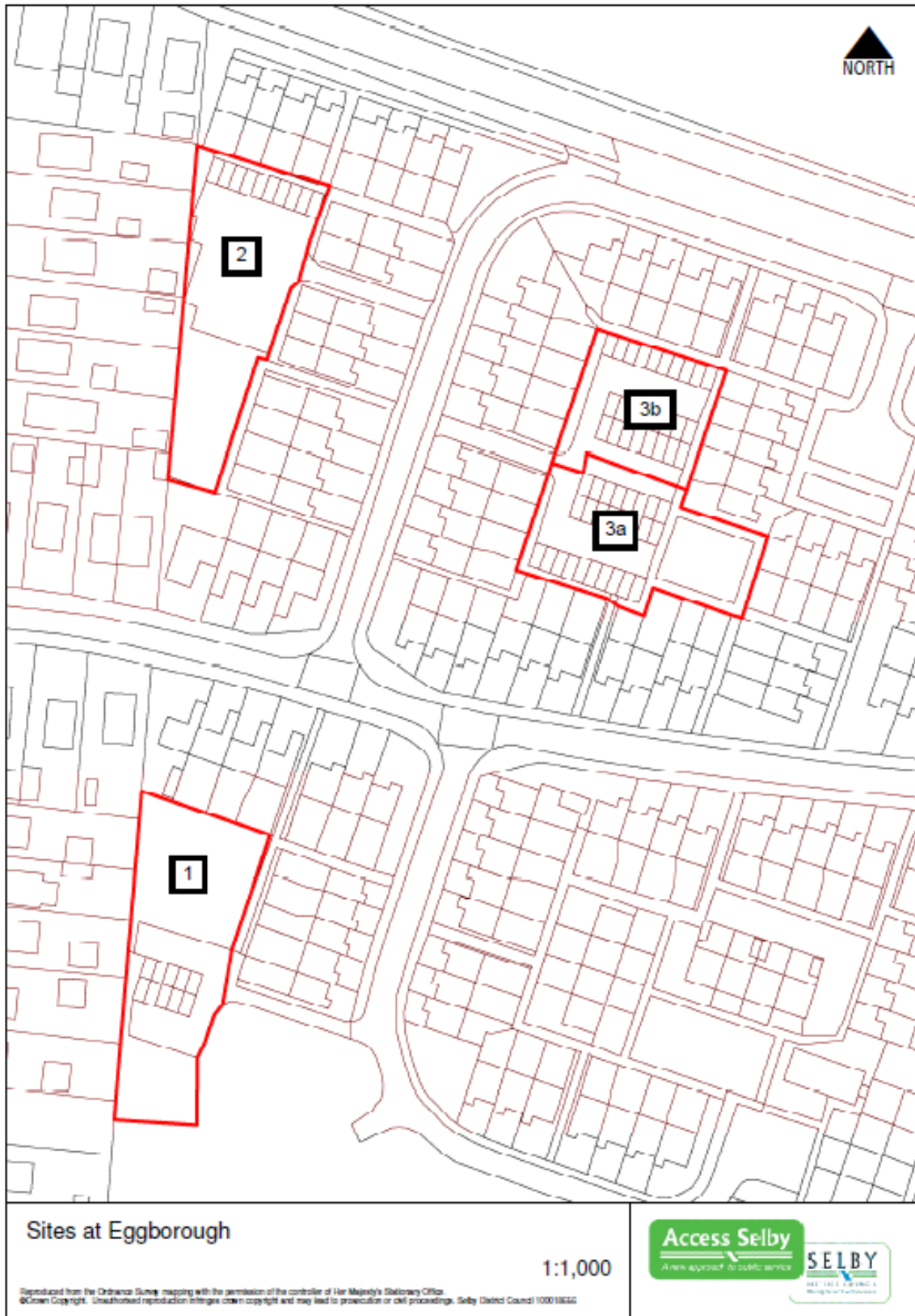
Contact Officer:

*Sally Rawlings
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Selby District Council
srawlings@selby.gov.uk
01757 292237*

Appendices:

- APPENDIX A - Site location plan**
- APPENDIX B - Financial appraisal summary**

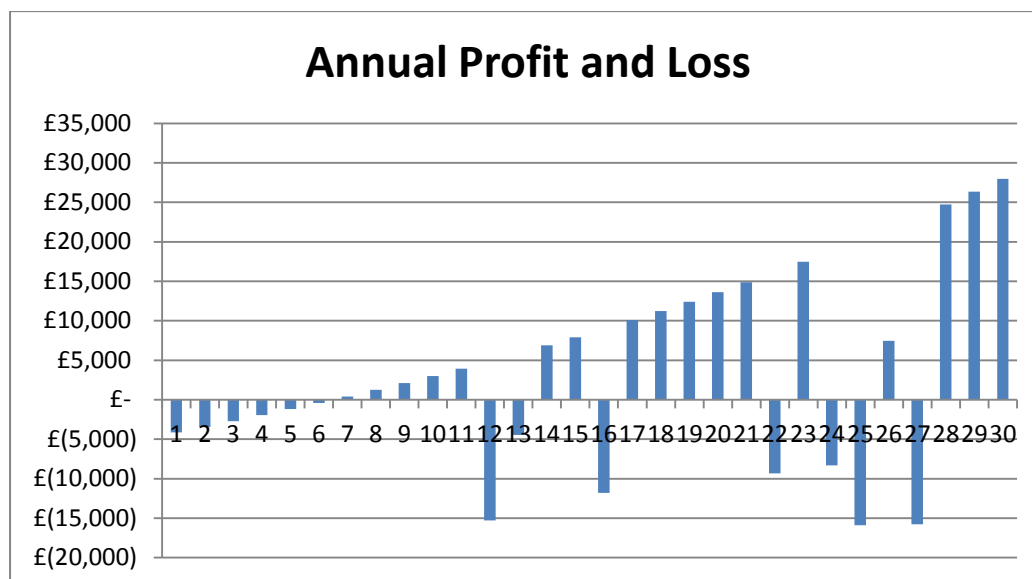
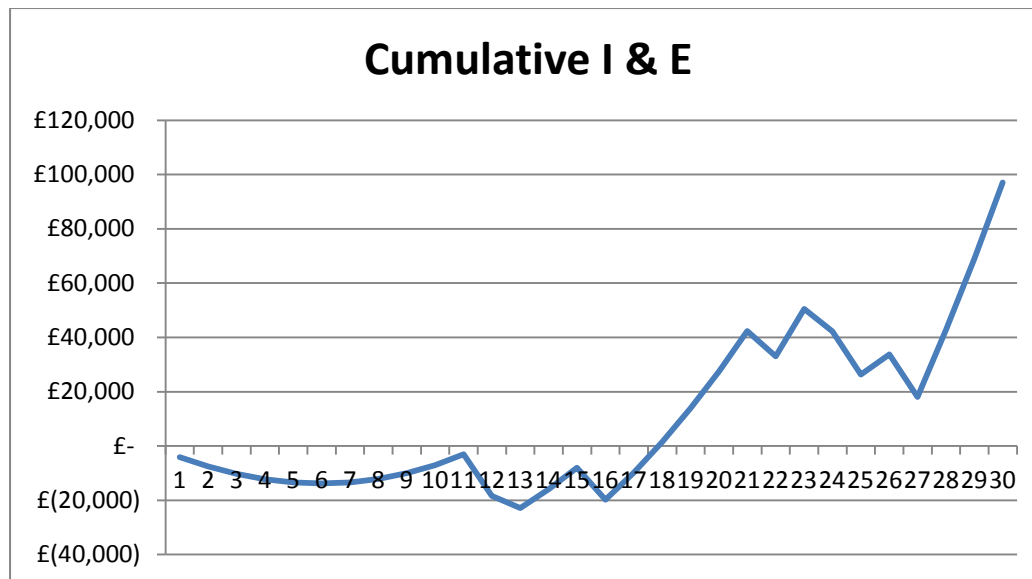
APPENDIX A – site location – Westfield Grove, Eggborough (site 1)



APPENDIX B – Financial summary

Five 2b/3p bungalows at 60m² – to be rented at 80% of market rent

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£14.87	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£323,669.63	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	4.31%	4.31%	Output>Benchmark	PASS
60 Year IRR%	6.72%	4.31%	Output>Benchmark	PASS



Selby District Council

REPORT

Reference: E/14/31

Public – Item 7



To: The Executive
Date: 2 October 2014
Status: Key Decision
Report Published: 24 September 2014
Author: Sally Rawlings
Executive Member: Cllr Mark Crane
Lead Officer: Karen Iveson

Title: Housing Development at Westfield Road (site 2), Eggborough

Summary:

This report provides the outline business case for the development of affordable housing on the SDC garage site at Westfield Road, Eggborough. The proposal is for the development of five bungalows on the site to be owned by SDC and added to the Housing Revenue Account. The report also requests the funding route for any housing development to be delegated to the S151 officer.

Recommendations:

- i. The garage site off Westfield Road be developed for non-general needs housing in the form of five bungalows
- ii. The development forms part of phase one of the Housing Development Programme
- iii. Subject to agreement to recommendation i. up to £471,580 be allocated from the HRA Housing Development Strategy budget, to be funded by borrowing.

Reasons for recommendations

- To increase the provision of non-general needs affordable housing in Selby District Council area (as identified in the evidence supporting the Core Strategy) - and in particular in Eggborough.
- To maximise the use of an under-utilised site.
- To increase the number of properties contributing to the HRA

1 Introduction and background

- 1.1 The Council owns the garage site at Westfield Road, Eggborough which was approved to be brought forward for re-development as part of Phase 1 of the Housing Development programme by Executive at their meeting of 5 June 2014 which forms part of the wider Housing Development Strategy approved by Council on 13 September 2013. A steer was given by the Executive on 5 June 2014 that this site can be packaged with others in a revised Phase 1 Programme which concentrates on developing housing in Riccall, Byram and Eggborough in order achieve value for money.
- 1.2 This site currently houses 10 garages of which eight are currently let, as well as a grassed area which is mown by the Council.
- 1.3 It is proposed to redevelop the site using the existing access off Westfield Road.
- 1.4 The proposed redevelopment will consist of 5 x two-bedroomed bungalows which would be added to the SDC Housing Revenue Account and age-restricted to residents aged 60 or over unless they have a disability with mobility issues.

2 The Report

2.1 Housing Needs

- 2.1.1 Eggborough is situated in the Southern areas of the District and the SHMA and Core Strategy identify that 4.6% (138) of households are in housing need (the mean average across the District is 7.7%)
- 2.1.2 19.8% of the Council's housing stock (as at 2009) was made up of bungalows and the SHMA 2009 shows that demand for bungalows exceeds supply in the Southern area of the District and consequently puts *'some pressure on (housing) stock'*.
- 2.1.3 The Council's stock of bungalows in Eggborough consists of 16 x one-bedroomed bungalows and 1 x two-bedroomed bungalow, hence the proposed development is to build 5 x two-bedroomed bungalows (to be let at 80% of market rent) to try and redress the balance.
- 2.1.4 The data available from HomeChoice shows that there are 78 bidders who have expressed a preference for Eggborough as their first choice - of


these 13 are aged 60 or over and would be eligible for bungalows. The number of bidders for Eggborough is lower than could be expected which is probably due to the proportionately lower number of SDC owned bungalows in the village compared with the overall housing stock, thus there is likely to be a higher than expected level of interest in any rented properties which are developed in the village. Since 2011 eight bungalows have 'turned over' – but only one of these was in 2013, which implies that turnover is not regular, and as such there could be 'under bidding' via home choice for bungalows in Eggborough.

