

21 November 2023

Committee	Executive
Date	Wednesday, 29 November 2023
Time of Meeting	2:00 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

	Item	Page(s)
4.	MINUTES To approve the Minutes of the meeting held on 9 November 2023.	1 - 14
5.	ITEMS FROM MEMBERS OF THE PUBLIC To receive any questions, deputations or petitions submitted under Rule of Procedure 12. <i>(The deadline for public participation submissions for this meeting is Thursday 23 November 2023)</i>	
6.	FEEDBACK FROM CHAIR OF AUDIT AND GOVERNANCE COMMITTEE	
7.	FINANCIAL UPDATE - QUARTER TWO 2023/24 To consider the quarterly budget position.	15 - 39
8.	MEDIUM TERM FINANCIAL STRATEGY 2024/25 - 2028/29 To recommend to Council that the Medium Term Financial Strategy be adopted.	40 - 62
9.	TEWKESBURY GARDEN TOWN PROGRAMME DELEGATIONS To recommend to Council that that authority be delegated to the Chief Executive to: <ul style="list-style-type: none"> i) prepare bids for external revenue funding to support the delivery of the Garden Town programme; ii) accept grants of external revenue funding and agree any terms and conditions associated with those awards; iii) deploy the revenue resources in line with the funding bids and the Garden Town programme following the Council's normal procedures for procurement and the appointment of staff; iv) ensure continued stakeholder engagement related to the programme takes place informed by production of a Tewkesbury Garden Town Charter for subsequent, specific approval by Council in February 2024; v) undertake activities to progress the Garden Town programme, including sourcing potential partner capital funding, whilst seeking specific Council approval for: <ul style="list-style-type: none"> • acceptance of any partner grant for capital works; and • acting as lead for delivery of infrastructure elements of the programme where necessary; and vi) provide quarterly update reports to Council on progress with the Garden Town programme. 	63 - 66
10.	INFRASTRUCTURE FUNDING STATEMENT AND ANNUAL COMMUNITY INFRASTRUCTURE LEVY RATE SUMMARY STATEMENT To recommend to Council that publication of the Infrastructure Funding Statement, relating to the financial year ending 31 March 2023, by 31 December 2023, be approved and that the Annual Community Infrastructure Levy Rate Summary Statement be published alongside the Infrastructure Funding Statement by 31 December 2023.	67 - 117

	Item	Page(s)
11.	REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY	118 - 221
	To adopt the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy attached at Appendix B to the report.	
12.	REVIEW OF STREET TRADING LICENSING POLICY	222 - 253
	To adopt the revised Street Trading Licensing Policy attached at Appendix A to the report.	
13.	COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY	254 - 265
	To adopt the revised Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy and to delegate authority to the Executive Director: Resources, in consultation with the Head of Service: Revenues and Benefits and the Head of Service: Counter Fraud and Enforcement Unit, to approve future minor amendments to the policy.	
14.	EXECUTIVE COMMITTEE FORWARD PLAN	266 - 277
	To consider the Committee's Forward Plan.	
15.	SEPARATE BUSINESS	
	The Chair will move the adoption of the following resolution:	
	That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
16.	IRRECOVERABLE DEBTS WRITE-OFF REPORT	278 - 281
	<i>(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))</i>	
	To approve the write-off of irrecoverable debts.	

DATE OF NEXT MEETING
WEDNESDAY, 10 JANUARY 2024
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: C M Cody, C F Coleman, S R Dove, D W Gray, S Hands (Vice-Chair), D J Harwood, A Hegenbarth, M L Jordan, J R Mason, J K Smith, R J Stanley (Chair) and M G Sztymiak

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 9 November 2023 commencing at
10:30 am**

Present:

Chair	Councillor R J Stanley
Vice Chair	Councillor S Hands

and Councillors:

C M Cody, C F Coleman, S R Dove, D W Gray, D J Harwood, A Hegenbarth, M L Jordan,
J K Smith, M G Sztymiak and R J E Vines (Substitute for J R Mason)

also present:

Councillor P W Ockelton

EX.40 ANNOUNCEMENTS

40.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

EX.41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

41.1 Apologies for absence were received from Councillor J R Mason. Councillor R J E Vines would be a substitute for the meeting.

EX.42 DECLARATIONS OF INTEREST

42.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

42.2 There were no declarations made on this occasion.

EX.43 MINUTES

43.1 The Minutes of the meeting held on 6 September 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.44 ITEMS FROM MEMBERS OF THE PUBLIC

44.1 There were no items from members of the public.

EX.45 COUNCIL PLAN PERFORMANCE TRACKER QUARTER ONE 2023/24

- 45.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 14-75, asked Members to review and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one 2023/24 performance management information.
- 45.2 In the absence of the Chair and Vice-Chair of the Overview and Scrutiny Committee, the Director: Corporate Resources advised that the performance information had generated questions across a broad range of issues and activities as exemplified in the report. Members had raised particular queries regarding the cessation of the trade waste service, an update on which was due to be provided at the Transform Working Group meeting the following week, as well as complaints with the annual complaints report subsequently being presented to the last meeting of the Overview and Scrutiny Committee which had demonstrated that the authority received a low number of formal complaints given the amount of customer transactions. The Committee had been particularly concerned regarding the Key Performance Indicator (KPI) around the number of planning appeals overturned and that it may at some point exceed the government threshold of 10%. During the discussion, Members had been informed that over £600,000 had been spent on appeals in 2022/23 against a budget of £60,000. This had led to the unusual step of the Chair raising the matter with the Leader and Deputy Leader of the Council and offering the Overview and Scrutiny Committee's support in undertaking any additional investigations felt necessary. It would be interesting to see whether performance had improved during quarter two and it was possible the Committee may ask for a separate report in relation to this matter.
- 45.3 A Member drew attention to Page No. 15 of the report which indicated that the Committee had discussed the action around ensuring that Council Tax remained in the lowest quartile nationally and asked whether Members were aware there was a limit in terms of how much Council Tax could be increased without a referendum. The Executive Director: Resources advised that those discussions had begun at the Overview and Scrutiny Committee and would continue at the Medium Term Financial Strategy seminar which would be arranged for all Members in due course. With regard to Page No. 37 of the report and the action around working with Cotswold Tourism and Visit Gloucestershire to promote the borough, the Member was aware that a lot of visitors came from America and Asia and she felt that care needed to be taken in terms of how this action was achieved given that the Council had declared a climate emergency. The Executive Director: Place felt it would be worth contacting the Local Visitor Economy Partnership (LVEP), which carried out benchmarking against categorisation of visitors and destinations and had historically set targets in relation to this, to establish whether it had reviewed its position due to climate emergency objectives and priorities. The Member went on to draw attention to Page No. 39 of the report, KPI 8 in relation to the number of workshops/events delivered through the Growth Hub and asked whether more could be done to make Members aware of these events in order to promote them to their communities. The Director: Corporate Resources undertook to establish if the Growth Hub had a programme of events which could be shared with Members.
- 45.4 With regard to Page No. 41 of the report, Objective 1, Action b) Increase the temporary housing accommodation supply, a Member was aware of rough sleepers who would not move from under a bridge, despite it being at risk of flooding, as they would be taken off the homeless list; similarly, anyone who sofa surfed were also removed from the list as things stood and she felt this needed to be changed. The Executive Director: Place undertook to check the situation following the meeting and to update Members accordingly. In respect of Page No. 48 of the report, KPI 16 - New affordable housing properties delivered on Joint Core Strategy (JCS) sites by tenure type, a Member raised concern that no social

rented properties had been delivered. The Chair indicated that, in the absence of the relevant Officers and Lead Member, a response would be provided following the meeting. With regard to Page No. 66 of the report, Objective 2, Action b) Promote a healthier lifestyle through working with Active Gloucestershire through the 'We Can Move' programme, a Member raised concern that she was unaware of the schemes which had been initiated despite being one of the Lead Members and the Chair indicated that an update would be sought from Officers following the meeting. In terms of Page No. 69 of the report, KPI 39 – Number of reported enviro-crimes, a Member raised concern that the number of reports was quite low in some areas, particularly dog fouling which continued to be a significant issue for local residents despite the Council having a Public Space Protection Order. The Chair agreed this must be massively underreported as there would have been more than two incidents of dog fouling, as suggested by the report. He had raised this matter previously, as had other Members, but he recognised this was partly due to resources with Officers focusing on other priorities. A Member indicated that she had taken this up with the Director: Communities who had looked into the possibility of Town and Parish Councils jointly financing a Dog Warden; however, indicative costs suggested this would not be feasible. The Lead Member for Clean and Green Environment indicated that she would raise this at her next Portfolio Briefing and update Members accordingly. Another Member noted that the number of abandoned vehicles had increased to 33 from 12 in the previous year and he asked what responsibilities the Council had in relation to recovering abandoned vehicles and if it incurred costs as a result of that. The Chair advised that a response would be provided to Members following the meeting giving the context around the increase and whether any specific locations were problematic. A Member felt it would be useful to know the definition of an abandoned vehicle as some may not actually be abandoned and she asked for that to be included in the response.

45.5 It was

RESOLVED: That the findings of the Overview and Scrutiny Committee's review of the quarter one 2023/24 performance management information be **NOTED**.

EX.46 FEEDBACK FROM CHAIR OF AUDIT AND GOVERNANCE COMMITTEE

46.1 The Vice-Chair of the Audit and Governance Committee provided feedback from the last meeting of the Audit and Governance Committee held on 27 September 2023.

46.2 The Vice-Chair of the Audit and Governance Committee advised that the Committee had received training in relation to the Statement of Accounts prior to the meeting and the accounts had subsequently been approved at the meeting. A range of Officers had been in attendance to answer questions in relation to the various items of business along with a representative from Grant Thornton who had advised that no significant issues had been identified during its audit of the accounts which was a positive outcome for the authority. It was noted that Grant Thornton was yet to complete its work on the value for money element of the audit which was due by the end of December but no significant risks were expected. It was clear that local authorities were finding it difficult to get audit work completed so it was a considerable achievement for Tewkesbury Borough Council to have done this in line with the expected timescales. It was noted that Bishop Fleming had been appointed as the Council's external auditor going forward. The Committee had been presented with the corporate risk register and several suggestions had been made around improving its presentation. The Head of Service: Audit and Governance had presented the internal audit monitoring report around work undertaken to date, which included audits of garden waste and

Disabled Facilities Grants (DFGs), as well as the plan for the next six months. The Annual Governance Statement had been approved by the Committee with suggestions made regarding its layout, style and accessibility for those who were not on the Committee. Based on the reports presented, the Vice-Chair of the Audit and Governance Committee was confident the authority was in a good place.

46.3 A Member noted that Grant Thornton was being replaced by Bishop Fleming as the Council's external auditor and asked who had made that decision. In response, the Executive Director: Resources advised that Grant Thornton was coming to the end of its second five-year contract with the authority. Public Sector Audit Appointments (PSAA) was used to procure a contract on behalf of the majority of local authorities, including Tewkesbury Borough Council - Grant Thornton had no particular interest in smaller district audits and, as a result, more players had entered the market including Bishop Fleming which had picked up many of the districts in the South West including all of those in Gloucestershire.

46.4 It was

RESOLVED: That feedback from the Chair of the Audit and Governance Committee on matters discussed at its last meeting be **NOTED**.