2.2 Consultation

- 2.2.1 Local consultation about the use of the site for affordable housing, the type of affordable housing which might be located on the site and its impact is currently underway. This consultation has included the Ward Councillors (26 March 2014) and the Parish Council (at their meeting on 3 April 2014). It is also intended to undertake a consultation with the local residents (Westfield Grove, Westfield Road and Westfield Avenue).
- 2.2.2 The Ward Councillors were mildly supportive of the development proposed for this site – especially if an area for existing residents parking could be created as part of the scheme. Further consultation about this site will be required with the Parish Council, who were less supportive when consulted about the development of the garage site off Westfield Road/Avenue (site 3).
- 2.2.3 Pre-application consultation has taken place with the SDC planning department about developing the site and there appears to be no reason why this site, in principle, cannot be developed.

3 Legal/Financial Controls and other Policy matters

3.1 Legal issues

- 3.1.1 SDC own the site marked  as outlined in Appendix A of this paper. The access from Westfield Road to the site is currently classed as a driveway and not wide enough to become adopted highway.
- 3.1.2 There appear to be no access arrangements for neighbours to this site which would restrict any proposed development.

3.2 Financial issues

3.2.1 Impact of the loss of garages

- 3.2.1.1 SDC garages generate a net annual rental of £355.20 per year per garage. Across the district, 349 garages are let out of a district wide total of 393 – at a rate of 70%. The letting rate for the 10 Westfield Road garages is 80% - higher than the district average.

3.2.1.2 The loss to the housing revenue account would be £3,552 per year if they were fully let. Currently £2,841.60 per year is being received. The condition of the Council's garage stock is being reviewed as part of the wider stock condition survey later on this summer and the impact of the loss of garage sites will be factored into the revised HRA Business Plan.

3.2.1.3 The number of displaced garage tenants may increase the car-parking requirement locally, and this provision will also be assessed as part of the wider asset management strategy review. Alternative provision may be available on other sites on the estate which are not planned to be redeveloped.

3.2.2 Outline business case

It is proposed to build five bungalows for rent to be let at sub-market rent (assumed to be at 80% of market rent) on this site.

Capital works (inc. demolition and fees)	£444,940
Contingency	£28,140
<i>Total</i>	<i>£473,080</i>
<i>Less capital contribution</i>	<i>£1,500</i>
Loan/internal borrowing required	£471,580

1. *Cost estimates subject to tender*

2. *Assumed rental value per unit = £104.58 per week for 2b/3p*

3.2.3 As this is an outline business case being undertaken at feasibility stage, the financial model has assumed estimated costs within the benchmark of a 4.31% internal rate of return (IRR) over 30 years. The loan interest rate has been estimated at the current PWLB annuity rate giving an interest rate of 3.81%.

3.2.4 Based on the assumptions, the scheme has a payback period of 28 years, with a 30 year NPV of £14.87 and £324k at 60 years. Both the 30 year and 60 year IRR benchmark rates are met at 4.31% and 6.72% respectively. The scheme is achieving all the benchmark targets set and shows to be financially viable based on the current assumptions, provided that a capital contribution of £1.5k is made to the scheme. This could come from either a cross subsidy from the East Acres site at Byram, a contribution direct from the HRA, or savings which might be able to be achieved at a later stage in the project.

4 Impact Assessment

4.1 Impact on community

This scheme should have a largely positive impact on the community as a site which could be perceived as an eyesore is developed into much needed housing for older

people. If the additional car parking is provided, this will have an additional positive impact on the community by reducing the levels of on-street car parking in the area, which is currently perceived as a nuisance.

4.2 Impact on equality and diversity

This scheme has a neutral impact on equality and diversity as access to the housing will only have age restrictions which are intended to ensure that older people have access to accommodation more suited to their needs.

4.3 Impact on environment

This scheme has a neutral impact on the environment as this is a brown field site, excepting for any widening of the access road, which will have some impact as up to an additional 4 metres could be added to the width of the access road in order to accommodate the additional parking.

4.4 Impact on economy

This scheme should have a positive impact on the economy of the District in the short term through the employment and skills requirements placed on any contractor by the Council. In the longer term the impact is probably neutral.

5 Conclusion

5.1 This scheme will help deliver the target (set out in the SDC Housing Development Strategy) of developing 106 affordable homes over five years. As this is for non-general needs, it is proposed that the scheme remain in the ownership of SDC and increase the councils HRA housing stock.

6 Background Documents

The following documents provide background to this proposal:

- Selby District Council Housing Development Strategy - report to Council – 10 September 2013 (pp 115 – 122) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf
- Selby District Council Housing Development Sites - report to Council – 10 September 2013 (pp 84 – 114) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf
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- Selby District Core Strategy - http://www.selby.gov.uk/service_main.asp?menuid=&pageid=&id=1164

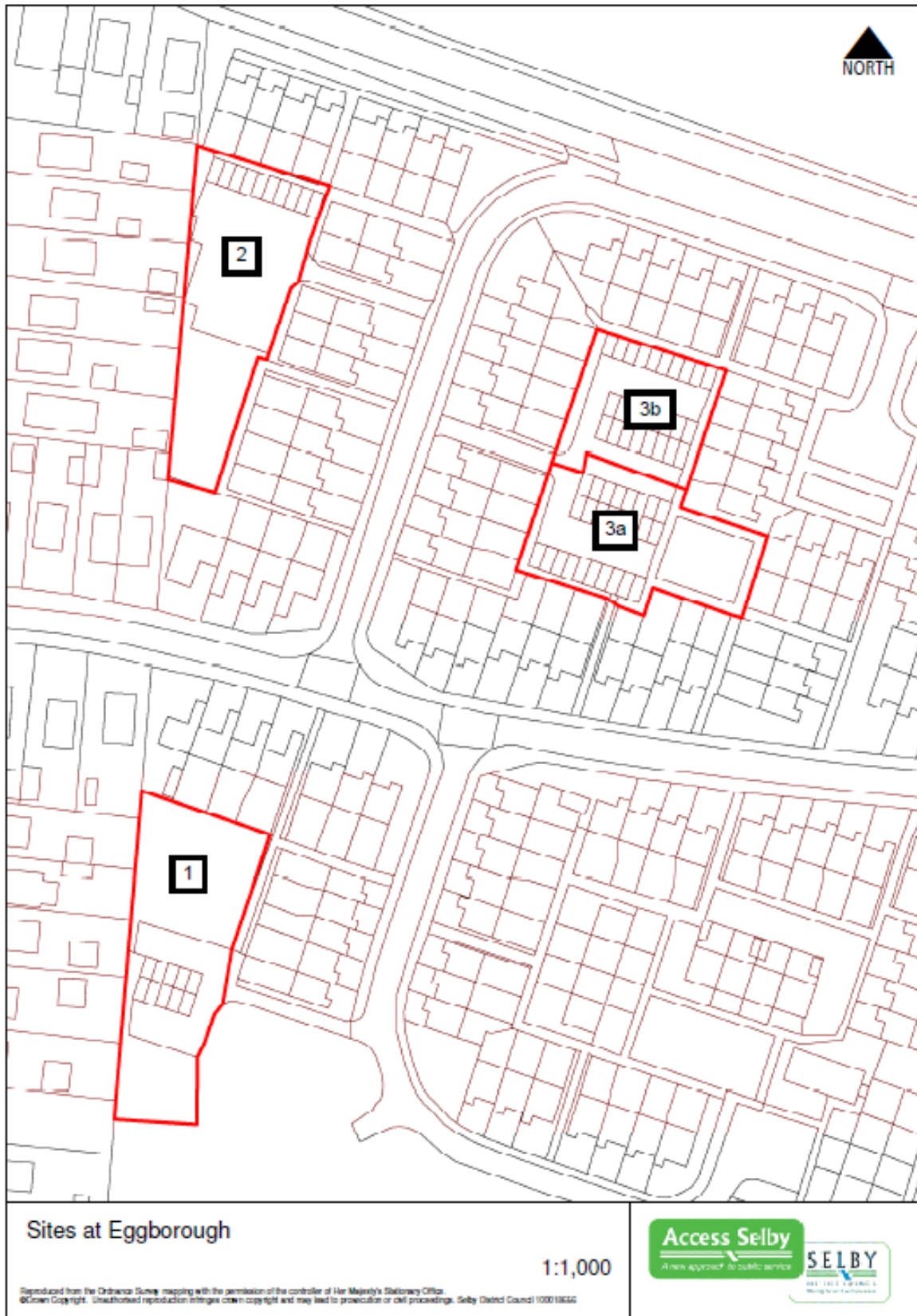
Contact Officer:

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srawlings@selby.gov.uk
01757 292237

Appendices:

- APPENDIX A - Site location plan**
- APPENDIX B - Financial appraisal summary**

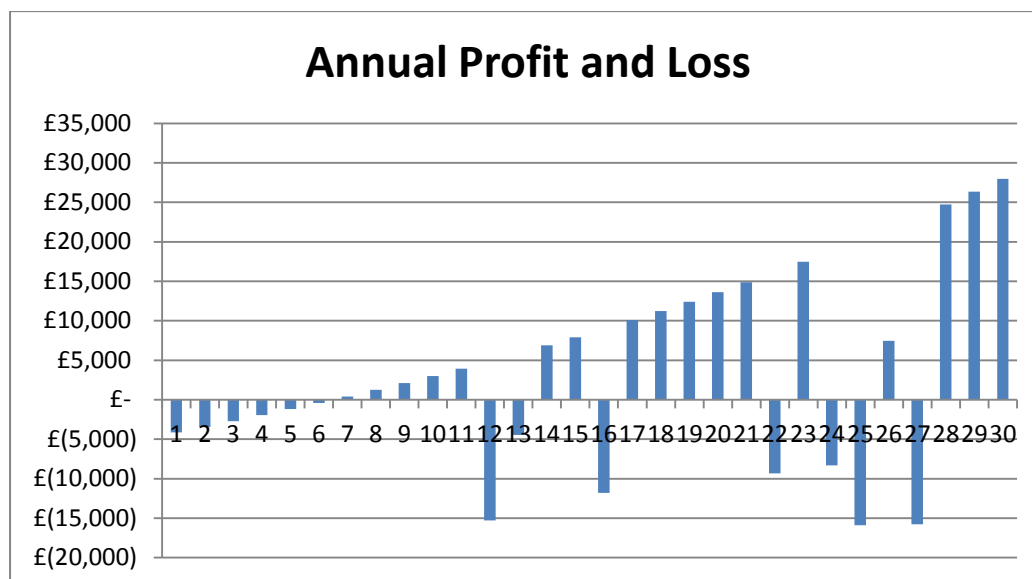
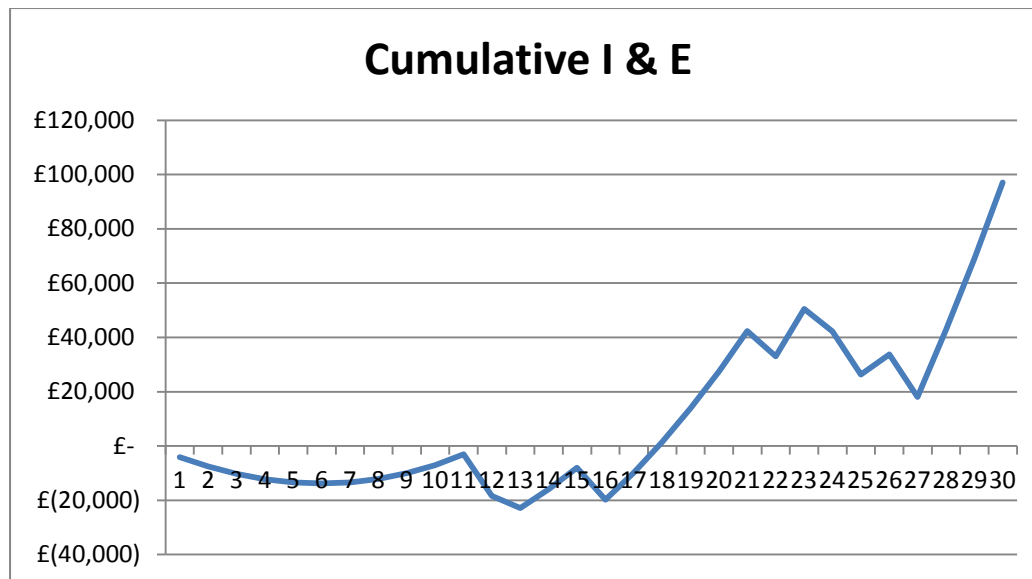
APPENDIX A – site location – Westfield Road, Eggborough (site 2)



APPENDIX B – Financial summary

Five 2b/3p bungalows at 60m² – to be rented at 80% of market rent

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£14.87	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£323,669.63	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	4.31%	4.31%	Output>Benchmark	PASS
60 Year IRR%	6.72%	4.31%	Output>Benchmark	PASS



Selby District Council

REPORT

Reference: E/14/32

Public – Item 8



To: The Executive
Date: 2 October 2014
Status: Key Decision
Report Published: 24 September 2014
Author: Sally Rawlings
Executive Member: Cllr Mark Crane
Lead Officer: Karen Iveson

Title: Housing Development at Westfield Road/Avenue, Eggborough (site 3)

Summary:

This report provides the outline business case for the development of affordable housing on the SDC garage site at Westfield Road/Avenue, Eggborough.