EX.47 CHELTENHAM, GLOUCESTER AND TEWKESBURY STRATEGIC AND LOCAL PLAN PUBLIC CONSULTATION (REGULATION 18)

47.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 76-122, attached, at Appendix 1, the Strategic and Local Plan Consultation Document which was proposed to be used for public consultation on broad spatial options and policy issues in line with the relevant legislation. Members were asked to recommend to Council that the Strategic and Local Plan Consultation Document be approved for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare diagrams illustrating the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.

47.2 The Lead Member for Built Environment advised that, as Members were aware, the Council had agreed to formally work together with Cheltenham Borough and Gloucester City Councils on a Strategic and Local Plan (SLP). This was the start of a long journey and, as had been discussed many times, there would be important decisions and choices to make on the way. The formative Regulation 18 stage was about asking people what they thought the plan should contain and obtaining views on broad policy options and issues – it was about big questions such as how and where to respond to the needs of a growing population and how to address climate change and nature recovery through the planning system. It was therefore proposed that the draft document, attached at Appendix 1 to the report, be published to form the basis of a wide ranging round of public consultation and engagement starting in December. This included a draft vision and strategic objectives which had been discussed at various points with Tewkesbury Borough Council's Planning Policy Reference Panel, and equivalent Member panels across the partnership. It also set out a range of issues and posed 31 questions to start the conversation with communities and the development industry. The Planning Policy Reference Panel recently met jointly with the Member Working Groups from Cheltenham Borough and Gloucester City Councils and a large number of helpful comments and suggestions were made on an earlier version of the document. To a large extent, these were reflected in the revised

draft consultation document set out in the Committee papers. She reiterated that one of the recommendations was that the document be further refined before being published in December. This would include concept diagrams, which were currently being drawn up, which will attempt to generally illustrate – without showing site details – the patterns of development that would arise from the various growth options presented in the document. Gloucester City Council's Cabinet had approved the document the previous night and Cheltenham Borough Council will be considering the document at its Council meeting on 11 December 2023. It was proposed to launch the consultation immediately after Tewkesbury Borough Council's meeting on 12 December 2023, to ensure that documents were in the public domain before Christmas, with active engagement commencing early in 2024. It was proposed that the consultation should be for no less than eight weeks in part to recognise the interruption of the Christmas break. In terms of the approach to consultation - which would be an important part of this process, as had previously been discussed by the Committee - although there were minimum standards in the Statement of Community Involvement, it was intended to be ambitious and creative and work was underway to reach as many people as possible, including young people who traditionally did not take part in such consultations; this would include a mixture of face to face, digital and targeted methods. The proposed approach to consultation would be discussed at another joint Planning Policy Reference Panel meeting to be arranged shortly. This marked the early stages of the SLP, and it was recommended that Council should be asked to resolve that the document at Appendix 1 be published for consultation; as a number of minor amendments and corrections would be needed, including inclusion of the diagrams, delegated authority was also being sought for these to be made by the Associate Director: Planning in consultation with the Lead Member for Built Environment prior to issuing the final document.

- 47.3 In response to a query as to whether there was any update in relation to Page No. 88, Paragraphs 1.17-1.19 of the report in respect of planning reform, the Interim Planning Policy Manager advised that the document acknowledged there were multi-layered reforms being proposed, some of which may happen whereas others may not in terms of planning. Most significantly, the enactment of the Levelling Up and Regeneration Bill would have an effect on the way things moved forward but nothing had happened which would fundamentally alter the approach being taken in respect of this document.
- 47.4 A Member expressed the view that it would be beneficial to have a 10 week consultation given the Christmas break. She noted that the document would be subject to minor revisions prior to publication and indicated that she had noticed several spelling and punctuation errors as well as some jargon which Members would understand but lay persons may not. In addition, she pointed out that the links included within the document were not currently active. With regard to Page No. 83 of the report, which talked about the way people lived in the area, she did not think it was mentioned that Tewkesbury, in particular, was an attractive rural area. Page No. 84 of the report referred to 10% Biodiversity Net Gain and she felt this should also mention that 25% would be expected for a Garden Town; in addition, Officers had undertaken to find out whether the same percentage applied to Garden Villages. The Associate Director: Planning advised that 25% Biodiversity Net Gain for Garden Towns was not set through legislation; it may be that the government was pushing Garden Towns to go further but that decision would be through policy made at a local level, through a local plan, and would be considered through the plan-making process. The Interim Planning Policy Manager confirmed that the document posed a specific question as to whether the SLP should require more than the mandatory minimum 10% Biodiversity Net Gain through development.

- 47.5 The Member went on to draw attention to Page No. 87 of the report, which referred to working with other Councils and stakeholders and the duty to cooperate, as she felt this needed to be made much clearer. Residents did not understand why there was so much building in Tewkesbury Borough but it still did not have a five year housing land supply. Page No. 91, Paragraph 2.7 of the report did not seem to contain a full sentence and Paragraph 2.9 of the report was confusing in the way it was written. The Interim Planning Policy Manager acknowledged that the document would need to be reviewed in terms of grammatical corrections and he referred to the ambitious timetable Officers had faced in order to go out to public consultation before the end of the year following the Council resolution in July. Several Officers had been working on the document in tandem in order to get it to a point where it could go into the respective Council's Committee cycles and it may be that some of the paragraphs identified had already been made into Plain English. It was a real challenge to express technical concepts which were aimed as much at the development industry as members of the public and there would come a point where the document could not be made any more straight forward; however, he provided assurance that Officers would continue to endeavour to make such improvements where possible. In terms of Paragraph 2.7 specifically, this related to the concept that, although the Council had resolved to go forward with Cheltenham Borough and Gloucester City Councils, there would be issues for Tewkesbury Borough, or parts of Tewkesbury Borough, only which must not be lost – Cheltenham Borough and Gloucester City would also have their own issues. The document asked which matters were strategic and needed to be addressed jointly and which were locality based. With regard to Paragraph 2.9, the important principle at this stage was that no decisions were being made about sites, or the approach as to where sites ought to be. At some point there was a duty to publish a Housing and Economic Needs Assessment, and a call for sites had been issued to identify suitable land, but this consultation document was in very broad terms, albeit there would be site specific evidence underpinning it. The Lead Member for Built Environment indicated that the duty to cooperate had been discussed by the Planning Policy Reference Panel and there was a general opinion that the Joint Core Strategy had not benefited Tewkesbury Borough Council in the way it should have done. There was a need to improve upon the last agreement and it was up to Members to ensure there was a better outcome from this process.
- 47.6 With regard to the climate change objectives at Page No. 94 of the report, the Member pointed out that nothing was included in respect of insulation and Page No. 95 of the report made no reference to pool cars which she felt needed to be promoted. The Chair explained that sustainable transport and active travel was a priority and this focused on reducing the need to travel and creating real options for healthy and accessible and walkable neighbourhoods where key services were available without the need to use motorised transport. The Member pointed out that people would still need to use cars but there should be a focus on sustainability – people did not need to own a car, they could use a pool car as and when it was appropriate to do so. The Lead Member for Built Environment reminded Members this was a consultation document so it was important not to get caught up on the detail; the Regulation 18 stage was about asking people what they thought the plan should contain and residents should be encouraged to input into the consultation which would form the basis of what was ultimately taken forward. The Member took the point this was a consultation but expressed the view that the document was making suggestions. Page No. 109 of the report talked about people shopping online or at retail parks but did not refer to the movement of people who had stopped consuming and she felt the Council had a responsibility to include some of those options in the document. In response, the Associate Director: Planning explained it was a stylistic choice in terms of how Officers had put together the consultation document to offer a flavour of what some of the responses might be to the issues identified, for example, reducing the need to travel or moving to sustainable modes of travel would certainly have an impact

on climate change but he felt that car pooling was probably a separate category and he suggested including a statement to cover all sections of the document to clarify it was not intending to be exhaustive. In his experience, whilst there were documents which did not go as far as providing examples, these did not tend to get the best responses so a balance needed to be struck. The Member made reference to Page No. 111 of the report which talked about “green infrastructure”, and Page No. 113 of the report which referred to six development scenarios, and felt these were good examples of jargon which members of the public may not be familiar. The Chair suggested this could be addressed through the consultation exercises but the Member pointed out that some people would engage online rather than in-person and others would not be able to attend the events at all. In response to a query, confirmation was provided that a glossary of terms would be included in the document prior to publication. The Associate Director: Planning reminded Members that part of the delegation being sought from the Committee was for himself, in consultation with the Lead Member for Built Environment, to prepare diagrams and all six of the development scenarios could be shown easily on an A4 plan. The final document for publication would include plans, maps and diagrams which could explain concepts far better than words.

- 47.7 A Member acknowledged the time pressures to bring this document forward and expressed his gratitude to Officers. In his view, although it was a consultation he questioned how far it needed to go to prompt residents to think about the issues they needed to tell the Council about – he would not have read the document and thought about pool cars unless prompted. He asked whether the Communication teams from the three authorities were working together and suggested there should be greater reliance on them in terms of the appropriate style and language for the document. He was unconcerned about the consultation period falling over the Christmas period as this could be a good opportunity to engage with people when they did not have as much to think about. He asked which organisations, businesses and schools etc. had been lined up to assist with the consultation and whether there was a target for the level of engagement which could be monitored so that something could be done if the required amount of responses had not been reached mid-way through the consultation. The Member noted that the document would be going to Council for approval and he asked that it be recirculated to Members as soon as there was any significant amendment so they had as much time as possible to feed into the process. With regard to the iterations between now and publication, the Interim Planning Policy Manager explained that, in order to expedite the timetable, this document would be going to the Extraordinary Council meeting on 21 November 2023 in its current form and the recommendation to delegate authority to the Associate Director: Planning and the Lead Member for Built Environment would enable them to make those changes before publishing – Officers were not envisaging changes ahead of Council as a result of conversations today. The Member indicated that he did not want to get to the point before Council where Members felt they had not had their say. In response, the Chief Executive reiterated the astonishing amount of work from Officers to produce the document in accordance with the timescale – work had been done at pace and he reminded Members that Gloucester City Council had already approved the document. It was intended to use video clips alongside the document to explain what each question was trying to achieve, which would go some way to assist with the concerns being raised. A joint approach was being taken to communications across the three authorities which was being led by Tewkesbury Borough Council’s Associate Director: Transformation and he provided assurance that the amendments could be pulled together prior to publication. The Interim Planning Policy Manager advised that a sub-team was currently putting together a consultation strategy and it was intended to take this to a joint meeting of the Planning Policy Reference Panel at the end of November for discussion. He provided assurance that the consultation was going well beyond the statutory minimum and the communications platform would be capable of hosting videos

and map-based solutions with built-in benefits of Artificial Intelligence (AI) to gather what people were saying and feed this back. There would also be face to face sessions and facilitated sessions run on Teams. It was intended to engage young people in a way they had not been before and work was ongoing with youth engagement teams on use of peer to peer techniques. He undertook to provide a list of all of the proposed consultees for engagement so that Members could notify Officers of any gaps or organisations they were aware of which ought to be involved.

- 47.8 Another Member was pleased to see education included but felt that the document could go further and asked whether secondary schools could do more to get families talking about it – the SLP would ultimately be something which affected people with school age children on a daily basis. Similarly, the document said very little about leisure and sport – health was mentioned but not physical activity. He expressed the view that it was important to use schools, colleges and universities to engage with young people. University students had chosen to come to Gloucestershire, many of whom lived in student accommodation for at least a year, but were subsequently not staying in the area due to the lack of jobs and places to live - they were an essential part of this but would feel the document was not written for them. If students were to engage in the consultation, there needed to be recognition of the Christmas break when the majority left the county.
- 47.9 A Member noted that Page No. 105, Paragraph 5.24 of the report stated “In total, this process resulted in XX sites being submitted and these are currently being assessed...” and she asked if the number of sites would be included prior to publication. The Interim Planning Policy Manager advised that an enormous amount of evidence-based work, including a call for sites, was behind this document and he provided assurance that these placeholders would be populated by the end of December. Page No. 106, Paragraph 5.33 of the report indicated that the evidence in the Gloucestershire Economic Needs Assessment had been prepared at a time when the implications of Brexit and COVID-19 had not been fully known, therefore, it was intended to review that evidence to inform subsequent stages of the SLP and a Member asked when that would be done. The Interim Planning Policy Manager advised that the document did explain what the next steps would be but he reiterated the ambitious timetable to drive forward a draft plan to be ready for adoption in early 2025 which gave just over a year to update the entire evidence base. There were project management tools in place for this specific piece of evidence so it was intended to update this during the first quarter of 2024/25. All of this information would be hosted on a new website which was about to go live. With regard to Page No. 108, Paragraph 5.40 of the report, which referenced the diverse range of economic sectors within Tewkesbury Borough, the Member was surprised there was no mention of agriculture, ecology, biology etc. and she felt these needed to be added.
- 47.10 A Member raised concern at the lack of emphasis on building on brownfield land; Page No. 114, Paragraph 6.16 of the report included “supports maximum use of previously developed land and urban regeneration” as a benefit of urban concentrations but that was as far as it seemed to go. He questioned whether this needed to be drawn out more explicitly in the document; in his view, it was less intrusive to the environment to develop brownfield sites. The Lead Member for Built Environment advised that Cheltenham Borough and Gloucester City had a limited space for development so density of development had to be greater than in other areas and that was possibly one reason. The Interim Planning Policy Manager explained that the consultation presupposed there would be more effective use of brownfield land before looking at greenfield options. Scenario 1 - Urban Concentrations was asking whether to go beyond the comfort zone in Cheltenham and Gloucester to supersize the brownfield contribution to the overall plan. He undertook to review the wording to ensue this came across clearly in the document. The Associate Director: Planning advised that, although the

consultation document framed it as a choice between a number of broad brush options, or 'scenarios', in moving to a formative strategy, the reality would be an element of a number of these options.

- 47.11 A Member recognised the considerable amount of work which had gone into the production of this detailed document; his concern was around the ability to quantify the written responses to the 31 questions and whether the strength of feeling would be captured. For instance, the document could pose a question around whether people thought it was a good idea for the three authorities to work together but it was presented as if that had already been decided. He appreciated the tight timescales but felt it was almost giving people the answers but then asking for their opinion and pointed out that people would be looking for maps. He felt this needed to be a long term document – the Council should not be going through this process every three years if it was a 10 year plan – so it required a deep-dive and Council should not be presented with this as a final document on the basis that Gloucester City Council had already approved it. In his view, the success of the consultation relied on how the three authorities brought forward the key issues. The Lead Member for Built Environment pointed out that the Council had already voted in favour of working with the other two authorities on the SLP and establishing what was in the plan was a separate issue. Officers had stated there was a concerted need to quantify responses and this would be presented to Members in due course. As had already been mentioned, there was a joint Planning Policy Reference Panel meeting at the end of the month, which any Member could attend, where the issues would be debated – there had been considerable discussion and feedback at the first meeting so she urged Members to take that opportunity to express any strong opinions. The Interim Planning Policy Manager reiterated that the document intended to get the ball rolling and the representations, both formal and informal, would be gathered together in the New Year to work out what this meant in terms of priorities in order to produce a preferred options document. This would take place over a 12 month period and assurance was provided that adequate time had been allocated for this to be done properly. The Member indicated that he would be uneasy voting to approve a document that included maps which he had not seen. In response, the Chief Executive clarified they would be illustrative diagrams, rather than maps, which were indicative of the different proposals as opposed to geographical locations which could be perceived as where development was going to go. He explained that the diagrams were due to be considered by the Chief Executives and Leaders of the three authorities at their next meeting, prior to consultation, as such, he suggested an amendment to the recommendation on the papers to delegate authority to the Chief Executive, in consultation with the Lead Member for Built Environment, to prepare those diagrams.

47.12 It was proposed, seconded and

RESOLVED: That it be **RECOMMENDED TO COUNCIL:**

1. That the Strategic and Local Plan Consultation Document (Appendix 1) be **APPROVED** for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. That authority be delegated to the Chief Executive, in consultation with the Lead Member for Built Environment, to prepare diagrams illustrating the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.

EX.48 TEWKESBURY INTERIM HOUSING POSITION STATEMENT

48.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 123-135, attached, at Appendix 1, a draft Interim Housing Position Statement to provide informal guidance in clarifying the Council's approach to decision making for applicants and the community in the absence of being able to demonstrate a five year housing land supply.

48.2 The Lead Member Built Environment indicated that this Agenda item was in response to the recent Planning Inspectorate appeal decisions that confirmed Tewkesbury Borough Council was now unable to demonstrate a five year housing land supply. Members had previously received informal briefings on this issue, including discussing the consequences of applying the "tilted balance" to planning decisions on housing applications, in line with the National Planning Policy Framework (NPPF) rules; however, this was a highly technical area and one which often gave rise to confusion and concern amongst communities, members of the public and even some developers. The situation was often mischaracterised as one where the local plan policies were out of date and planning permissions for housing had to be granted but the truth was much more measured. The NPPF certainly introduced a presumption in favour of granting sustainable development for many - although not all - housing applications as a result of the shortfall. This meant that policies on matters such as settlement boundaries were to be treated as out-of-date and the overall outcome must be that more approvals were given in order to generate the deliverable sites to make up the shortfall. Nevertheless, the starting point for making decisions was the policies in the development plan, many of which remained fully up to date. In judging whether in an individual case the adverse impacts would "significantly and demonstrably" outweigh the benefits, it was still necessary to consider the Joint Core Strategy, Tewkesbury Borough Plan and relevant Neighbourhood Development Plan policies which were an important part of that balancing exercise. This meant looking carefully at important matters such as highway safety, unneighbourly amenity impacts, design and layout, accessibility, harm to valued landscapes and so on. With all this in mind, it was considered it would be helpful to publish an Interim Housing Position Statement clarifying the position in some detail, and this was set out at Appendix 1 to the report. One of its purposes was to confirm there was a housing shortfall, and to acknowledge the need to remedy that, but it also highlighted the types of location and housing schemes which were more likely to be considered acceptable by the Council, and by appeal Inspectors, in making up the shortfall under the tilted

balance. The document also pointed to actions the Council could take, and encourage others to take, in approving and building out suitable housing schemes as quickly and effectively as possible, for example, encouraging early engagement with Parish Councils and seeking pre-application advice from Planning Officers as well as considering attaching conditions to planning permissions requiring development to be commenced more quickly than the standard timescales. It was important to be clear that the document was not in any way new “policy”; instead, it succinctly clarified the existing policy and practice and provided reassurance to communities that good quality development remained the expected standard at all times. On that basis, it was being recommended to Council that the document be approved and published. As it was not policy, formal public consultation was not necessary; however, a briefing for Town and Parish Councils had been arranged for that evening and a summary of any views raised could be provided to all Members. She indicated that she had asked for a minor amendment to be made to Page No. 134, Paragraph 4.2 of the report prior to publication to state: “In bringing forward future applications, the Council would encourage applicants to undertake early and meaningful engagement with **relevant Ward Members, Town and Parish Councils**, the local community and relevant stakeholders regarding their proposals for development”.

- 48.3 A Member recognised the Council could not demonstrate a five year housing land supply and the need to publish a statement in relation to that; however, he was concerned as to how the situation would be monitored in terms of understanding how many more houses needed to be delivered in order to be able to demonstrate a five year supply. There was suggestion of reviewing the situation after one year but he felt that more active monitoring was necessary. The Lead Member for Built Environment clarified that planning applications would continue to be determined based on sound planning grounds. It was her understanding that the five year housing land supply was a rolling calculation but she believed Officers would be monitoring the situation closely. The Associate Director: Planning advised that there were elements to consider; as the Lead Member had alluded to, it was a moving picture and, unfortunately, even the reported picture the Council had recently published as at March/April 2023 would no longer be accurate as more planning consents had been granted and there may also be sites where the developers position had changed in relation to bringing forward a scheme in a particular area. In addition, the other practical challenge would be the resources needed for more regular monitoring weighed against the benefits of undertaking the activity – to track in live terms would require a dedicated full-time Officer who would need to be in constant dialogue with developers, tracking both the large and small schemes. Page No. 135 of the report included a section on future review of the statement which set out that monitoring would take place periodically and no later than 12 months following adoption – there was nothing to say it would not be reviewed before that if, for example, there was a considerable amount of development consented in the meantime. For an authority the size of Tewkesbury Borough, and for most authorities generally, it would probably never be feasible to do more than an annual review of the housing land supply position; even if it was calculated prior to that, for instance, to ensure evidence was up-to-date for an appeal, it would not be the published position consistent with the NPPF, therefore, it was conceivable that an Inspector would not place too much emphasis on a ‘between the lines’ position. Whilst Officers would informally track the position, given the order of the shortfall, it was highly unlikely it would be addressed in year so the interim position would be for at least 12 months in reality. The Member recognised the lack of resources to be able to monitor the situation and expressed the view that this was part of the problem - the authority was not spending money on ensuring that everyone knew what the housing figures were as demonstrated by the inability to demonstrate a five year housing land supply less than 12 months after the Tewkesbury Borough Plan was approved. This was of great importance to constituents as it was possible that, without regular monitoring, more planning

permissions would be granted than would normally be the case and he questioned whether more resources needed to be put in for that purpose. The Chair reiterated that, given the shortfall that was faced, even with monthly or weekly monitoring, the situation was unlikely to change – if the authority did end up with a five year housing land supply within six months it would not be useable as calculations were done on a 12 month rolling basis so this would not change the outcome of appeal decisions and how applications were viewed by Inspectors. In terms of the historic situation, there had been a number of significant concerns about the five year housing land supply and there were questions over why the strategic plan had been put on the backburner in favour of the local plan – these should have been done the other way around, hence why work was commencing on the Strategic and Local Plan. There was a new Leadership Team in place and it was clear that Members were now being given the uncomfortable truths, which had not necessarily happened in the past, so there was renewed confidence in the team as well as oversight and assurance from an active Lead Member.

- 48.4 A Member queried who the document was aimed at; if it was meant to reassure residents there was nothing about the Council defending its position and how it would work towards establishing a five year housing land supply and therefore had no statement of intent. The Chair advised it was not a document to reassure, rather its purpose was to ensure the Council could defend appeals and reduce the risk of costs being awarded against it by stating the expectation in terms of developments coming forward. He drew attention to Page No. 130, Paragraph 1.5 of the report which set out that no specific actions were required other than the application of the tilted balance and that the Council recognised the pressing need to reestablish a satisfactory housing supply position. The Associate Director: Planning explained that the Council had recently lost a number of appeals and, at the most recent of those, the Inspector had labelled the Council's position bizarre in terms of its approach to the housing land supply and referred to the improper use of public money and expense incurred by the private industry in challenging the case. The approach set out in the document would allow Officers to give the Planning Committee a stronger steer in terms of the likely success of an appeal which would filter through into more consents being granted to supplement the housing land supply and ensure the Council would be able to uphold its position on those grounds which did not meet local planning policy, or if there was an identified harm which outweighed the benefits. It was not a communication document to provide assurance, it was an attempt to be honest and state the position and what the authority was proposing to do; it had to stop short of stating there would be a five year housing land supply by a certain time as it was unclear how successful forthcoming appeals would be. If the Council was still unable to demonstrate a five year housing land supply in 12 months there may be a subsequent iteration of the document aligned to the plan-making process which could potentially go further in terms of action and response to supplement supply. As the new local plan gained assent, it may be appropriate to look at actual sites and say something more positive but that was not possible at the moment. Other Councils produced this type of document in these situations so it was not wholly unusual and it was felt it was better for the authority to set out its stall. The Interim Planning Policy Manager indicated that the document had an important message on a complex topic; the tilted balance was not mentioned anywhere in the NPPF and was nuanced and complicated. The Council had a housing land supply shortfall which needed to be remedied and some potential applicants may think that meant the authority had an obligation to grant planning permission for housing, which was worrying for Town and Parish Councils and residents – the document aimed to put in a succinct way, without introducing new policy, that was not the position; the shortfall needed to be addressed but it was not a free for all.