Recommendations:

i. Not to redevelop this site as it is financially unviable

Reasons for recommendations

- The amount of public subsidy that is potentially required to ensure either type of scheme on this site is deemed not to be value for money.

1 Introduction and background

- 1.1 The Council own the garage site at Westfield Road/Westfield Avenue, Eggborough which was approved to be brought forward in Phase 1 of the Housing Development programme by Council at their meeting of 10 September 2013
- 1.2 The site houses 52 garages of which 16 are currently in use. The site also includes an area of grassed open space which has no formal use. Overall the site area is approximately 1,429m², as detailed in the plan shown in Appendix

A. It is proposed to use just over half of the site for this scheme, which would include the grassed area and 26 of the garages.

1.3 The access to the site is not wide enough to become adopted highway, so this limits the number of dwellings which can be developed on the site to a maximum of five, to comply with highways policy requirement for access off a 'private drive'.

1.4 The proposed redevelopment would consist of 5 x two bedroomed houses.

2 The Report

2.1 Housing needs

2.1.1 Eggborough is situated in the Southern areas of the District and the SHMA and Core Strategy identify that 4.6% (138) of households are in housing need (the mean average across the District is 7.7%)

2.1.2 The Council's housing stock compares as follows:

Council House type	District-wide (2009)	Eggborough (2014)		
	(percentage)	(percentage)	(number)	(bedrooms)
House	45.4%	71% (41)	41	11 x 2 bed 29 x 3 bed 1 x 4 bed
Flat	34.8%	0	0	0
Bungalow	19.8%	29% (17)	17	16 x 1 bed 1 x 2 bed
Total	100%	100% (58)	58	

2.1.3 According to the SHMA (2009) 'demand exceeds supply and (causes) some pressure on stock' for all house types and sizes in the Southern area.

2.1.4 The data available from HomeChoice shows that there are 78 bidders who have expressed a preference for Eggborough as their first choice - of these 58 are aged 59 or under and would be eligible for general needs housing. Overall the figures show that the greatest needs are for one-bedroomed (44.1%) and two-bedroomed (36.8%) properties.

2.1.5 Bearing in mind the low proportion of two-bedroomed properties both options include five x 2b/4p houses

2.2 Consultation

2.2.1 Local consultation about the use of the site for affordable housing, the type of affordable housing which might be located on the site and its impact is currently underway. This consultation has included the Ward Councillors (26 March 2014) and the Parish Council (at their meeting on 3 April 2014).

It is also intended to undertake a consultation with the local residents (Westfield Grove, Westfield Road and Westfield Avenue).

- 2.2.2 The Ward Councillors were not very supportive of the development proposed for this site as they felt that residents car-parking should be a greater priority. Further consultation about this site will be required with both the Ward Councillors and the Parish Council, who were also not supportive when consulted about the development of this site.
- 2.2.3 Pre-application consultation has taken place with the SDC planning department about developing the site and there appears to be no reason why this site, in principle, cannot be developed.

3 Legal/Financial Controls and other Policy matters

3.1 Legal issues

- 3.1.1 SDC own the site marked **3a** as outlined in Appendix A of this paper. The access from Westfield Road to the site is currently classed as a driveway and not wide enough to become adopted highway.
- 3.1.2 There appear to be no access arrangements for neighbours to this site which would restrict any proposed development of the site.
- 3.1.3 If the site is to be disposed of at less than market value the consent of the Secretary of State is required. The Secretary of State has issued some general consents which are subject to certain terms and conditions. If the disposal is within those terms and conditions then no application for a specific consent is required. It is possible to dispose of the site at less than market value under General Consent AA – the general consent under section 25 of the Local Government Act 1988. This consent was revised in April 2014 to provide additional flexibilities to councils who wish to dispose of their assets for new housing to any body or organisation excluding wholly or partly owned local authority organisations.
- 3.1.4 This consent (which is applicable in this report) is deemed to have been given by the Secretary of State provided that the benefit is for the development of the land as housing accommodation/facilities to benefit mainly the occupiers of housing accommodation, provided that the disposal is by transfer of the freehold or a lease for the minimum of 99 years; the development begins not less than three years after the transfer (this can be extended); the local authority are not, under any agreement or other arrangement made on or before disposal, entitled to manage or maintain any of the housing accommodation to be developed on that land.

3.2 Financial issues

3.2.1 Impact of loss of garages

- 3.2.1.1 SDC garages generate a net annual rental of £355.20 per year per garage. Across the district, 349 garages are let out of a district wide

total of 393 – at a rate of 70%. The letting rate for the 52 Westfield Grove garages is 31% - much lower than the district average.

3.2.1.2 The loss to the housing revenue account would be £9,235.20 per year if the 26 garages which are proposed to be demolished were fully let. Assuming that the garages which are let out are evenly distributed across the site then currently only £2,841.60 per year is being received from an average of eight garages let on half of the site. The condition of the Council’s garage stock is being reviewed as part of the wider stock condition survey later on this summer and the impact of the loss of garage sites will be factored into the revised HRA Business Plan.

3.2.1.3 The number of displaced garage tenants may increase the car-parking requirement locally, and this provision will also be assessed as part of the wider asset management strategy review. Alternative provision may be available on other sites on the estate which are not planned to be redeveloped.

3.2.2 Increases in construction and finance costs are negatively impacting on the financial viability of this scheme (and are likely to negatively impact on the remaining Phase 1 garage site schemes), hence the consideration of bidding for funding to fund this scheme. Any cash subsidy from the Council would need to be funded by the Programme for Growth.

3.2.3 Bearing in mind the location of this scheme, it is not thought to be appropriate to provide any properties for sale to subsidise the scheme as this is likely increase the funding risk if any properties did not sell as planned.

3.2.4 Previous year’s successful bids to the HCA Affordable Housing Programme (AHP) by other Registered Providers were generally under £30,000 per unit on average. Indications for this AHP are that lower than this level would be acceptable.

3.2.5 **Option a** - Outline business case – five properties for rent - SDHT
This option provides for five properties in total – comprising 5 x 2b/4p houses – all for rent at 80% of market rent – with the expectation that SDHT will bid for subsidy from the Homes and Communities Agency (HCA).

Capital works (inc. demolition and fees)	£593,686
Contingency	£36,666
Capitalised interest	£12,166
<i>Sub-total</i>	<i>£642,518</i>
Less subsidy required	£248,000
Loan required	£394,518

It is unlikely that an average grant per unit of £49,600 will be acceptable bid to the HCA, **therefore this option is deemed unviable.**

3.2.6 Option b – Outline business case five properties for rent - HRA

This option provides for five properties in total – comprising 5 x 2b/4p houses – all for rent at 80% of market rent – to be funded by and added to the SDC HRA.

Capital works (inc. demolition and fees)	£576,838
Contingency	£36,666
<i>Sub-total</i>	<i>£613,504</i>
Less capital subsidy required	£168,950
Loan required	£444,554

It is unlikely that an average grant per unit of £33,790 will be acceptable to SDC, **therefore this option is deemed unviable.**

3.2.7 Option c – do not redevelop this site

This option would impact on the total properties which are able to be delivered as part of Phase 1, which without this site would total between 22 and 29 properties, which would still deliver the target number of properties.

4 Impact Assessment

4.1 Impact on community

This scheme should have a largely positive impact on the community as a site which could be perceived as an eyesore is developed into much needed affordable housing. If additional car parking is provided on the other half of the site then this could have an additional positive impact on the community by reducing the levels of on-street car parking in the area, which is currently perceived as a nuisance. This would need to be funded separately from any housing scheme as it would not be for the benefit of the scheme.

4.2 Impact on equality and diversity

This scheme has a neutral impact on equality and diversity as access to the housing is open to all with general housing needs.

4.3 Impact on environment

This scheme has a neutral impact on the environment as this is a brown field site.

4.4 Impact on economy

This scheme should have a positive impact on the economy of the District in the short term through the employment and skills requirements placed on any contractor by the Council. In the longer term the impact is probably neutral.

5 Conclusion

- 5.1 Following financial evaluation of redeveloping this site, it is deemed to be unviable and the future of the site needs to be assessed as part of the Asset Management review.

6 Background Documents

The following documents provide background to this proposal:

- Selby District Council Housing Development Strategy - report to Council – 10 September 2013 (pp 115 – 122) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf
- Selby District Council Housing Development Sites - report to Council – 10 September 2013 (pp 84 – 114) http://www.selby.gov.uk/upload/Council_Agenda_10.9.13_PUBLIC.pdf
- Housing Development Strategy Phase 1 progress report – report to Executive - 5 June 2014 (pp 6 – 10) http://www.selby.gov.uk/upload/Exec_Agenda_5.6.14.pdf