- 48.5 A Member welcomed the addition of the amendment suggested by the Lead Member in terms of working with local Ward Members and Town and Parish Councils from the outset as, regardless of the five year housing land supply position, they knew what residents would object to in terms of planning and this would give more reassurance that Ward Members may be able to have an input which would ease concern for residents. Another Member indicated that people just wanted to know how many houses needed to be built and when the Council would have a five year housing land supply; she recognised this was not simple and was pleased to hear it would not be a free for all but she was perplexed as to why there was no simple IT solution in terms of monitoring. The Chief Executive reiterated there were a number of variables and it might be possible to map some of those for Members so that, when asked by residents, they would be able to explain what those were along with context as to why it was not possible to monitor the situation in real time. The Associate Director: Planning pointed out that developers were under no obligation to respond to requests for information and, once planning permission had been granted, Officers were often dealing with the people managing the site rather than an agent and there was little incentive for them to provide information. The government had recently enacted changes via the Levelling Up and Regeneration Act 2023 which meant the Council would be able to take account of developers' track records in delivery when granting planning permission; however, as planning permission was granted to the land, not the person applying, its effectiveness as a measure to address land banking was questionable.
- 48.6 A Member indicated that, prior to publication, he would like to see an amendment to Page No. 133, Paragraph 3.7, Point 7 of the report, to read: "Development which would be located in areas at lowest risk of flooding **and not lead to increased flood risk elsewhere**". Another Member indicated that, in her experience, Parish Councils wanted greater involvement with developers but found that they would only deal with Planning Officers. In response, the Chair advised that it did happen, albeit not enough, for instance, Stoke Orchard Parish Council had worked very closely with developers in the area which had resulted in a fantastic community building. When developers were engaged with Parish Councils, the planning application often had a smoother journey through the planning system so, when it did happen it was successful but the Member was right in saying it did not happen enough. The Chief Executive advised that the document was for the development industry and to serve as an aide memoire to Officers in terms of how to determine applications, for instance, to ensure engagement with local Ward Members – this was best practice regardless of the five year housing land supply position and one of the early tests of its success would be whether local Ward Members knew about applications in their areas and if they had been engaged during the process. The Associate Director: Planning indicated that the NPPF encouraged early engagement on development and this was one way of mitigating risk; objections would still be received but it put the applicant, the Local Planning Authority and the community in a position where there was a prospect of issues being aired and a correct understanding of the application being determined – it did not automatically follow that planning permission would not be granted if that approach was not followed but setting out the expectations could add value and would hopefully mean there would be fewer objections.

48.7 Upon being proposed and seconded, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL:**

1. That the Interim Housing Position Statement be **APPROVED** and published to explain the Council's approach to decision-making on planning applications involving the provision of housing.
2. That authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments and corrections to the document prior to publication.

EX.49 EXECUTIVE COMMITTEE FORWARD PLAN

49.1 Attention was drawn to the Executive Committee's Forward Plan, circulated at Pages No. 136-151, which Members were asked to consider.

49.2 Accordingly, it was

RESOLVED: That the Executive Committee's Forward Plan be **NOTED**.

EX.50 SEPARATE BUSINESS

50.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.51 SEPARATE MINUTES

51.1 The separate Minutes of the meeting held on 6 September 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 1:23 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Financial Update – Quarter Two 2023/24
Report of:	Associate Director: Finance
Head of Service/Director:	Executive Director: Resources
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	Six

Executive Summary:

The budget for 2023/24 was approved by Council in February 2023 with the reserves being approved at Executive Committee in July 2023. This report is the second quarterly monitoring report of the Council's financial performance for the year.

The report highlights a projected outturn surplus, based on the quarter two position, of £257,681 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

Recommendation:

To CONSIDER the financial performance information for the second quarter of 2023/24

Financial Implications:

As detailed within the report.

If the budget is in deficit at year-end, then the Council will have to use reserves to fund the overspend, meaning that these resources are not available to fund other activities or future financial management of the Council's projected medium-term budgets. The Council currently has a £1m General Fund balance but significant earmarked reserves.

Legal Implications:

The Council must set a budget in accordance with the provisions of the Local Government and Finance Act 1992 and approval of a balanced budget is a statutory responsibility of the council.

The advice of the Chief Finance Officer (Section 151 Officer) must be taken into account, particularly in relation to the robustness of the estimates and the adequacy of reserves.

Members are also required to monitor the Council's finances so that they are satisfied that mechanisms are in place to deliver savings and new expenditure is contained within the available reserves.

Environmental and Sustainability Implications:

None arising from this report.

Resource Implications (including impact on equalities):

None associated with the report

Safeguarding Implications:

None associated with the report.

Impact on the Customer:

None associated with the report.

1.0 INTRODUCTION

1.1 This report provides the quarter two (Q2) monitoring position statement for the financial year 2023/24. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform members of any action to be taken if required.

1.2 The report is prepared based on expectations as at the end of quarter two; however, the current economic conditions and financial climate are extremely volatile and have already had an impact on our financial forecasts which could affect future forecasting.

2.0 REVENUE BUDGET POSITION

2.1 The financial budget summary for Q2 shows a projected surplus of £257,681 for the full year against the approved budget. The following table highlights the forecast outturn position for service provision, the net position on corporate income and expenditure and the resulting surplus.

	Budget	Full Year Projection	Full Year Variance
<u>Services expenditure</u>			
Employees	£12,827,598	£12,298,592	£529,006
Premises	£697,810	£737,349	-£39,539
Transport	£71,479	£49,409	£22,070
Supplies & Services	£2,462,578	£2,464,647	-£2,069
Payments to Third Parties	£7,705,273	£7,753,918	-£48,645
Transfer Payments – Benefits Service	£59,229	£142,442	-£83,213
Projects Funded Externally	£220,000	£265,089	-£45,089
Income	-£8,780,923	-£8,391,732	-£389,191
Services Sub Total	£15,263,044	£15,319,714	-£56,670
<u>Corporate expenditure</u>			
Treasury – Interest Received	-£1,000,000	-£1,235,127	£235,127
Treasury – Borrowing Costs	£633,641	£427,823	£205,818
Investment Properties	-£3,330,500	-£3,429,525	£99,025
Corporate Salary Savings	-£208,516	£0	-£208,516
Core Government funding	-£2,022,525	-£2,022,525	£0
New Homes Bonus	-£1,240,366	-£1,240,366	£0
Business Rates	-£4,498,258	-£4,665,526	£167,268
Council Tax Surplus	-£160,899	-£160,899	£0

Parish precept	£2,600,442	£2,600,442	£0
Use of reserves & MRP	£1,690,229	£1,690,229	£0
Corporate Sub Total	-£7,536,752	-£8,035,474	£498,722
Transfer to reserves (externally ringfenced funding)			-£184,372
Surplus / (deficit)			£257,681

Service Expenditure

- 2.2** The quarter two full year projection highlights a full year cost of service provision totalling £15.3m, resulting in a deficit against the approved budget of £56,670. The following paragraphs highlight the main reasons for this projected deficit. In addition, Appendix A provides detail at a service level with notes on variances over £10,000.
- 2.3** The full year projection for employees highlights a potential gross surplus of £529,006. It should, however, be noted that within the Council's corporate expenditure is a target to save £209k from employment costs across the Council. The net position is therefore a surplus against target of £315k. The majority of the overall surplus is being accrued by One Legal. This is matched off by a reduction in third party income.
- 2.4** The national pay award has now been agreed - each employee will receive an increase of £1,925 or 3.88% above scale point 43, Executive Directors were awarded 3.5%; however, at the time of calculating this quarter's forecast it had not been agreed. Therefore, a 4% pay increase has been included in the forecast. Ubico has included the £1,925 pay award in its latest forecast. Any adverse variance arising will be funded from an approved reserve.
- 2.5** There is a projected overspend of £39,539 for premises costs. The main reason for this is due to various unplanned maintenance work carried out across numerous sites. It's anticipated that maintenance costs to the homeless properties will be over budget, some of these costs will be recovered through the rental charges.
- 2.6** A saving of £22k is expected within Transport costs which is due to reduced travel across the Council and only four pool cars being used when five were budgeted.
- 2.7** Payments to third parties highlights a projected deficit of £48,645.
- The Ubico contract is forecast to be overspent by £73k, this is mainly due to the pay award now being reflected in their forecast.
- Emergency homeless accommodation is anticipated to be £52k over budget due to the increased demand in temporary housing, 85% of these costs will be recovered from housing benefit which is included within income.
- The MRF gate fee is expected to be £233k over budget which is due to a significant increase in the gate fee per tonne being paid, increasing from £38 per tonne to £69 per tonne, this is affected by the declining value of materials and increase in energy prices. We also incurred a one-off fee for increased energy prices.
- The third-party payment saving from the cessation of the trade waste service is estimated to be approximately £82k for 2023/24. This is supplemented by further direct employee savings at the Council but is offset by reductions in expected income. The cessation of the trade waste service is predicted to save over £100k annually in net terms from 2024/25, assuming savings from Ubico's corporate support and support

services recharge. There will be no saving this year due to Ubico's budget for indirect costs already being set.

Swindon Road Depot running costs are estimated to be £108k less than budget based upon quarter 2 actual expenditure. These costs were previously borne by Cheltenham and are in relation to the day-to-day running costs and maintenance requirements for the depot.

- 2.8** Income is expected to be below budget by £389k. This is mainly due to the cessation of the trade waste service where income is estimated to be £138k below target. Income from Tewkesbury Leisure Centre will be £78k lower than budget as a reduced management fee has been agreed. Due to vacant space in the Council offices, rental income is predicted to be £39k down on budget. In addition, One Legal income is significantly below target, although this is offset against savings within employees. One Legal Management Board is considering income targets for One Legal at its next meeting.

Corporate Expenditure

- 2.9** The expenditure associated with corporate activities as well as the financing of the Council is shown in the second section and highlights an estimated surplus of £498,722 for the financial year.
- 2.10** Treasury activities are currently performing above budget expectations. Due to the rise in interest rates the Council will see a gain in investment activities, this will be monitored and reported as the year moves forward. This rise will not impact our borrowing costs as the interest rate was fixed and no additional borrowing is expected.
- 2.11** The favourable variance within investment properties is due to a reduction in costs associated with managing our portfolio.
- 2.12** The overall projected position on retained business rates is currently showing a positive position. The position in terms of budget is in line with expectations. The valuation list was reset in 2023/24 financial year, making it more difficult to predict the level income and reliefs for businesses. The gain relates to the tariff, paid to central government, being reduced from what was originally calculated.
- 2.13** The Q2 report has now separately identified the external grant funding that is unlikely to be spent by year end and must be ringfenced to a particular project or service. This is estimated at £184k and, whilst it will increase our year end reserves, we do not have discretion as to where it can be spent. It is therefore excluded from our reported position.
- 2.14** Bringing together both the deficit on net service expenditure and surplus on net corporate expenditure results in an overall budget surplus projection of £258k for the year. The budget will continue to be monitored, with the Q3 forecast being reported in February.