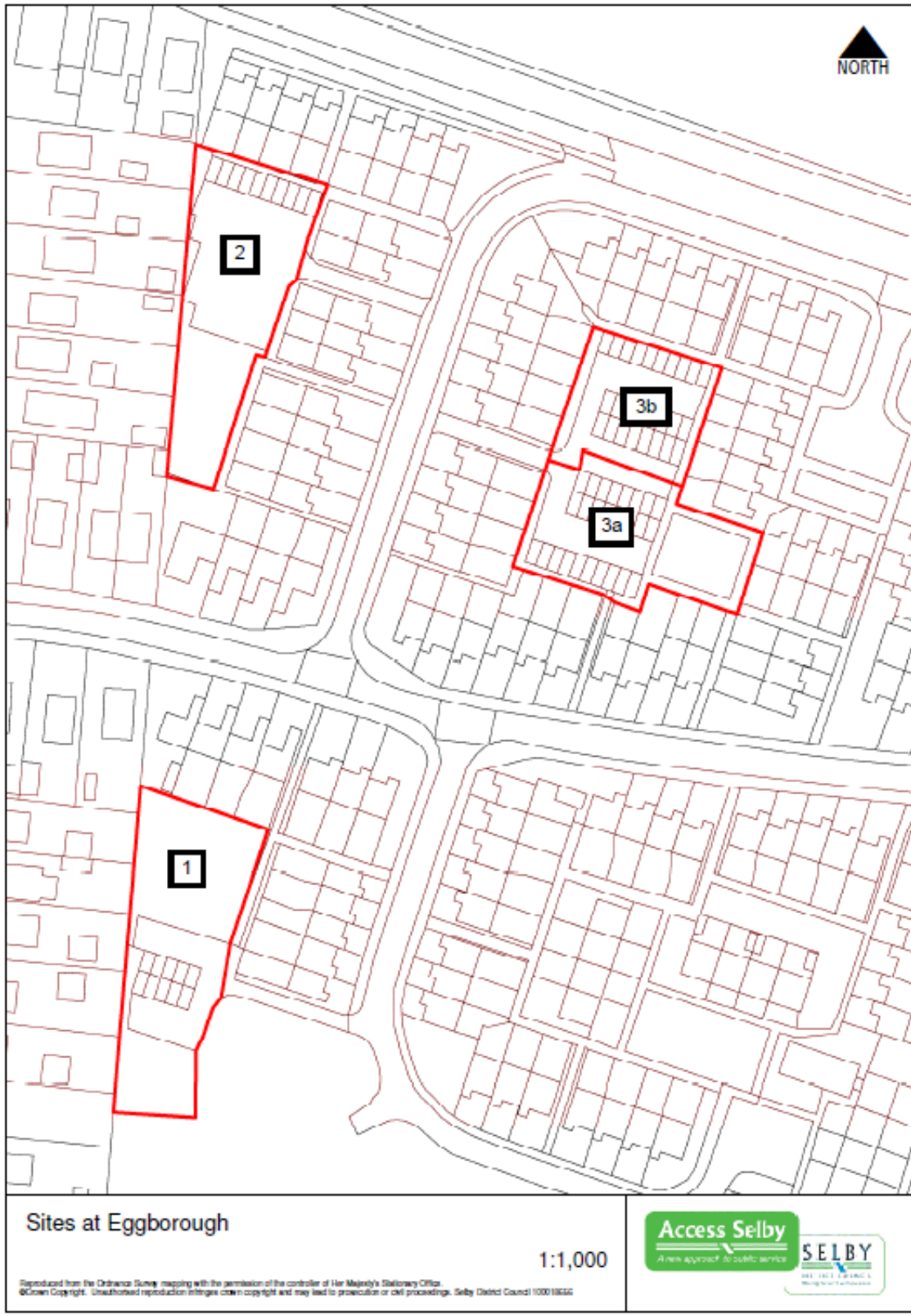
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Selby District Council
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01757 292237*

Appendices:

- APPENDIX A - Site location plan**
APPENDIX B - Financial appraisal summary – option a)
APPENDIX C - Financial appraisal summary – option b)

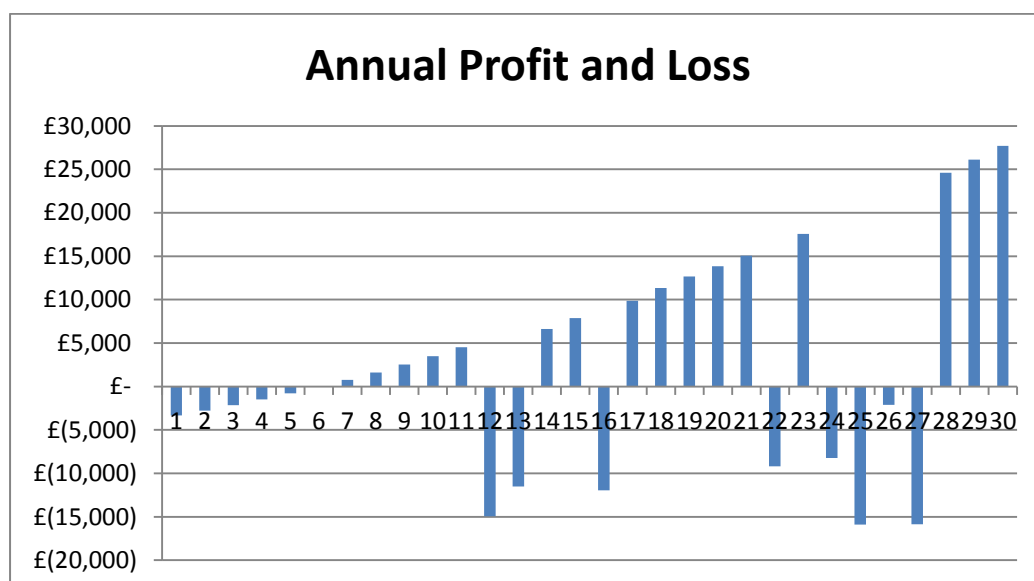
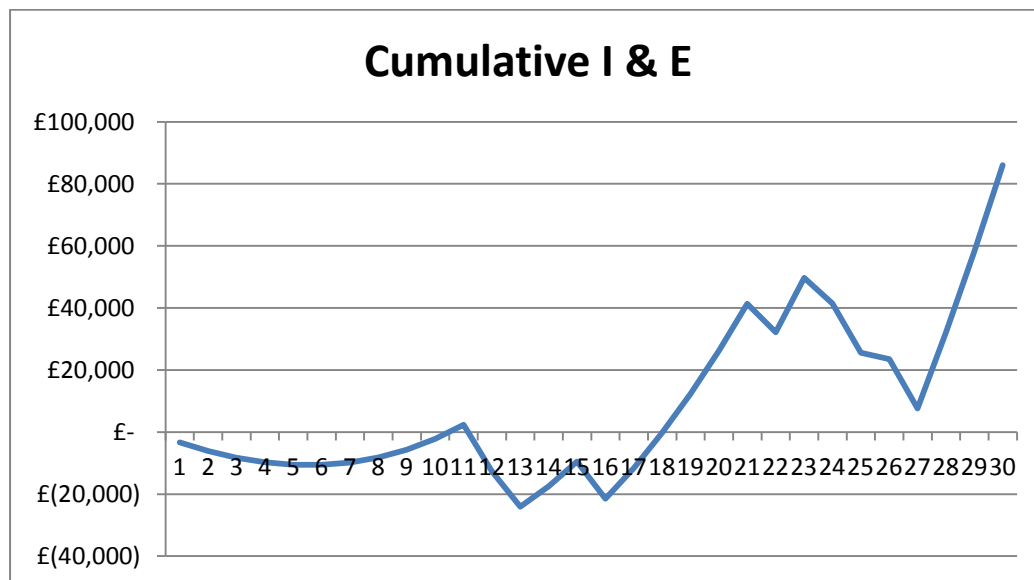
APPENDIX A – site location – Site 3a



APPENDIX B – Financial summary – Option a – five properties for rent - SDHT

Requires £248,000 subsidy to achieve the output below:

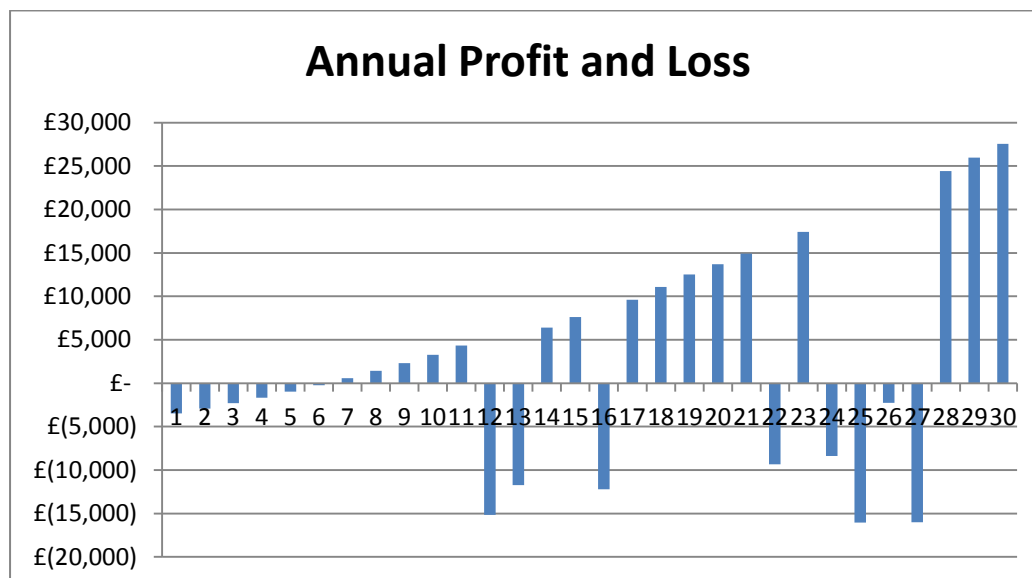
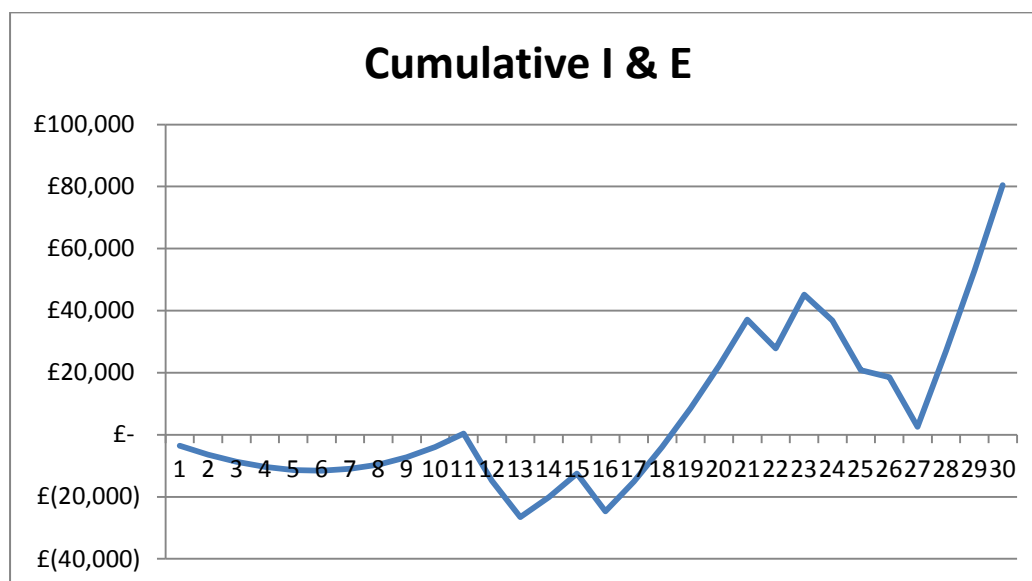
	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£69.78	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£204,979.80	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	5.26%	5.26%	Output>Benchmark	PASS
60 Year IRR%	7.41%	5.26%	Output>Benchmark	PASS



APPENDIX C – Financial Appraisal - Option b five properties for rent - HRA

Requires £168, 950 capital subsidy to achieve the output below:

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£22.02	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£305,542.08	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	4.31%	4.31%	Output>Benchmark	PASS
60 Year IRR%	6.74%	4.31%	Output>Benchmark	PASS



Selby District Council

REPORT

Reference: E/14/34

Public – Item 10



To: The Executive
Date: 2 October 2014
Status: Non Key Decision
Report Published: 24 September 2014
Author: Michelle Dinsdale - Policy Officer
Executive Member: Cllr Mark Crane
Lead Officer: Keith Dawson

Title: Taxi Licensing Policy (hackney carriage and private hire vehicles, drivers and operators)

Summary: The Council currently has a number of separate policies, guidance notes and conditions relating to hackney carriage and private hire licensed vehicles, drivers and operators. A draft Taxi Licensing Policy (Appendix A) has been developed, which consolidates these documents to provide one comprehensive policy.

Officers are proposing that as part of the consultation on the draft policy, comments are sought in relation to two specific areas. Firstly, the duration of driver and operator licences, which the Council may be forced to change as a result of emerging legislation (the Deregulation Bill 2013) and secondly the conditions attached to the issuing of vehicle licences in relation to accessibility, where the Council is keen to ensure that a mixed fleet of vehicles are available to meet the needs of different passengers.

Recommendations:

- i. To approve the draft policy
- ii. That a six week public consultation process is undertaken on the draft policy, to include the duration of driver and operator licences and taxi vehicle accessibility

Reasons for recommendation

- i. To have a comprehensive policy in place will help to ensure that the Council is in a position to act and respond to any future changes in taxi and private hire legislation.
- ii. To seek and consider the views of the taxi trade and public, prior to preparing a final draft of the policy.

1. Introduction and background

- 1.1 The Council has the responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the District. Licences are issued under the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 The Law Commission has recently carried out a review of taxi legislation and in May 2014 and published its report and draft bill on Taxi Law reform. Subsequently a number of changes in taxi legislation are expected.
- 1.3 On 7 July 2014 a report was presented to the Licensing Committee informing them of the intention to consolidate existing hackney carriage and private hire licence documents and to develop a comprehensive policy. Following a request from the Licensing Committee, a further report was presented to Members on 08 September 2014 outlining the policy framework.

2. The Report

- 2.1 The aim of licensing the hackney carriage and private hire vehicle trades is primary, the protection of public health and safety.
- 2.2 The Department of Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010, update August 2011) has been used as an aid in shaping the policy.
- 2.3 The policy has been benchmarked against the taxi licensing policies of partners of the North Yorkshire Licensing Officers Group (NYLOG).
- 2.4 **Duration of Licences**
- 2.5 Selby District Council currently issues driver and operators licences for one year.
- 2.6 The Deregulation Bill has just had its second reading at the House of Lords. Clause 9 of the Deregulation Bill relates to the duration of hackney carriage and private hire licenses.

- 2.7 In the original statute the wording was such that the Council could exercise whatever discretion they wanted for the length of a licence of up to three years for private hire and hackney carriage drivers and five years for a private hire operator.
- 2.9 The wording of the proposed new legislation seems to move away from complete discretion on the part of the Council to a justifiable discretion within a policy.
- 2.10 Best practice guidance suggests that councils issue licences for three years (for drivers) and five years (for private hire operators). The new amendment would force councils to offer these licence durations as standard.
- 2.11 As part of the consultation, it is proposed that comments are sought in relation to the duration of licences.
- 2.12 **Vehicle Accessibility**
- 2.13 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other forms of public transport are not available such as in rural areas and for those with mobility difficulties.
- 2.14 Selby District Council currently licences 45 hackney carriage vehicles, of which 34 are wheelchair accessible and 81 private hire vehicle licences.
- 2.15 As hackney carriages can be hired on the spot / in the street by customers dealing directly with the driver, the Council believes that anyone should be able to hire a hackney carriage on approach of the driver with the minimum of delay and/or inconvenience.
- 2.16 Current policy states that where a new application for a taxi licence is made, the licence will only be granted if the vehicle is wheelchair accessible. An existing vehicle may be replaced by a vehicle of similar type.
- 2.17 Anecdotal evidence suggests that some elderly and/or disabled passengers find it easier to access vehicle types which are not wheelchair accessible.
- 2.18 The Council is keen to ensure that a mixed fleet of vehicles will be available to meet the needs of different passengers.
- 2.19 One option may be to change the policy and to only grant new licenses in respect of non-wheelchair accessible vehicles.
- 2.20 As private hire vehicles can only be booked through an operator (i.e. not immediately available for hire), it is the view of the Council that the

immediate need for wheelchair accessible vehicles is less essential. For this reason, while private hire operators are encouraged to offer accessible vehicles within their fleet, the Council will not normally require, as a matter of course, private hire vehicles to provide such access.

2.21 It is proposed, as part of consultation, that comments are sought in relation to vehicle accessibility.

2.22 Consultation

2.23 If the Executive is in support of the draft policy, a six week consultation process with the public and the trade is proposed (6 October 2014 - 14 November 2014).

2.24 It is proposed that all current taxi and private hire drivers and operators licenced by the Council will be notified in writing of the consultation and invited to attend a meeting at the Civic Centre.

2.25 A copy of the draft policy will be published on the Council's website and hard copies will be available on request.

2.26 Comments will also be invited via an on line survey.

2.27 Other methods of consultation will include contacting local equalities groups; Selby District Disability Forum, Age UK Selby District and Selby Equalities Network.

2.28 Timeline

2.29 Following analysis of the consultation responses, a report will be brought back to the Executive on 6 January 2014, with a revised draft policy, amended where appropriate to take account of consultation responses.

The timeline for the development of the policy is set out below.

Date	Event	Action
07 July 2014	Licensing Committee	Received the report outlining the review timeline
08 September 2014	Licensing Committee	Received the report outlining the policy framework and specific areas for consultation
02 October 2014	Executive	To consider the report, including the draft policy, which seeks approval to carry out public consultation on the draft policy
06 October - 14 November 2014	Consultation	To invite comments on the draft policy
01 December 2014	Licensing Committee	To receive a report informing the outcome of the consultation exercise
06 January 2015	Executive	To note the consultation responses and approve the policy

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Although there is no legal requirement for the Council to adopt a policy, it is strongly recommended to have one in place. Current provisions are in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The policy does not replace the legislation governing hackney and private hire operations. It sets out what that legislation is and provides guidance on the Council's particular requirements in complying with that legislation. Licensing and enforcement decisions will be made with regard to the policy; however, the Council reserves the right to depart from the policy in exceptional cases.

Financial Issues

- 3.2 None at this present time. However, should the Council look at the option to change the period for which it issues licences, the legislative, administrative and financial issues will be investigated in depth.

Impact Assessment

- 3.3 An equality, diversity, and community impact screening has taken place on the policy, including the two particular issues for which we are seeking comments on as part of the consultation, and is available as a background document. The policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. However, there are implications for the following strands; age and disability, but these have been explained and addressed within the policy and the impact screening. A further screening will be carried out following analysis of the consultation responses.

4. Conclusion

- 4.1 A draft Hackney Carriage and Private Hire Vehicle Licensing Policy has been developed which consolidates a number of existing documents to provide one comprehensive policy, which will help to ensure that the Council is in a position to act and respond to any future subsequent changes in taxi and private hire legislation. It is proposed that the draft policy be subject to a six week public consultation process between 06th October and 14th November. Consultation responses will be inviting in relation to the duration of licences and vehicle accessibility. Following analysis of the consultation responses, a report will be taken to the Executive on 6th January 2015 seeking approval of the policy.

5. Background Documents

Department of Transport - Taxi and Private Hire Vehicle Licensing:
Best Practice Guidance (March 2010, updated August 2011)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Equality, Diversity, and Community Impact Screening

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Appendices:

Appendix A: Selby District Council Taxi Licensing Policy (hackney carriage and private hire vehicles, drivers and operators)

Access Selby

A new approach to public service

SELBY

DISTRICT COUNCIL
Moving forward with purpose

tion Draft

Taxi Licensing Policy

Hackney carriage and private hire vehicles, drivers and operators

A new approach to public service



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1. Introduction

Selby District Council, as a local authority, is responsible for the licensing of taxis (i.e. hackney carriages) and private hire vehicles in the district. This policy sets out a standard that will be used by the council to inform decisions, and should also be useful for the taxi and private hire trade and the public. Licence holders and applicants will find more guidance on the application process in the appendices to this policy and on the council website. If a member of public has a concern or query about the taxi trade, they should get in touch with the Selby District Council.

Taxis and private hire vehicles form an important part of the local transport provision. As a regulator, Selby District Council aims to ensure the safety of drivers and the public without introducing unduly stringent licensing requirements. Our overall aim is to promote the availability of a safe, accessible and convenient taxi and private hire vehicle service in Selby District.

1.1. About this policy

This policy sets out the council's approach to regulating the taxi and private hire industry. It includes the way we make licensing decisions, and our enforcement agenda. Licensing and enforcement decisions will be made with regard to this policy; however, the council reserves the right to depart from this policy in exceptional cases. If a committee decision substantially differs from the guidance set out in this policy, a full justification will be provided.

1.2. Licences we issue

We issue five licences in our role as regulator of the taxi service, listed below:

- Taxi driver's licence
- Taxi vehicle licence
- Private hire driver's licence
- Private hire vehicle licence
- Private hire operator's licence

Note that the licence we issue to individuals who wish to drive taxis or private hire vehicles is a **"driver's licence"**, and the licence issued to all motor vehicle road users by the DVLA¹ is a **"driving licence"**.

The badge and licence we issue to successful applicants remain the property of the council.

¹ Driver and Vehicle Licensing Agency:
www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency

1.3. Taxis and private hire vehicles; what's the difference?

Taxis are also known as hackney carriages, which are not the same as private hire vehicles. The licences, fares, insurance and working practices of these two types of transport are different.

To clarify the differences between them, only taxis may use the word “**taxis**” or “**cabs**” in their name or advertising. Some of the differences are set out in the table below.

	Private Hire	Taxis
Bookings		
Can be pre-booked	✓	✓
Can wait in a taxi rank	✗	✓
Can be hailed down	✗	✓
Fares		
Set by the council	✗	✓
Uses a taximeter ²	✗	✓
Visual differences		
Illuminated roof sign	✗	✓
“Black cab” type allowed	✗	✓
Licence plate	Colour: Red	Blue
	Shape: Rectangular	Semi-circular
	Position: Front and rear	Rear

2. Application process

2.1. Duration of licence

In general, we issue licences on an annual basis. Licences for vehicles are held for one year, but vehicles need to be checked more frequently the older they become. The licence will remain until its expiry unless the council revokes or suspends it.

Licence type	Duration
Hackney carriage driver's licence	1 year
Private hire driver's licence	1 year
Private hire vehicle operator's licence	1 year
Vehicle between 0–5 years old	1 year
Vehicle between 5–7 years old	6 months
Vehicle 7+ years old	4 months

² Private hire vehicles are permitted to use their own taximeter, but this is not common in Selby District. Taxis must use a taximeter. For more, see Section 5.8 – Taximeters.

2.2. Licence fees

All licence fees are published on the council website. These are reviewed annually in line with the Corporate Charging Policy, and generally increase with inflation.

2.3. Renewals

Every year upon licence renewal for driver, we check the DVLA driving licence record (we need a signed mandate in order to do this). We run checks with the DBS every three years and medical checks for over-45s every five years.

2.4. Guidance notes

The full costs of the application (including the criminal records check, medical check, driving proficiency test and character reference) are to be paid by the applicant. Unfortunately, we cannot reimburse applicants for any costs incurred, whether a licence is granted or not. Applications must be submitted in their entirety, with all required documents and the relevant application fee. Guidance notes are provided for applicants in Appendix A – Guidance notes for applicants (Drivers). Details of the checks we carry out on applicants can be found in the following section.

3. Checks on the driver

To effectively meet our regulatory goals, we carry out a number of checks on licence holders and applicants. These checks are carried out to ensure that all licensees are fit and proper to drive taxis and private hire vehicles, and are eligible to work in the UK. Driving a taxi or private hire vehicle will bring members of the trade into regular, close contact with members of the public, and often involves working with vulnerable groups such as children, the elderly, and disabled people. These background checks help us keep the public safe, and increase the trust in the taxi and private hire industry.