3.0 CAPITAL BUDGET POSITION

- 3.1** Appendix B shows the capital budget position as at Q2. This is currently showing an underspend of £296k against the profiled budget of £1.3m.

The capital programme estimates total expenditure for the year to be circa £1.65m. The main elements of this year's forecast include:

- Vehicle replacement programme
- High street heritage action zone
- Disabled Facilities Grants (DFG)

- 3.2 The Council has purchased various equipment for the office refurbishment and tablets and mobiles for new Members which is in line with the capital programme.
- 3.3 The capital budget for vehicles is currently underspent due to no vehicles being purchased this half of the year. It is planned that new vehicles will be acquired by the end of this financial year.

4.0 RESERVES POSITION

- 4.1 Appendix D provides a summary of the current usage of available reserves and supporting notes are provided for reserves where expenditure is high. As at 1 April 2023, these reserves stood at £17.54m which is a decrease of £587k on the previous year. The decrease reflects the fact that expenditure of reserves in 2022/23 exceeded the transfer to reserves at outturn.
- 4.2 Reserves have been set aside from previous years to fund known future costs, Council priorities and the strategic planning of the authority's operation. The information in the Appendix reflects only expenditure incurred to date and does not take account of reserves which have been committed but not yet paid or are awaiting capital financing at year end. Such expenditure will include:
- Place Programme Reserve – to support the development of the place planning approach.
 - Temporary staff support for Revenues & Benefits.
 - Policy and Performance Support – to provide temporary capacity to develop the Council's approach to performance management and ensure the Council is responding to and planning for changes in government policy.
 - Upgrade of the income management system.
- 4.3 Actual expenditure of £1,090,286 has been made against reserves at Q2. This mostly consists of expenditure relating to the digitalisation team, temporary posts in Revenue and Benefits, community support grants, Borough election costs and the second quarter costs of the Garden Town Team. The full breakdown is provided in Appendix D.

5.0 KEY PERFORMANCE INDICATORS (KPIs)

- 5.1 As part of the financial management code, approved by the Audit and Governance Committee, this report now includes a number of KPI's. The reason for their inclusion is to ensure frequent and meaningful data is reported regularly and therefore allows for further scrutiny of our financial performance. This is part of a range of actions to comply with the CIPFA Financial Management Code which is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability.
- 5.2 An area that we closely monitor is the Council's aged sundry debt. Service areas receive monthly reports to make them aware of aged debt and focus their attention on collecting those debts where possible. Each service area is responsible for creating their own bad debt policy and updating Finance quarterly with a progress update. Finance review and analyse aged debt annually for the year-end financial statements which allows finance to determine specific and general bad debt provisions.
- 5.3 The table in Appendix E shows the level of bad debt for each service area and the percentage that is greater than one year.

5.4 The final KPI shows the number of vacancies in each service area. This is also being reported to management team on a monthly basis. Although vacant posts result in a saving against budget, they can in some circumstances have a negative impact on service delivery. The total number of vacant full-time equivalents (FTE) at Q2 is 38.9 out of a total workforce of 222.2fte. There are various reasons for these vacancies and management team will be working with HR and Heads of Service to help with recruitment to ensure there is minimal impact on services.

6.0 PRUDENTIAL INDICATORS

6.1 In December 2021, CIPFA published its revised Prudential Code and Treasury Management Code of Practice following concerns around the commercial activity undertaken by several local authorities and the affordability of borrowing plans.

6.2 The Code required the Prudential Indicators (which are approved as part of the Council's Treasury Management Strategy) to be reported quarterly (from semi-annually) as part of the financial updates. The Code permitted this reporting to be implemented by the 2023/24 financial year so Appendices C and F will be a recurring addition to the quarterly financial reports.

6.3 The indicators in the Appendices are used to monitor our performance against the prudential indicators approved by Council prior to the start of the financial year.

7.0 CONSULTATION

7.1 Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.

8.0 ASSOCIATED RISKS

8.1 None

9.0 MONITORING

9.1 Budget monitoring occurs on a monthly basis and is formally reported quarterly.

10.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

10.1 Budget monitoring is on the approved annual revenue and capital budget for 2023/24 which has been prepared in line with the Medium-Term Financial Strategy

Background Papers: Treasury and Capital Management – Executive 4 January 2023
Budget 2023/24 – Executive 1 February 2023

Contact Officer: Associate Director: Finance

Appendices: Appendix A – Revenue position by service
Appendix B – Capital position
Appendix C – Capital Prudential Indicators
Appendix D – Earmarked reserves update
Appendix E – KPIs
Appendix F – Treasury Management Indicators

Appendix A - Quarter 2 budget report

Chief Executive

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	285,069	345,191	(60,122)	1
Transport	0	30	(30)	
Supplies & Services	9,460	8,794	666	
TOTAL	294,529	354,015	(59,486)	

1) Adverse variance caused by transitional arrangements for Borough Solicitor's post prior to restructure.

People Culture and Performance

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	210,488	210,488	0	
Supplies & Services	62,472	61,730	742	
Payments to Third Parties	155,097	122,303	32,794	2
Income	0	(1,000)	1,000	
TOTAL	428,057	393,521	34,536	

2) Savings due to 4 vacant Apprenticeship posts.

Transformation

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	885,128	860,928	24,200	3
Transport	0	34	(34)	
Supplies & Services	138,747	132,065	6,682	
Payments to Third Parties	67,000	70,100	(3,100)	
Income	(2,400)	(2,400)	0	
TOTAL	1,088,475	1,060,727	27,748	

3) Savings on various posts in Customer Services & Communications.

Executive Director of Place

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	118,997	59,454	59,543	4
Supplies & Services	90	2,515	(2,425)	
TOTAL	119,087	61,969	57,118	

4) Favourable variance is due to this post being vacant for the first half of the year.

Communities

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,282,530	2,241,604	40,926	5
Premises	55,710	45,554	10,156	6
Transport	0	595	(595)	
Supplies & Services	254,126	254,978	(852)	
Payments to Third Parties	6,700,534	6,747,826	(47,292)	7
Ringfenced Projects and Funding	0	45,089	(45,089)	8
Income	(2,834,940)	(2,800,431)	(34,509)	9
TOTAL	6,457,960	6,535,215	(77,255)	

5) Savings due to vacant posts within Community & Economic Development and within Housing Services, in addition to this there is a resource saving from the cessation of the trade waste service. This saving has been reduced by the Flood Risk Engineer post which is currently estimated to be £30k overspent.

6) Reduction in utility costs at the tourist information centres.

7) Adverse variance of £47k is mainly due to the following: MRF gate fee is £233k overbudget, this is due to an increase in the rate per tonne which is affected by the declining value of materials and increase in energy prices, the rate has increased from £38 to £69 per tonne, a one off charge was also incurred for additional power. This adverse variance is reduced by a saving of £82k from ceasing the trade waste service in December and £128k saving in running costs for the Swindon Road Depot.

8) £52.5k asylum seekers grant to be transferred to reserves as no expenditure anticipated this year. £189k of housing benefits, associated with emergency accommodation, cannot be reclaimed as housing subsidy, this can be partially funded from the homelessness prevention grant but the remainder will need to be funded from the general fund or reserves.

9) Adverse variance of £35k is mainly due to the loss of income from the cessation of the trade waste service of £138k, this has been reduced by the increased income generated from licensing of £75k.

Planning

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	1,679,866	1,838,866	(159,000)	10
Transport	1,239	523	716	
Supplies & Services	101,857	156,717	(54,860)	11
Payments to Third Parties	257,000	259,159	(2,159)	
Central Recharges	10,000	10,000	0	
Ringfenced Projects and Funding	220,000	220,000	0	
Income	(1,300,624)	(1,347,761)	47,137	12
TOTAL	969,338	1,137,504	(168,166)	

10) Additional expenditure incurred through transitional arrangements for new management structure. In addition, cost being incurred for additional staff to meet PPA requirements which is matched by additional income

11) Projected overspend due to higher than anticipated refunds of planning fees.

12) Favourable variance due to higher than target income from planning performance agreements but this saving has been used to fund the increase in employment costs.

Executive Director of Resources

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £
Employees	126,038	134,030	(7,992)
Supplies & Services	4,440	3,736	704
Payments to Third Parties	111,439	111,439	0
TOTAL	241,917	249,205	(7,288)

Corporate Resources

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,145,300	2,041,595	103,705	13
Premises	642,100	691,795	(49,695)	14
Transport	68,240	47,240	21,000	15
Supplies & Services	852,764	847,102	5,662	
Payments to Third Parties	296,641	325,310	(28,669)	16
Transfer Payments - Benefits Service	59,229	142,442	(83,213)	17
Income	(1,922,042)	(2,013,252)	91,210	18
TOTAL	2,142,232	2,082,232	60,000	

13) Three vacant posts in Democratic Services are expected to make a £78k saving. This is offset by some interim agency support.

£24k saving expected in Revenues & Benefits due to internal efficiencies and one post being vacant for some time.

14) £10k of this variance is for expected YE expenditure to maintain the homeless properties - some of this cost will be recovered through the rental charges. £7k for maintaining the council offices and £33k on maintenance of other assets, roof repairs, fences, vandalism etc..

15) Predicted saving from decreased mileage claims across the council and the use of fleet cars

16) This overspend relates to additional costs incurred to provide Monitoring Officer role.

17) This £83k variance is due to under recovery of housing benefit subsidy.

18) Total variance across Revenues & Benefits, Democratic and Asset Management income is a surplus of £88k.

This includes a £78k agreed reduction in the management fee paid by Tewkesbury Leisure Centre and £40k loss from empty office space vacated by Mole Valley.

Revenues have received £125k to administer a new grant support scheme. A policy has been approved. There are also a number of other small new burdens grants for Revenues and Benefits and Electoral Registrations grants, £114k in total.

Finance

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £
Employees	1,695,775	1,697,602	(1,827)
Supplies & Services	502,619	497,072	5,547
Payments to Third Parties	38,050	38,250	(200)
Income	(10,300)	(13,968)	3,668
TOTAL	2,226,144	2,218,957	7,187

IT and Cyber

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	485,662	476,078	9,584	
Supplies & Services	422,768	384,340	38,428	20
Payments to Third Parties	8,250	8,269	(19)	
Income	0	(33)	33	
TOTAL	916,680	868,654	48,026	

20) £22k saving on equipment. Fewer purchases on laptops and hybrid meeting equipment lower cost than anticipated. High volume of laptops will be required in the future and therefore a large amount of this saving will be transferred to reserves at year end.

One Legal

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,912,745	2,392,758	519,987	21
Transport	2,000	987	1,013	
Supplies & Services	113,235	115,597	(2,362)	
Payments to Third Parties	10,000	10,000	0	
Central Recharges	51,262	51,262	0	
Income	(2,710,617)	(2,212,887)	(497,730)	22
TOTAL	378,625	357,717	20,908	

21) There are currently 14 vacant posts in One Legal offset by a predicted annual costs of £339k for agency staff. Any year end surplus will be transferred to One Legal reserves.