3.1. Disclosure and Barring Service

We ask for an enhanced Disclosure and Barring Service (DBS, previously CRB) check on all drivers. Applicants and licence holders must submit a DBS check upon application and at least every three years upon renewal. Convictions must be declared, including all criminal and traffic offences. Any convictions, spent³ or unspent, will be taken into account for the licensing decision but will not necessarily prevent a licence being granted. The council will consider the nature of the offence and other factors before making a decision.

³ The taxi and private hire trade is an exception to the rehabilitation of offenders list. The council will take into account both spent and unspent offences when considering whether to grant a licence.

In the interests of public safety, the council will not issue a licence if the applicant has a history of crimes of dishonesty, violent or sex-related offences and major motoring offences (including drink driving). Further guidance on the relevance of convictions can be found in Appendix C – Relevance of convictions.

In the case of foreign nationals, a DBS check will only cover the time period since the applicant's arrival in the UK. If this time is too short to make a judgement about the applicant's character, the council may require the applicant to obtain a certificate of good conduct or similar relevant document from their embassy or from the Association of Chief Police Officers.

3.2. Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued with a licence.

We have a standard medical form which is filled in by the applicant's own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application, and at the age of 45. Drivers over the age of 45 will be required to undergo a medical examination every five years, until they reach the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard. Drivers who already have DVLA Group 2 certification which covers the entirety of the licensing period may be exempted from this requirement.

In addition, all licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

3.3. Driving proficiency and experience

All applicants must have held a full DVLA driving licence for at least one year.

The Driving and Vehicle Standards Agency (DVSA) also have a practical driving test for drivers of hackney carriage and private hire vehicles. All new applicants for hackney carriage and private hire driver's licences will be required to produce evidence that they have successfully completed the DVSA practical driving test prior to the initial application.

3.4. Previous taxi and private hire licences

If a new applicant has held a licence as a taxi driver in any other area, or has ever had a licence suspended or revoked, they must declare this on their application form. The council will run a check on the applicant's licensing history in these cases.

3.5. Character reference

In order to ensure a high standard of safety for users of the taxi service in Selby District, we require a character reference for each applicant. Each applicant is asked to nominate a referee who has known them for at least three years, and has a position of good standing in the community. We normally expect a reference from a professionally qualified person, for example lawyers, doctors or other healthcare professionals, teachers, engineers and accountants.

4. Changes to licensee circumstances

Licence holders must inform the council if they move house, if their condition of health changes, if they are involved in a motor vehicle accident, convicted of a crime or cautioned by a police officer. Notifications of this type must be made as soon as reasonably practicable, and always within three days. A full list of incidents and changes in licence details that the council must be informed of is found in Appendix A – Guidance notes for applicants (Drivers).

4.1. Failure to notify

Failure to report or declare these changes are very serious, and often attract an additional weighting to the actual offence, with harsher enforcement action. For example, a minor traffic offence is not likely to materially change whether a driver is a fit and proper person to hold a licence. However, a licensee who commits a minor traffic offence and fails to notify the council is in breach of this policy, is disregarding their legal obligation to notify and is demonstrating dishonesty. A minor traffic offence is forgivable, assuming the licensee drives with more care in future. Failure to notify is likely to lead to a review of the licence.

Failure to notify the council of a conviction or caution by the police is extremely serious. Licensees may wish to note that the police will notify us directly in many cases, and this should be in addition to the licensee's notification.

5. Vehicles

We are not overly restrictive with the types of vehicles that can be licensed, but we do need to ensure that all vehicles are safe, that they clearly display licensing plates,

and that there is provision in the fleet for all accessibility requirements. Guidance on the accessibility requirements of vehicles can be found in Section 6 – Accessibility.

5.1. About the vehicle inspection

At vehicle inspection we will check vehicle registration, insurance, and MOT documents, make sure the vehicle itself is fit for purpose and issue licence plates. The table below sets out the frequency of tests required for vehicles, based on their age:

Vehicle age	Frequency of vehicle tests and checks
0–5 years	One check per year
5–7 years	Two checks per year
7+ years	Three checks per year

Routine vehicle inspections are booked about 4–6 weeks in advance of the expiry of the licensed period of the vehicle. It is expected that drivers attend and cooperate with a vehicle inspection.

If a vehicle licence is suspended it must have another inspection within two months of the suspension notice, otherwise the vehicle licence is revoked.

If a defect should occur or develop on a vehicle between inspections that could affect the safety of that vehicle and the travelling public, the driver and/or proprietor must let the council know so that an investigation can begin.

A checklist to help prepare for a vehicle inspection can be found in Appendix B – Guidance notes for vehicles inspections.

5.2. Licence plates

Upon successful inspection the vehicle becomes licensed, and will be issued with licence plates. At all times it must then clearly display the issued licence plates in the proper locations.

The large licence plates must be securely attached to the back of the vehicle, and the small licence plates must be fixed to the dashboard and visible to passengers. In addition, private hire vehicles are given a second licence plate for the front of the vehicle.

Loss of (or damage to) a licence plate must be reported and replaced immediately at the licensee's expense. No hiring contract is to be entered into without a licence plate affixed to the vehicle. If the vehicle is being taken off the road and not being replaced, the licence plates must be returned to the council.

On some vehicles or on certain occasions, a driver may not wish to display large licence plates (for example on executive vehicles, limousines, or when using a regular licensed vehicle for a wedding). For these situations, discreet licence plates may be requested from the council and issued at the licensee's expense. These will be considered on a case-by-case basis by the Licensing Committee.

5.3. Safety equipment

All licensed vehicles must have seat belts in the driver's seat and all passenger seats. There must be no fewer seat belts than the number of passengers the vehicle is licensed to carry.

The vehicle must also carry a fire extinguisher and a first aid kit. If safety equipment is not clearly visible, then signs must be in place to indicate the location of the safety equipment.

5.4. Vehicle condition

Between inspections the driver must maintain the licensed vehicle in good condition, making sure it is roadworthy and clean inside and out.

5.5. Taxi lights

In order to help members of the public tell the difference between taxis and private hire vehicles, taxis must be fitted with a sign on the roof which can be lit up at night. Private hire vehicles are prohibited from any sign on the roof which may be mistaken for a taxi light.

5.6. Tinted windows

All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle. As a guide, vehicles fitted with manufacturers tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed (notwithstanding the exceptions made in section 5.7).

5.7. Non-standard vehicles

Vehicles which do not conform to the above type specification may still be considered for licensing, and further conditions may be attached to ensure the safety of the public. Each application will be considered on its merits by the Licensing Committee.

In allowing for non-standard vehicles, the council aims to include executive vehicles, limousines and novelty vehicles in the transport hire industry. It is not to make exceptions for substandard vehicles which would not otherwise be licensed.

The Licensing Committee will normally inspect any non-standard vehicle submitted for application. Special conditions for non-standard vehicles are often used. Some examples of special conditions that may be placed upon a limousine include:

- that a more formal dress code is observed by the driver
- that the vehicle is used only for special occasions (i.e. not for everyday private hire use)
- an exemption from the tinted window condition

5.8. Taximeters

All taxis must be fitted with taximeters. Installation of taximeters must be carried out by an appropriate installer and accompanied with a certificate of installation. All taximeters will be tested over the measured mile, and programmed with Selby District Council's most recent fare structure. No attempt should be made to change the taximeter, except by an authorised officer.

The taximeter will be used for all journeys taken by taxi, even if under a private hire contract. For journeys ending outside of Selby District, another fee may be agreed in advance. If no such agreement is made, only the fare showing on the taximeter may be charged. More information can be found in Section 8 – Fares. The taximeter must be visible to passengers at all times.

5.9. Trailers

A driver who wishes to tow a trailer must satisfy the council that insurance is in place for this use. An additional licence plate must also be clearly displayed on the rear of the trailer (in addition to the rear of the vehicle).

5.10. Advertising

If a driver or operator wishes to display advertising anywhere on or in the vehicle, written permission must be obtained from the council. Advertising which could cause offence is not permitted in any location on a taxi or private hire vehicle. Specific subject matter that will not be permitted includes alcohol, cigarettes and political parties. Unauthorised advertising will be subject to enforcement action.

5.11. Motor vehicle accident

If a licensed driver has a motor vehicle accident, they must inform the council immediately. If the damage materially affects the safety or performance of the vehicle, it must then undergo another inspection before any contract for hire is to be

undertaken. If the inspection deems it necessary, the vehicle will need to successfully pass an MOT test.

5.12. Changing a vehicle

We cannot directly change a licence to another vehicle. Instead, we issue a new licence for the new vehicle, and refund any full calendar months for the period remaining on the previously licensed vehicle.

6. Accessibility and taxi vehicle requirements

In regulating the taxi and private hire trade we aim to meet the diverse needs of all accessibility requirements in our district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. We do not place any restrictions on private hire vehicle types, but we do check that they are safe. For taxis, we only allow certain types of vehicles to be licensed, set out as follows.

6.1. New vehicles with new applicants

Where a new application for a taxi vehicle licence is made, the licence will only be granted if the vehicle is wheelchair accessible.

6.2. Replacement vehicles

An existing vehicle may be replaced by a vehicle of similar type. All wheelchair accessible vehicles may only be replaced by another wheelchair accessible vehicle. There are a number of saloon-type vehicles in the fleet; these may be replaced by either a wheelchair accessible vehicle or another saloon.

6.3. Assistance dogs

Taxis must carry guide/assistance dogs at no extra charge. Refusing to carry a disabled person is a criminal offence.

6.4. Definition of wheelchair accessible vehicles

Wheelchair access and egress must be made via the side doors. Rear door access vehicles are not permitted unless fitted with a vehicle mounted tail lift. All vehicles fitted with a tail lift must comply with the tail lift conditions.

All vehicles that are currently wheelchair accessible must be so constructed as to facilitate the carriage of people with disabilities. It must be capable of accommodating a wheelchair user in a wheelchair in the passenger compartment, provided that the wheelchair fits either facing forwards or rearwards as recommended by the Disabled Persons' Transport Advisory Committee and the

Medical Devices Agency. Under no circumstances must the wheelchair be placed sideways in the passenger compartment.

Approved anchorages must be provided for the wheelchair and the wheelchair user. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use, folded or otherwise, if carried within the passenger compartment. They must be designed so as not to cause injury to other passengers.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for existing wheelchair accessible vehicles. The entry must be via the nearside passenger door. An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

7. Operators and the private hire trade

Private hire vehicles require bookings to be made in advance, and these bookings are carried out by a licensed operator. Operator's licences are non-transferable.

Among other responsibilities, all operators must:

- make sure that all of their drivers are licensed by Selby District Council
- make sure that their premises are sanctioned by the council, including any planning permission required for the site
- make sure that all vehicles in their fleet are licensed
- prevent defective or unsafe vehicles from being used, even if licensed
- provide enough off-street parking for the number of vehicles in their fleet
- stop private hire vehicles from parking illegally near the base
- familiarise themselves with this policy
- be able to explain the contents of this policy to their drivers
- inform the council in writing of any changes to the details of their licence within three days of the change being made, including changes to –
 - the registration of any vehicles on the licence
 - the details of any driver on the licence
 - the drivers listed on the licence
 - the operator's own contact details, home address or business premises

No contract for hire is to be entered into before the details are correct on the registered licence. It is therefore important to let the council know as soon as possible.

Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

7.1. Record Keeping

Operators and owners of private hire vehicles must keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. Records are to be held for at least twelve months.

7.2. Prompt Attendance

If a driver is aware of a booking under a contract for private hire, they must be on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

7.3. Insurance checks

Operator must make sure that every operating base is covered by public liability insurance and employer's liability insurance in place for the duration of their licence. The insurance certificate must be available for inspection upon request.

All vehicles on the operator's licence must be covered by appropriate insurance. Where an insurance cover note is in place, the operator must ensure that the driver on expiry of that cover note advises the council of the new period of cover. It is the responsibility of both the operator and driver to ensure that they have the correct insurance cover in place to cover the number of passengers that they are entitled to carry. The operator must therefore regularly monitor insurance and personally examine the insurance certificates to satisfy themselves as to their validity.

7.4. Plying for hire

The licence of a private hire vehicle and driver's licence do not permit the licensee to ply for hire on the street, but only to accept bookings through their operator. As a legal requirement of the licence, private hire driver's licences may be subject to enforcement action if found to be plying for hire.

7.5. Taxi ranks

Private hire vehicles are not permitted to use taxi ranks for any reason, including picking up and dropping off passengers.

8. Fares

The council sets rates for taxi fares (but not for private hire vehicles). The most up to date taxi fares can be found on our website. The table of fares should be clearly

displayed in taxis. Private hire vehicle operators and owners are able to set their own rates.

A taxi driver may not demand a fare in excess of the fare shown on the taxi meter, unless a fare has been previously agreed. If a fare has been previously agreed, the driver may not charge more than this agreement.

Drivers must make no attempt to cancel or hide the fare shown on the taximeter until the passenger has had reasonable opportunity to see it and a payment settled.

9. Complying with the law

All people at all times should comply with the law. Taxi and private hire drivers/operators are no exception, and should not do anything illegal at any time. There are a number of offences which are particularly serious breaches of the law for professional drivers. If a driver does not comply with the law in a way that could put members of the public in danger, the driver's licence will be suspended or revoked in addition to any enforcement action due to breach of the law.

9.1. Mobile phone use

Drivers must not use a mobile phone or any other mobile device whilst driving. It is legal to bring the vehicle to a halt in a safe place and take a phone call, although it may be considered unreasonable to do so with passengers in the vehicle. The hard shoulder of a motorway is not a safe space, and drivers must never stop on a hard shoulder to make or answer a call. The only permitted use of a mobile device while driving is with a hands-free system – though this may also be inappropriate with passengers.

9.2. Alcohol

Drink driving is a serious offence for any motorist. Professional drivers must take particular care, and not drink alcohol immediately before or at any time while driving or being in charge of a vehicle.

9.3. Discrimination

Drivers should carry all passengers upon every reasonable request without discriminating in any way. If a driver refuses to carry a passenger, they will be invited to a hearing and given a chance to state their reasons for refusal. If the council is satisfied that the reasons are justifiable then no action will be taken, otherwise appropriate enforcement action will be considered and applied. Particularly serious is discrimination on the basis of the protected characteristics of the Equalities Act 2010 (including age, disability, gender, sex, race and religion).

9.4. Carrying the right number of passengers

Vehicles are licensed to carry up to a specified maximum number of passengers. Carrying more passengers than this maximum is a severe breach of policy.

9.5. Parking at taxi ranks

Taxi drivers must remain with their vehicle while at a taxi rank. Drivers are not permitted to use taxi ranks to park their vehicle.

Private hire vehicles are not allowed to use taxi ranks in any capacity.

9.6. Vehicle use

It is illegal to allow a person who does not hold a private hire vehicle licence to drive a licensed private hire vehicle, even when that vehicle is not being used as a private hire vehicle. This means that a licensed driver's family and friends are not permitted to drive the private hire vehicle at any time.

10. Code of conduct

10.1. Behaviour

All licensees must behave in a civil, polite and courteous manner at all times while working as a driver or operator. No swearing, abusive language or offensive gestures are sanctioned, and licensees must conduct themselves so as to avoid offence, nuisance and hazard to the public.

Licensees may be required to attend an interview or hearing. They must therefore respond to an interview request by the licensing authority. It is an offence to fail to comply with a reasonable request from an authorised officer.

Taxi drivers have a duty of care to their passengers, and must behave accordingly.

10.2. Dress code

We are committed to encouraging a professional image of drivers in the district. As such, drivers' clothing must be clean, smart and professional at all times. Specifically, sportswear and beach clothing are not appropriate for drivers while on duty.

10.3. Identification badge

Drivers must wear their identification badge as issued by the council at all times when on duty. It must match the photo ID displayed in the vehicle being driven.

We will supply a driver's badge and photo ID. If a badge is lost, damaged or stolen this must be reported immediately, and a replacement badge paid for.

The photo ID must be visibly displayed in the vehicle to the passengers. Only the ID of the driver currently driving the vehicle may be displayed.

10.4. Receipts

A driver must issue a receipt if requested by a passenger following a journey, and may not refuse to issue a receipt in these circumstances. Many licensees issue receipts as standard practice, which we encourage.

10.5. Luggage

Drivers are to give all reasonable assistance with passengers' luggage in loading and unloading. According to this definition of reasonable, drivers are expected to help passengers to get their luggage to and from the entrance of a building.

10.6. Safe places to drop off and pick up passengers

Drivers must never pick up or drop off a passenger in an unsafe location, nor allow a passenger to get out of the vehicle in an unsafe way (onto a road, for example).

10.7. Lost property

Drivers must check the vehicle for property that may have been inadvertently left there by a passenger. If any property is found, drivers must take all reasonable steps to return property to any passenger who leaves something in the vehicle. Where this is impractical or the attempt to return property has failed, the driver must return the property to the council, where it will be recorded and further attempt to return the property will be made.

10.8. Animals

Drivers may not carry any animal which does not belong to a passenger in the vehicle. Carriage of an animal owned by a passenger is at the discretion of the driver, apart from guide dogs and other assistance dogs, which must be permitted with their owner free of charge (as per section 6.3).

10.9. Food in the vehicle

The driver must not eat or drink whilst carrying fare-paying passengers in the vehicle.

10.10. Music

Noise nuisance is to be avoided. Drivers must not use the radio or any other sound equipment without the express permission of the passenger. Even with passenger permission, the radio system must never be used in a way that would alarm or cause nuisance to any person, including members of the public.

10.11. Smoking

The council enforces a no smoking policy in licensed vehicles. Drivers must not smoke tobacco or e-cigarettes, nor allow passengers to smoke whilst in the vehicle. The vehicle must clearly have a no smoking sign on display.

11. Complaints about drivers

Members of the public are able to make complaints about drivers in the taxi and private hire vehicle trade. In these cases we will always keep in touch with the complainant while carrying out an investigation. Drivers will be told about the complaint, and invited to an interview to discuss it as part of the investigation. We will follow up by taking enforcement action where appropriate.

12. Enforcement

Our commitment to effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi and private hire vehicle trades. We believe that the majority of those in the taxi and private hire vehicle trades seek to comply with our policy and the law, and we see it as our role to clamp down on unlicensed operators and liaise with other agencies, especially the police, to ensure compliance with this policy and with the law. Any enforcement action will be taken in line with our Corporate Enforcement Policy.

12.1. Considerations

When we decide on enforcement action, the following will be taken into account to determine whether the person is fit and proper to remain a licensed trader.

- Witness statement (where appropriate, e.g. when a complaint is received)
- Interview with the driver/operator
- Previous history of the driver/operator

12.2. Levels of enforcement action

In the event of minor transgressions, particularly if the driver has no history of transgressions and the council believe that the transgression was unintentional, a written warning is likely to be issued.

In more serious cases of transgression, or where we find evidence of malpractice or non-compliance with this policy among licence holders, we can suspend or revoke licences. Where public safety is the primary cause for concern, we reserve the right to suspend or revoke licences immediately.

Licences which are suspended or revoked must be immediately returned to the council, along with any badges, cards and licence plates.

12.3. Appeals

If we refuse to grant or renew a licence, or we impose conditions upon a licence of any type, the applicant has a right of appeal. Licensees may also appeal against suspension or revocation of a licence. Any appeal must be lodged within twenty-one days of the decision. Any enforcement action that we take will also give notice of a right of appeal, if one exists.

13. Policy review

As a regulatory body, we are always monitoring changes to legislation. When changes take place, we review the policy and update it as necessary. We will also regularly carry out a review to monitor its effectiveness and keep it in line with best practice.

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Appendix A – Guidance notes for applicants (Drivers)

Am I eligible?

To become a taxi or private hire driver you will need to get a licence from the council. In order to be eligible for a licence you must:

- have held a full DVLA driving licence for at least 12 months
- be able to demonstrate that you are “fit and proper” to hold a licence

We carry out a number of checks to determine whether you meet these criteria, as outlined in the taxi licensing policy under Section 3 – Checks on the driver.

Before you apply

The Driving and Vehicle Standards Agency (DVSA) have a test specifically for taxi and private hire drivers. Applicants must complete a DVSA test before applying to the council for a driver’s licence.

Drivers must have a good working knowledge of the area in which they work. The council does not currently test applicants’ knowledge with a topographical test, but does expect new applicants to maintain the high standards expected by passengers.

Before applying for a licence, you must:

- have received your DVSA test certificate
- make sure you have the local geographical knowledge required of a driver

How to apply

You will need to complete and submit all of the following at the same time:

- application form
- a digital photo (sent via email to licensing@selby.gov.uk)
- Driving Licence Mandate
- DBS application form (CRB)
- three documents for proof of identity
- medical form completed by your own GP
- the relevant application fee (non-refundable)
- referee contact details for your character reference
- DVSA test certificate

What happens next?

Once the checks have been carried out the council will determine your application and inform you of their decision in writing. You may be asked to go to the Licensing Committee to provide further evidence that you are a fit and proper person.

If you are unsuccessful

Should you be unsuccessful, the reason for your refusal will be confirmed in writing. You will be informed of your right to appeal, which would go to the Magistrates' Court and must be made within twenty-one days of the notice of refusal.

If you are successful

If you are successful you will receive your driver's badge and licence along with your attached conditions. Once you receive your driver's badge you are licensed to drive a hackney carriage (for hackney carriage drivers) or a private hire vehicle (in the case of private hire drivers). The vehicles used for hire must be licensed by Selby District Council, although the vehicle that you drive does not necessarily have to be owned by you. When working as a driver you must wear your badge in such a position that it can be clearly seen at all times.

It is important that you read and fully understand your licence conditions, because if you are found to break them it may result in your licence being suspended or revoked. The driver's licence lasts one year and you will be sent a reminder for renewal 4–6 weeks before the licence expires.

How long does the whole process take?

We aim to deal with your application as quickly as we can, and normally within six weeks of receiving an application. However, because the process relies on other organisations to provide information it can sometimes take longer. An application will not be considered until all parts of the application have been received, including the relevant fee.

What if my circumstances change?

It is very important that the council knows of changes to circumstances which affect the licence. We have put together this list of things we need to be told about.

Every licensee must let the council know if they:

- move house, or change primary address details
- move business premises
- change contact details (including phone number and email address)
- receive a police warning or caution, or are fined or arrested

Additionally, every licensed driver must inform the council if they:

- have a motor vehicle accident
- get points on their driving licence, or are suspended/disqualified from driving
- develop a health condition, or a known health condition deteriorates
- change the operator through whom they work (private hire only)

Appendix B – Guidance notes for vehicles inspections

Vehicles are tested at least every year at a full vehicle inspection. Vehicles over five years old also have interim inspections (see Section 5 – Vehicles).