22) Limited resources available to undertake additional work and increased internal demand from Partner Councils have had an impact on the ability to achieve the income targets. As a result, the actual income for 2023-24 is predicted to be below the budget as in previous years.

Appendix B - Analysis of capital budget 2023/24

	Q2 Budget Position	Q2 Actual Position	(Over) / Under spend	% Slippage	Comments
Council Land & Buildings	£ 500,000	£ 496,369	£ 3,631	1	Expenditure for the Central heating project is in line with budget. The project is expected to be completed in the Spring. It is to be financed by capital grant of £708k and reserves.
Vehicles	249,000	0	249,000	100	No expenditure in Q2 2023/24, we expect the vehicles to be purchased in the second half of the financial year.
Equipment & Furniture	100,000	113,754	(13,754)	(14)	Expenditure in Q2 was more than expected. Overspend will be financed from the s 106 funds available for the waste bins.
Community Grants	75,000	13,913	61,087	81	High Street Heritage Action Zone Programme, expenditure in Q2 was less than expected
Housing & Business Grants	400,000	403,874	(3,874)	(1)	Expenditure for Disabled Facility Grants in line with budget
	1,324,000	1,027,910	296,090	22	

Prudential Indicators Q2 2023/24

The Authority measures and manages its capital expenditure, borrowing and commercial investments with references to the following indicators.

It is now a requirement of the CIPFA Prudential Code that these are reported on a quarterly basis.

Capital Expenditure: The Authority has undertaken and is planning capital expenditure as summarised below.

	2022/23 actual £m	2023/24 forecast £m	2024/25 budget * £m	2025/26 budget £m
General Fund services	2.78	1.65	3.82	2.27

Capital Financing Requirement: The Authority's cumulative outstanding amount of debt finance is measured by the capital financing requirement (CFR). This increases with new debt-financed capital expenditure and reduces with MRP and capital receipts used to replace debt.

	31.3.2023 actual £'000	31.3.2024 forecast £'000	31.3.2025 budget * £'000	31.3.2026 budget £'000
Capital investments	53,545	53,405	55,350	55,655
TOTAL CFR	53,545	53,405	55,350	55,655

Gross Debt and the Capital Financing Requirement: Statutory guidance is that debt should remain below the capital financing requirement, except in the short term. The Authority has complied and expects to continue to comply with this requirement in the medium term as is shown below.

	31.3.2023 actual £'000	31.3.2024 forecast £'000	31.3.2025 budget £'000	31.3.2026 budget £'000	Debt at 30.6.2023 £'000
Debt (incl. PFI & leases)	30,333	19,800	19,267	18,734	20,333
Capital Financing Requirement	53,545	53,405	55,350	55,655	

Debt and the Authorised Limit and Operational Boundary: The Authority is legally obliged to set an affordable borrowing limit (also termed the Authorised Limit for external debt) each year. In line with statutory guidance, a lower "operational boundary" is also set as a warning level should debt approach the limit.

Appendix C

	Maximum debt Q1 2023/24 £'000	Debt at 30.9.23 £'000	2023/24 Authorised Limit £'000	2023/24 Operational Boundary £'000	Complied? Yes/No
Borrowing	30,333	20,067	50,000	40,000	Yes
Total debt	30,333	20,067	50,000	40,000	

Since the operational boundary is a management tool for in-year monitoring it is not significant if the boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Net Income from Commercial and Service Investments to Net Revenue Stream: The Authority's income from commercial and service investments as a proportion of its net revenue stream has been and is expected to be as indicated below.

	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 budget
Total net income from service and commercial investments	3,137	3,388	3,466	3,466
Proportion of net revenue stream	26.52%	29.92%	30.19%	30%

Proportion of Financing Costs to Net Revenue Stream: Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue.

The net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Council Tax, business rates and general government grants.

	2022/23 actual	2023/24 forecast	2024/25 budget *	2025/26 budget
Financing costs (£m)	0.436	0.439	0.439	0.439
Proportion of net revenue stream	15.29%	13.98%	12.29%	12.42%

Appendix D - Revenue reserves for 2023/24

Reserve	Balance 31st March 2023	Spent in Reserve Q2	Reserve Remaining	Note
Service Reserves				
Asset Management Reserve	1,596,322	41,539	1,554,783	
Borough Growth Reserve	578,591	2,347	576,244	
Borough Regeneration Reserve	20,634	1,994	18,640	
Business Rates Reserve	-	-	-	
Business Support Reserve	88,044	10,368	77,676	
Business Transformation Reserve	1,540,070	274,141	1,265,929	1
Climate Change Reserve	210,333	-	210,333	
Community Support Reserve	1,008,028	118,290	889,738	2
Council Tax Reserve	98,392	-	98,392	
Development Management Reserve	399,143	159,562	239,580	3
Development Policy Reserve	1,738,301	5,836	1,732,465	
Elections Reserve	228,515	155,394	73,120	4
Flood Support and Protection Reserve	9,509	-	9,509	
Garden Town Reserve	370,451	175,091	195,360	5
Health & Leisure development reserve	-	-	-	
Housing & Homeless Reserve	556,633	39,494	517,140	
Insurance Reserve	-	-	-	
Investment Reserve	600,000	-	600,000	
IT Reserve	165,000	21,662	143,338	
MTFS Equalisation Reserve	2,868,333	39,091	2,829,243	
Open Space & watercourse Reserve	929,047	7,000	922,047	
Organisational Development Reserve	710,753	29,561	681,192	
Risk Management Reserve	610,000	-	610,000	
Waste & Recycling development Reserve	3,212,315	8,915	3,203,400	
	17,538,415	1,090,286	16,448,129	

27

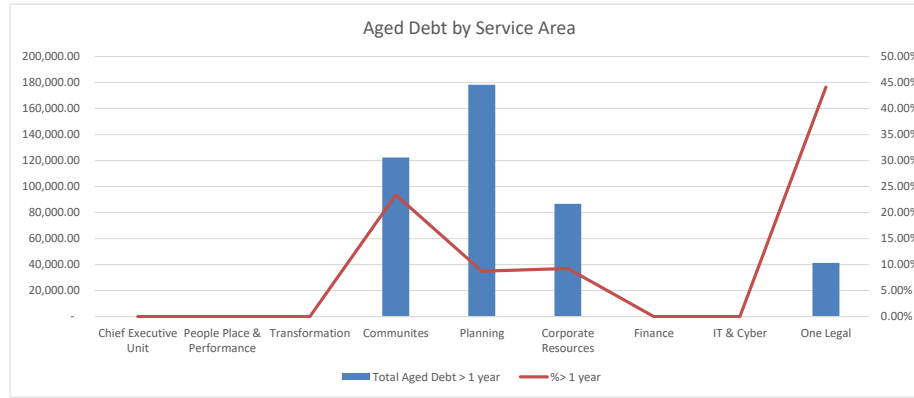
Notes

- 1 Expenditure against a combination of specific reserves including the Digitalisation team and various temporary posts in the revenues and benefits team.
- 2 Predominantly community support grants.
- 3 This reserve is currently being used to fund temporary planning staff.
- 4 Elections Cost
- 5 Cost of Garden Town team for Q2

Appendix E - Key Performance Indicators 2023/24

Aged Debt

	Total Aged Debt	Total Aged Debt > 1 year	%> 1 year
Chief Executive Unit	-	-	#DIV/0!
People Place & Performance	-	-	0.00%
Transformation	-	-	0.00%
Communities	522,692.12	122,361.74	23.41%
Planning	2,042,968.82	178,359.40	8.73%
Corporate Resources	936,100.74	86,692.23	9.26%
Finance	-	-	0.00%
IT & Cyber	-	-	0.00%
One Legal	93,711.64	41,345.73	44.12%



Treasury

Investments as at 30.09.23

Internal Investments	£17.9m
Strategic Pooled Funds	£8.3m
Total Investments	£26.2m

Borrowing as at 30.09.23

Short Term Borrowing	£10.0m
Long Term Borrowing	£20.6m
Total Borrowing	£30.6m

Security

Average Credit Rating	A+
Bail In Proportion	33%

Budgeted Cost 2023/24	£467,000
Cost as at 30.09.23	£337,359
Estimated Cost at Year End	£449,812

Liquidity

Proportion available 7 days	23%
Proportion available 100 days	30%

Yield

Internal Investments	5.15%
Strategic Funds (income)	4.53%
Total Income Return	2.88%

Budgeted Yield 2023/24	£1,000,000
Yield earned as at 30.09.23	£677,436
Estimated Yield at Year End	£1,235,000

Vacancies

	FTE Vacant
Chief Executive Unit	-
People, Culture & Performance	4.00
Transformation	3.00
Communities	6.50
Place	6.00
Corporate Resources	4.00
Finance	-
IT & Cyber	1.40
One Legal	14.00
Total	38.90

Treasury Management Mid-Year Report 2023/24

Introduction

In February 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve, as a minimum, treasury management semi-annual and annual outturn reports. This quarterly report provides an additional update.

This report includes the new requirement in the 2021 Code, mandatory from 1st April 2023, of quarterly reporting of the treasury management prudential indicators. The non-treasury prudential indicators are incorporated in the Authority's normal quarterly capital monitoring report.

The Authority's treasury management strategy for 2023/24 was approved at a meeting on 24th January 2023. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

External Context

Economic background: UK inflation remained stubbornly high over much the period compared to the US and euro zone, keeping expectations elevated of how much further the Bank of England (BoE) would hike rates compared to the regions. However, inflation data published in the latter part of the period undershot expectations, causing financial markets to reassess the peak in BoE Bank Rate. This was followed very soon after by the BoE deciding to keep Bank Rate on hold at 5.25% in September, against expectation for another 0.25% rise.

Economic growth in the UK remained relatively weak over the period. In calendar Q2 2023, the economy expanded by 0.2%. However, monthly GDP data showed a 0.5% contraction in July, the largest fall to date in 2023 and worse than the 0.2% decline predicted which could be an indication the monetary tightening cycle is starting to cause recessionary or at the very least stagnating economic conditions.

July data showed the unemployment rate increased to 4.3% (3mth/year) while the employment rate rose to 75.5%. Pay growth was 8.5% for total pay (including bonuses) and 7.8% for regular pay, which for the latter was the highest recorded annual growth rate. Adjusting for inflation, pay growth in real terms were positive at 1.2% and 0.6% for total pay and regular pay respectively.

Inflation continued to fall from its peak as annual headline CPI declined to 6.7% in July 2023 from 6.8% in the previous month against expectations for a tick back up to 7.0%. The largest downward contribution came from food prices. The core rate also surprised on the downside, falling to 6.2% from 6.9% compared to predictions for it to only edge down to 6.8%.

The Bank of England's Monetary Policy Committee continued tightening monetary policy over most of the period, taking Bank Rate to 5.25% in August. Against expectations of a further hike in September, the Committee voted 5-4 to maintain Bank Rate at 5.25%. Each of the four dissenters were in favour of another 0.25% increase.

Financial market Bank Rate expectations moderated over the period as falling inflation and weakening data gave some indication that higher interest rates were working. Expectations fell

from predicting a peak of over 6% in June to 5.5% just ahead of the September MPC meeting, and to then expecting 5.25% to be the peak by the end of the period.

Following the September MPC meeting, Arlingclose, the authority's treasury adviser, modestly revised its interest forecast to reflect the central view that 5.25% will now be the peak in Bank Rate. In the short term the risks are to the upside if inflation increases again, but over the remaining part of the time horizon the risks are to the downside from economic activity weakening more than expected.

The lagged effect of monetary policy together with the staggered fixed term mortgage maturities over the next 12-24 months means the full impact from Bank Rate rises are still yet to be felt by households. As such, while consumer confidence continued to improve over the period, the GfK measure hit -21 in September, it is likely this will reverse at some point. Higher rates will also impact business and according to S&P/CIPS survey data, the UK manufacturing and services sector contracted during the quarter with all measures scoring under 50, indicating contraction in the sectors.

The US Federal Reserve increased its key interest rate to 5.25-5.50% over the period, pausing in September following a 0.25% rise the month before, and indicating that it may have not quite completed its monetary tightening cycle.

Having fallen throughout 2023, annual US inflation started to pick up again in July 2023, rising from 3% in June, which represented the lowest level since March 2021, to 3.2% in July and then jumping again to 3.7% in August, beating expectations for a rise to 3.6%. Rising oil prices were the main cause of the increase. US GDP growth registered 2.1% annualised in the second calendar quarter of 2023, down from the initial estimate of 2.4% but above the 2% expansion seen in the first quarter.

The European Central Bank increased its key deposit, main refinancing, and marginal lending interest rates to 4.00%, 4.50% and 4.75% respectively in September, and hinted these levels may represent the peak in rates but also emphasising rates would stay high for as long as required to bring inflation down to target.

Although continuing to decline steadily, inflation has been sticky, Eurozone annual headline CPI fell to 5.2% in August while annual core inflation eased to 5.3% having stuck at 5.5% in the previous two months. GDP growth remains weak, with recent data showing the region expanded by only 0.1% in the three months to June 2023, the rate as the previous quarter.

Financial markets: Financial market sentiment and bond yields remained volatile, with the latter generally trending downwards as there were signs inflation, while still high, was moderating and interest rates were at a peak.

Gilt yields fell towards the end of the period. The 5-year UK benchmark gilt yield rose from 3.30% to peak at 4.91% in July before trending downwards to 4.29%, the 10-year gilt yield rose from 3.43% to 4.75% in August before declining to 4.45%, and the 20-year yield from 3.75% to 4.97% in August and then fell back to 4.84%. The Sterling Overnight Rate (SONIA) averaged 4.73% over the period.

Credit review: Having completed a review of its credit advice on unsecured deposits at UK and non-UK banks following concerns of a wider financial crisis after the collapse of Silicon Valley Bank purchase of Credit Suisse by UBS, as well as other well-publicised banking sector issues, in March Arlingclose reduced the advised maximum duration limit for all banks on its recommended counterparty list to 35 days. This stance continued to be maintained at the end of the period.

During the second quarter of the period, Moody's revised the outlook on Svenska Handelsbanken to negative from stable, citing concerns around the Swedish real estate sector.

Having put the US sovereign rating on Rating Watch Negative earlier in the period, Fitch took further action in August, downgrading the long-term rating to AA+, partly around ongoing debt ceiling concerns but also an expected fiscal deterioration over the next couple of years.

Following the issue of a Section 114 notice, in September Arlingclose advised against undertaking new lending to Birmingham City Council, and later in the month cut its recommended duration on Warrington Borough Council to a maximum of 100 days.

Arlingclose continued to monitor and assess credit default swap levels for signs of ongoing credit stress and although no changes were made to recommended durations over the period, Northern Trust Corporation was added to the counterparty list.

Heightened market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Local Context

On 31st March 2023, the Authority had net investments of **-£29.87m** arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while balance sheet resources are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.23 Actual £m
General Fund CFR	53.44
External borrowing**	-30.33
Internal (over) borrowing	23.11
Less: Balance sheet resources	-52.98
Net investments	-29.87

** shows only loans to which the Authority is committed and excludes optional refinancing

The treasury management position at 30th September and the change over the six months' is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.23 Balance £m	Movement £m	30.9.23 Balance £m	30.9.23 Rate %
Long-term borrowing				
- PWLB	-20.33	0.27	-20.00	1.91
Short-term borrowing	-10.00	10.00	0.00	0.10
Total borrowing	-30.30	10.27	-20.00	2.01
Long-term investments	10.43	0.00	10.43	4.53
Short-term investments	18.00	-8.00	10.00	5.15
Cash and cash equivalents	1.45	4.45	5.90	5.15
Total investments	29.88	-3.55	26.33	14.83
Net investments	-0.42	6.72	6.33	16.84

Borrowing

CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement and so may lead to new borrowing, unless directly and primarily related to the functions of the Authority. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield unless these loans are for refinancing purposes.

The Authority is currently reviewing its capital programme in light of the Prudential Code 2021 requirements and PWLB lending arrangements to ensure that borrowing to invest primarily for commercial return is no longer undertaken.

The Authority currently holds £59.9m in commercial investments that were purchased prior to the change in the CIPFA Prudential Code. Before undertaking further additional borrowing the Authority will review the options for exiting these investments.

Borrowing strategy and activity

As outlined in the treasury strategy, the Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing lower interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective. The Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.

There was a substantial rise in the cost of both short- and long-term borrowing over the last 18 months. Bank Rate rose by 1% from 4.25% at the beginning of April to 5.25% at the end of September. Bank Rate was 2% higher than at the end of September 2022.

UK gilt yields were volatile, mainly facing upward pressure since early April following signs that UK growth had been more resilient, inflation stickier than expected, and that the Bank of England saw persistently higher rates through 2023/24 as key to dampening domestic demand. Gilt yields, and consequently PWLB borrowing rates, rose and broadly remained at elevated levels. On 30th September, the PWLB certainty rates for maturity loans were 5.26% for 10-year loans, 5.64% for 20-year loans and 5.43% for 50-year loans. Their equivalents on 31st March 2023 were 4.33%, 4.70% and 4.41% respectively.

At 30th September the Authority held £20.3m of loans, a decrease of £10.3m 31st March 2023, as part of its strategy for funding previous years' capital programmes. Outstanding loans on 30th September are summarised in Table 3A below.

Table 3A: Borrowing Position

	31.3.23 Balance £m	Net Movement £m	30.9.23 Balance £m
Public Works Loan Board	-20.30	0.27	-20.00
Local authorities (short-term)	-10.00	10.00	0.00
Total borrowing	-30.30	10.27	-20.00

Table 3B: Long-dated Loans borrowed (if applicable to your borrowing activity)

	Principal Amount £m	Rate %	Period (Years)
PWLB Maturity Loan 1	-11.00	2.35	40
PWLB Maturity Loan 2	-3.00	2.47	40
PWLB EIP Loan 1	-5.00	1.05	15
PWLB EIP Loan 2	-3.00	1.80	15
Total borrowing	-22.00	2.00	

The Authority's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short- and long-term borrowing was maintained.

There remains a strong argument for diversifying funding sources, particularly if rates can be achieved on alternatives which are below gilt yields + 0.80%. The Authority will evaluate and pursue these lower cost solutions and opportunities with its advisor Arlingclose.

Treasury Investment Activity

The CIPFA Treasury Management Code now defines treasury management investments as those investments which arise from the Authority's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the course of business.

The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.23 Balance £m	Net Movement £m	30.9.23 Balance £m
Banks & building societies (unsecured)	0	0	0
Local authorities and other govt entities	18	8	10
Money Market Funds	1.45	4.45	5.90
Other Pooled Funds			
- Property funds	3.64	0.00	3.64
- Multi asset income funds	4.34	0.00	4.34
- Real Estate Investment Trusts	0.45	0.00	0.45
Total investments	27.80	22.45	24.33

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

As demonstrated by the liability benchmark in this report, the Authority expects to be a long-term investor and treasury investments therefore include both short-term low risk instruments to manage day-to-day cash flows and longer-term instruments where limited additional risk is accepted in return for higher investment income to support local public services.

Bank Rate increased by 1%, from 4.25% at the beginning of April to 5.25% by the end of September. Short-dated cash rates rose commensurately, with 3-month rates rising to around 5.25% and 12-month rates to nearly 6%. The rates on DMADF deposits also rose, ranging between 4.8% and 5.4% by the end of June and Money Market Rates between 4.6% and 5.2%.

The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking - Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2023					
30.09.2023	4.97	A+	33%	132	2.49%
Similar LAs	4.43	AA-	56%	63	3.47%
All LAs	4.47	AA-	59%	13	3.65%

Externally Managed Pooled Funds: £8.43m of the Authority's investments is invested in externally managed strategic pooled [multi-asset and property] funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability.

For existing longer-term investors in fixed income securities, the prospect of a higher-for-longer rate environment weighed on sentiment. Yields rose in Q2 2023 on the expectation that central banks would continue hiking rates but fell in August as investors grew confident that policy rates were close to their peak, then rose again in September as oil prices climbed above \$90/barrel. There was also some effect from quantitative tightening by the Bank of England. This affected capital values of the Authority's longer-dated bond funds during the six-month period and, to a lesser extent, the multi-asset funds where there was some offset from equity performance.

Investor sentiment for UK commercial property was more settled than in Q3 and Q4 of 2022 when the sharp rise in bond yields resulted in a big fall in property valuations. There were signs of returning investor interest, occupier resilience and a perception that the downturn in commercial real estate may be bottoming out. It helped rental income and led to some stabilisation in capital values. However, the combination of high interest rates and bond yield, higher funding costs and the prospect of sluggish economic growth constrain the outlook for commercial property.

The combination of the above had a marginal negative effect on the combined value of the Authority's strategic funds since March 2023.

The change in the Authority's funds' capital values and income return over the 6-month period is shown in Table 4.

Income returns remained above budget at 35%. The Authority has budgeted £1m income from these investments in 2023/24 (£500k budget up to 30th September). Income received up to 30th September was £675k.

Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year minimum period total returns will exceed cash interest rates.

Statutory override: In April 2023 the Department for Levelling Up, Housing and Communities published the full outcome of the consultation on the extension of the statutory override on accounting for gains and losses on pooled investment funds. The override has been extended for two years until 31st March 2025 but no other changes have been made; whether the override will be extended beyond the new date is unknown but commentary to the consultation outcome suggests not. The Authority will discuss with Arlingclose the implications for the investment strategy and what action may need to be taken.

Non-Treasury Investments

The definition of investments in the Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and or for commercial purposes (made primarily for financial return).

Investment Guidance issued by the Department for Levelling Up Housing and Communities (DLUHC) and Welsh Government also includes within the definition of investments all such assets held partially or wholly for financial return.

The Authority also held £59.3m of such investments in directly owned property as shown in the table below:

Property	Purchase date	Purchase Price	Sector
Challenge House, Tewkesbury	Dec-16	£9,083,736	Office
Challenge House, Tewkesbury	Dec-16	£6,055,024	Industrial
Retail units, Clevedon	Jul-06	£2,299,110	Retail
The Chase, Hertford	Nov-17	£3,937,861	Office
SPL House, Ellesmere Port	Nov-17	£3,770,482	Industrial
Wickes, Trowbridge	Dec-17	£5,929,910	Retail
Edmund House, Leamington	Aug-18	£3,862,877	Office
M&S, Walton on the Naze	Oct-18	£4,653,141	Retail
Vaughan Park, Tipton	May-20	£9,688,943	Industrial
Volvo, Crawley	Dec-20	£10,050,365	Alternatives
Total		£59,333,248	

These investments are expected to generate £3.4m of investment income for the Authority after taking account of direct costs, representing a rate of return of 5.78%.