Paperwork

The following documents must be presented at Access Selby Customer Contact Centre before the annual full vehicle inspection:

- the relevant inspection fee
- MOT certificate (required for taxis even if the vehicle less than three years old)
- insurance certificate
- application form
- vehicle registration document (logbook)
- evidence of current vehicle tax

Interim inspections will only need the following:

- the relevant inspection fee
- MOT certificate
- insurance certificate

Vehicle standards

At the inspection, as throughout the year, the vehicle must be:

- safe, clean and tidy inside and out
- in good mechanical order
- fitted with working seat belts
- fitted with a fire extinguisher, which in turn must be:
 - a dry powder extinguisher
 - at least 600g
 - within its functional date (i.e. not expired)
 - near the driver
 - readily available for use at all times

Seating

The vehicle must be presented for inspection with the number of seats in position for which it is licensed. If it is wheelchair accessible, the number of seats and wheelchair spaces must not exceed the number of seats for which the vehicle is licensed.

Licence plates

If the vehicle is being inspected at renewal or for an interim inspection, the large plate must be securely attached to the rear of the vehicle. The small plate must be securely fixed to the dashboard.

If the vehicle has not been previously licensed, the plates will be issued after the vehicle has passed its test, and must be securely attached straight away.

If you are changing your vehicle or taking it off the road, the old plates must be returned to the council before the new plates and licence are issued.

Notice for display in vehicle

It is encouraged that the notices overleaf be displayed in a prominent position, visible to passengers. There is one notice for taxis and one for private hire vehicles, highlighting some of the differences between the licences and vehicle type.

Notice for taxi passengers – what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the meter within the licensed area, unless the passenger has agreed to hire by time.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Notice for passengers of private hire vehicles – what you can expect from the private hire vehicle trade and what the trade can expect from you

The driver will:

- Ensure that the passenger has pre-booked and agrees the fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Appendix C – Relevance of convictions

The guidance for the relevance of convictions that we use has regard to the joint circular distributed by the Department of Transport and the Home Office (DOT 2/92, HO 13/92).

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Driver's licence may be granted after its restoration but a warning should be issued as a future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc should normally merit a warning as to future conduct and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period

of 5 years should elapse after treatment is complete before a further licence is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Appendix D – Hackney carriages enforcement

The following sections outline the hackney carriage offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offence under the Town Police Clauses Act 1847

- Giving false information on application for hackney carriage proprietor's licence
- Failure to notify change of address of hackney carriage proprietor
- Plying for hire without hackney carriage proprietor's licence
- Driving a hackney carriage without hackney carriage driver's licence
- Lending or parting with hackney carriage driver's licence
- Hackney carriage proprietor employing unlicensed driver
- Failure by hackney carriage proprietor to hold hackney carriage driver's licence
- Failure by hackney carriage proprietor to produce hackney carriage driver's licence
- Failure to display hackney carriage plate
- Refusal to take a fare
- Charging more than the agreed fare
- Obtaining more than the legal fare
- Travelling less than the lawful distance for an agreed fare
- Failing to wait after a deposit to wait has been paid
- Charging more than the legal fare
- Carrying other person than the hirer without consent
- Driving hackney carriage without proprietor's consent
- Person allowing another to drive hackney carriage without proprietor's consent
- Drunken driving of hackney carriage
- Wanton or furious driving or wilful misconduct leading to injury or danger
- Driver leaving hackney carriage unattended
- Hackney carriage driver obstructing other hackney carriages

Offence under the Local Government (Miscellaneous Provisions) Act 1976

- Failure to notify transfer of hackney carriage proprietor's licence
- Failure to present hackney carriage for inspection as required
- Failure to inform local authority where hackney carriage is stored if requested
- Failure to report an accident to local authority
- Failure to produce hackney carriage proprietor's licence and insurance certificate
- Failure to produce hackney carriage driver's licence

- Making false statement or withholding information to obtain hackney carriage driver's licence
- Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence
- Failure to surrender driver's licence after suspension, revocation or refusal to renew
- Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
- Charging more than the meter fare for a journey ending outside the district, without prior agreement
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

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Appendix E – Private hire enforcement

The following sections outline the private hire offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offence under the Local Government (Miscellaneous Provisions) Act 1976

- Using an unlicensed private hire vehicle
- Driving a private hire vehicle without a private hire driver's licence
- Proprietor of a private hire vehicle using an unlicensed driver
- Operating a private hire vehicle without a private hire operator's licence
- Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
- Operating a private hire vehicle when the driver is not licensed as a private hire driver
- Failure to display private hire vehicle plate
- Failure to notify transfer of private hire vehicle licence
- Failure to present private hire vehicle for inspection as required
- Failure to inform local authority where private hire vehicle is stored if requested
- Failure to report an accident to local authority
- Failure to produce private hire vehicle licence and insurance certificate
- Failure to produce private hire driver's licence
- Failure to wear private hire driver's badge
- Failure by private hire operator to keep records of bookings
- Failure by private hire operator to keep records of private hire vehicles operated by him
- Failure to produce private hire operator's licence on request
- Making false statement or withholding information to obtain private hire driver's or operator's licence
- Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence
- Failure to surrender drivers licence after suspension, revocation or refusal to renew
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

Offence under the Transport Act 1980

- Driving a private hire vehicle with a roof sign which contravenes section 64(1)
- Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)

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Appendix F – Glossary

Applicant	An individual or organisation applying for a licence or licences from the council.
Authorised officer	An officer of the council with powers to enforce.
Council	In this policy, the council refers to Selby District Council
CRB	Criminal Records Bureau. See DBS.
DBS	Disclosure and Barring Service. An agency which provides records of criminal records and history to the council.
Driver's licence	A licence issued by the council to taxi and private hire vehicles, drivers and operators.
Driving licence	A licence issued by the DVLA to all motorists.
DSA	Driving Standards Agency. See DVSA.
DVLA	Driving and Vehicle Licensing Agency
DVLA Group 2	A standard of medical health required of professional drivers and drivers of large vehicles. It has a higher standard of health than the standard Group 1, which is required of all licensed motorists.
DVSA	The DSA (Driving Standards Agency) and VOSA (Vehicle and Operator Services Agency) have merged to become the DVSA (Driving and Vehicle Standards Agency). They are responsible for a number of functions, including the assessment for taxi driving standards, which we require of all licensed drivers in the district.
Hackney carriage	See taxi.
Licensing Committee	A committee of Selby District Council which determines applications for licences, including taxi and private hire.
Minicab	A word sometimes used to describe private hire vehicles.
MOT	Ministry of Transport. Usually used to refer to the test and vehicle inspection which makes sure that all vehicles on the road are roadworthy and safe.
Taxi	A vehicle which can be hired under the Town Police Clauses Act (1847). Also known as a hackney carriage.
Taximeter	A meter which calculates the distance travelled and time spent on a passenger journey in a taxi. The rates are set by the council and determine a fair fee for both passenger and driver.
Private hire	A vehicle which can be hired under the Local Government (Miscellaneous Provisions) Act 1976.
VOSA	Vehicle and Operator Services Agency. See DVSA.
We	In this policy, "We" refers to Selby District Council.

Selby District Council

REPORT

Reference: E/14/35

Public – Item 11



To: The Executive
Date: 2 October 2014
Status: Non Key Decision
Report Published: 24 September 2014
Author: Gillian Marshall, Solicitor to the Council
Executive Member: Cllr Mark Crane
Lead Officer: Mary Weastell, Chief Executive

Title: Review of the Constitution

Summary:

This Report sets out the findings of the Audit Committee Review of the Constitution incorporating a further recommendation in relation to Article 13 of the Constitution as a result of the coming into force of the Openness in Local Government Bodies Regulations 2014. The Executive is asked to consider this report and to provide their comments on the matters set out in Section 2. The Executive is also asked to refer the Report and comments to Council to be considered at their meeting on 14 October 2014 with a recommendation that any changes be brought into force on 1 November 2014 except for those which need to take effect after the election in 2015 which should take effect from the first AGM of the 2015/16 municipal year.

Recommendations:

To note and provide comments on the Report at Appendix A setting out the findings of the Audit Committee Review of the Constitution and to refer any comments and the report to Council to be considered at their meeting on 14 October 2014 with a recommendation that any changes be brought into force on 1 November 2014 except for those which will take effect after the election in 2015.

Reasons for recommendation

- (i) To complete the work on the review of the Constitution requested by Council on 29 April 2014.

1. Introduction and background

- 1.1 Audit Committee were requested to undertake a review of the Constitution of the Council and report back to the Executive and to Council (minute 94 of Council on 29 April 2014 refers)
- 1.2 Audit Committee held three special meetings in June and July 2014 considering individual parts of the Constitution. The discussions and recommendations of the Committee have been brought together in one overall report which is attached at Appendix A

2. The Report

- 2.1 There are 14 recommendations in total arising from the Audit Committee Report together with 10 appendices containing revised versions of sections of the constitution. This covering report draws out the key matters.

2.2 Committee and Councillor Numbers

The Audit Committee Report recommends that the number of councillors appointed to the planning and licensing committees be set at 10 councillors. This is a reduction in the case of planning from 12 to 10 and is based on the statutory requirement for the minimum number of councillors on licensing to be set at 10.

- 2.3 The report also recommends retaining the 3 committees making up the overview and scrutiny function. Although the Audit Committee considered merging Overview and Scrutiny and Policy Review, they felt this was not the appropriate way forward given that one should be involved in policy development and the other should be scrutinising and reviewing policies once developed. They do recommend reducing the numbers on each committee from 9 to 7 making a total of 21 councillors involved in overview and scrutiny. They also felt that a combined committee would probably need more than nine members and therefore 2 committees would probably have membership of 10 councillors each making a total of 20 councillors.

- 2.4 Other amendments proposed include those to meet legislative requirements to have a recorded vote on budget decisions and to meet requirements under the new Openness of Local Government Bodies Regulations 2014.

2.5 Delegation

Audit Committee felt that Part 3 of the constitution (responsibility for functions) struck the appropriate balance in decision making between councillors and officers. However Part 3 has been redrafted in terms of format and layout. There are also some additions by way of updating

including setting out the existence of, and powers delegated to, a licensing sub-committee to make decisions on individual licence applications.

- 2.6 Substitute councillors – following advice Audit Committee recommend that a pool of substitute councillors should be appointed by the Council at the AGM for each committee. Each political group will be asked to nominate the pool of substitutes in the number that they consider appropriate for each committee.
- 2.7 The Audit Committee specifically ask Executive to consider and provide comment on the following: –
- whether the Executive Procedure Rules should be amended to incorporate the right of a non-member of the Executive to attend meetings and speak with the consent of the Leader to mirror the provisions for other committees and formalise existing practice
 - that elements relating to the power to call in of executive decisions and rules relating to urgent decisions not on the forward plan should be included within the executive procedure rules rather than including elsewhere (in the overview and scrutiny and access to information rules). In this way there would be one comprehensive set of procedures governing executive processes.
 - That the State of the Area address provided for in the Constitution is not the best method of ensuring the widest possible discussion and publicity for the issues facing and plans for the District. It could therefore be removed from the Constitution as a requirement and replaced with another method of communication.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 Under Article 15 of the Constitution changes will only be approved by Council after consideration of the proposals by the Executive taking into account the advice of the Chief Executive or Monitoring Officer.
- 3.1.2 Matters relating to Executive procedures are a matter for the Executive to determine subject to compliance with the Local Government Act 2000.

3.2 Financial Issues

- 3.2.1 There are no financial issues arising from this report.

3.3 Impact Assessment

- 3.3.1 These changes have taken into account the drive for openness and transparency in national policy and meet the Council's Value of Building Trust by being open and accountable.

3.3.2 There are impacts for Councillors and their community/ward leadership roles in the proposals for the numbers of Committee and membership.

4. Conclusion

4.1 That Executive should consider the Audit Committee Report. make any comments on the matters raised in Section 2 or the Report as a whole and refer the recommendations and comments to Council for consideration.

5. Background Documents

None

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Appendices:

Appendix A – *To Follow* - Report of the Audit Committee into the Constitution