Treasury Performance

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual £m	Budget £m	Over/ under	Actual %	Benchmark %	Over/ under
<i>Treasury Investments</i>	0.67	0.50	0.17	5.15	4.95	Over
<i>Borrowing</i>	-0.22	-0.32	0.10	2.00	N/A	N/A
Total	0.45	0.18	0.27			

The borrowing interest rate is fixed, long term PWLB loans, therefore no benchmark is available.

Compliance

The Chief Finance Officer reports that most treasury management activities undertaken during the quarter complied fully with the principles in the Treasury Management Code and the Authority's approved Treasury Management Strategy. There was a period of 3 days where we did not have £7m of liquid cash available, please see liquidity table below. Compliance with specific investment limits is demonstrated in table 7 below.

Table 7: Investment Limits

	2023/24 Maximum	30.9.23 Actual	2023/24 Limit	Complied? Yes/No
Any single organisation, except the UK Government	£2.0m	£2.0m	£3.0m	Yes
Limit per non-UK country	£2.0m	£0.0m	£2.0m	Yes
Unsecured investments with banks and building societies	£0.0m	£0.0m	£2.0m	Yes
Money Market Funds	£3.0m	£3.0m	£3.0m	Yes
Strategic pooled funds	£3.99m	£3.99m	£4.0m	Yes
- CCLA	£2.0m	£2.0m	£2.0m	
- Other				
Real Estate Investment Trusts	£0.5m	£0.5m	£2.0m	Yes

Compliance with the Authorised Limit and Operational Boundary for external debt is demonstrated in table 8 below.

Table 8: Debt and the Authorised Limit and Operational Boundary

	H1 2023/24 Maximum	30.9.23 Actual	2023/24 Operational Boundary	2023/24 Authorised Limit	Complied? Yes/No
Borrowing	£30.3m	£20.6m	£40.0m	£50.0m	Yes

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Treasury Management Prudential Indicators

As required by the 2021 CIPFA Treasury Management Code, the Authority monitors and measures the following treasury management prudential indicators.

1. Liability Benchmark:

This new indicator compares the Authority's actual existing borrowing against a liability benchmark that has been calculated to show the lowest risk level of borrowing. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. It represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level of £10m required to manage day-to-day cash flow.

	31.3.23	31.3.24	31.3.25	31.3.26
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	Actual	Forecast	Forecast	Forecast
Loans CFR	£53.54m	£53.40m	£55.34m	£55.65m
Less: Balance sheet resources	£52.98m	£50.69m	£48.69m	£50.69m
Net loans requirement	£0.56m	£0.27m	£0.64m	£0.59m
Plus: Liquidity allowance	10,000	10,000	10,000	10,000
Liability benchmark	£11.45m	£12.71m	£16.64m	£15.96m
Existing borrowing	30,333	19,800	19,267	18,734

Following on from the medium-term forecast above, the long-term liability benchmark assumes no capital expenditure funded by borrowing.

Whilst borrowing may be above the liability benchmark, strategies involving borrowing which is significantly above the liability benchmark carry higher risk.

2. **Maturity Structure of Borrowing:** This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	Upper Limit	Lower Limit	30.9.23 Actual	Complied?
Under 12 months	0%	100%	0%	Yes
12 months and within 24 months	0%	100%	0%	Yes
24 months and within 5 years	0%	100%	0%	Yes
5 years and within 10 years	0%	100%	0%	Yes
10 years and above	0%	100%	100%	Yes

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

3. **Long-term Treasury Management Investments:** The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The prudential limits on the long-term treasury management limits are:

	2023/24	2024/25	2025/26	No fixed date
Limit on principal invested beyond year end	£16m	£14m	£12m	£10m
Actual principal invested beyond year end	£0m	£0m	£0m	£10m
Complied?	Yes	Yes	Yes	Yes

Long-term investments with no fixed maturity date include strategic pooled funds, real estate investment trusts and directly held equity but exclude money market funds and bank accounts with no fixed maturity date as these are considered short-term.

Additional indicators

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average A+ of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	2023/24 Target	30.9.23 Actual	Complied?
Portfolio average credit rating	A	A+	Yes

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a monthly period, without additional borrowing.

	30.9.23 Actual	2023/24 Target	Complied?
Total cash available within 1 months	£5.9m	£7m	No

Non-compliant for 3 working days.

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. Bank Rate rose by 1.25% from 4.25% on 1st April to 5.25% by 30th September.

For context, the changes in interest rates during the quarter were:

	<u>31/3/23</u>	<u>30/9/23</u>
Bank Rate	4.25%	5.25%
1-year PWLB certainty rate, maturity loans	4.78%	5.69%
5-year PWLB certainty rate, maturity loans	4.31%	5.22%
10-year PWLB certainty rate, maturity loans	4.33%	5.26%
20-year PWLB certainty rate, maturity loans	4.70%	5.64%
50-year PWLB certainty rate, maturity loans	4.41%	5.43%

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at new market rates.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Medium Term Financial Strategy 2024/25 – 2028/29
Report of:	Executive Director: Resources
Head of Service/Director:	Executive Director: Resources
Lead Member:	Lead Member for Finance & Asset Management
Number of Appendices:	5

Executive Summary:

The Medium Term Financial Strategy (MTFS) provides the financial plan for the Council for the period 2024/25 – 2028/29. It sets out the expected level of funding available to support the delivery of services, the likely cost of providing those services, the growth in service budgets that will be necessary to meet additional demands and the gap that exists between the funding available and the cost of service delivery. The strategy concludes with the plans that the Council has to close that funding gap.

Recommendation:

To RECOMMEND TO COUNCIL that the Medium Term Financial Strategy 2024/25 – 2028/29 be ADOPTED.

Financial Implications:

The Council could face a deficit in its base budget of £6.14m in the next five years. This is based upon a set of assumptions around funding that are uncertain but are the most likely given previous government announcements and consultations. Given the uncertainty around funding, a number of alternative scenarios have been included in the MTFS to highlight the potential spectrum of funding that the council may receive in future years.

Assumptions have also been made, based on latest forecasts, around the likely cost of services over the time frame.

The Council must set a balanced budget on an annual basis – it cannot run deficits and cannot borrow to fund day-to-day service delivery. In the event that it does not have sufficient resource to meet its expenditure needs, a s114 notice (see para 1.4 of Appendix A for definition) will need to be issued and a balanced budget re-established within the financial envelope available to the Council.

Legal Implications:

As detailed in the report the Council must set its budget in accordance with the provisions of the Local Government Finance Act 1992.

More specific legal advice will be obtained, where necessary, as part of any actions that arise from the MTFS going forward.

Environmental and Sustainability Implications:

None directly associated with this report

Resource Implications (including impact on equalities):

None directly associated with this report; however, it should be noted that any potential service reviews / reduction in employee costs / potential redundancies would be the subject of detailed proposals and consultation with the affected staff and trade unions at the appropriate time and before any decisions are made.

Safeguarding Implications:

None directly associated with this report

Impact on the Customer:

None directly associated with this report

1.0 INTRODUCTION

1.1 Financial planning is fundamental to good financial governance and the strategic management of the authority over the long term. The Medium Term Financial Strategy (MTFS) sets out resource availability to meet service expenditure expectations and identifies where the two are not aligned.

2.0 MEDIUM TERM FINANCIAL STRATEGY 2024/25 – 2028/29

2.1 The Medium Term Financial Strategy (MTFS) is a key element within the Council's overall strategic planning framework. The Strategy takes a medium term perspective and is reviewed, updated and rolled forward annually to set a framework for how budget pressures and priorities will be managed within the best estimates of available resources.

2.2 The MTFS outlines the budget that will be delivered over the medium to long term. A further report, specifically on the 2024/25 detailed budget, will be presented to both Executive Committee and Council in February 2024 for Member approval.

2.3 It is important to understand that the MTFS does not constitute a formal budget in respect of the period 2024/25 to 2028/29, as such, the indicative annual assumptions included both within the projected spending pressures and the potential funding detailed, will be subject to a full review and decision making process as part of each of the annual Revenue Budget and Council Tax setting decisions.

2.4 Instead, the MTFS is intended to outline, in broad terms, the specific funding and service issues over the period based on the latest assumptions and how the Council will, within its financial constraints, fund its core services and priorities.

2.5 The position of Local Government finance has been uncertain for long period of time and successive MTFSs have tried to outline a medium term plan against this undefined backdrop. In producing this year's strategy, there is continued uncertainty with the impending general election, the impact of inflation, concerns about the economy as well as another year of uncertainty around the long term future of local government funding.

- 2.6** In addition to the national uncertainty the Council faces with regards to its financial plans, both corporate and service related financial pressures continue to have a significant impact on the Council's forwards projections of its financial position. These include:
- Increased salary growth pressure
 - The local impact of high inflation on service budgets
 - Increasing demand for additional resources to meet a range of service requirements and pressures.
 - A new Council Plan in 2024
- 2.7** The MTFS also contains important strategic planning in a number of areas in order that the Council can plan for the changes it will need to make in the medium term to ensure it is able to meet its statutory duty of producing a balanced budget on an annual basis.
- 2.8** Best estimates have been made of the future financial position of the Council within the attached MTFS based on current assumptions of both government and local policy. Clearly the projections within the MTFS are subject to potentially significant change as a result of government policy on local government finance, either positively or negatively, and therefore strategic financial management of this authority will need to be flexible to be able to respond to the rapidly moving agenda.
- 3.0 CONSULTATION**
- 3.1** Transform Working Group has been consulted on the production of the MTFS. A full Member seminar will be held on the MTFS. Trade Unions are also briefed on the content of the MTFS.
- 4.0 ASSOCIATED RISKS**
- 4.1** Financial risks are detailed within the strategy. The corporate risk register specifically references the risk associated with funding uncertainty and is updated and monitored on a quarterly basis.
- 5.0 MONITORING**
- 5.1** The MTFS will be kept under continual review and amended in line with significant policy changes. Performance will be monitored against the plan by Members through the quarterly budget and performance monitoring reports whilst budget proposals will be presented in February of each year.
- 6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**
- 6.1** Finance and resources is currently a Council Plan priority.
- All council polices and strategies are linked by their need for funding to the MTFS, the annual budget and good financial management .

Background Papers: Medium Term Financial Strategy 2023/24 – 2027/28

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Appendices: Appendix 1 – Medium Term Financial Strategy 2024/25 – 2028/29
A – Forecast Total Resources table
B – Forecast Total Resources graph
C – Real terms funding impact
D – Forecast net expenditure

Medium Term Financial Strategy

2024/25 – 2028/29

1.0	BACKGROUND
1.1	The Medium Term Financial Strategy (MTFS) provides a financial framework for the council's strategic planning and decision making. The MTFS incorporates key factors such as the changes in Government funding, our spending plans and the level of savings and increased income that are likely to be needed. By anticipating financial pressures now, we can plan ahead early to meet the significant challenges in a way that ensures resources are targeted to the council's highest priorities and have the minimum impact on services.
1.2	The last MTFS was approved in January 2023 and covered the period 2023 to 2028. That strategy reflected the impact of austerity on council finances throughout the last decade, the outlook for public finances made in the Chancellor's Autumn Statement, the further delays announced for funding reform within the sector and the growing impact of inflation on the Council's cost base.
1.3	In the period since the MTFS, little has changed. The council still has a lack of clarity on its funding position, even for 2024/25; there has been no engagement from the government on the future of New Homes Bonus as promised in December 2022; the economy continues to stagnate with some forecasting a recession in 2024; the resultant outlook for public finances is bleak, particularly for unprotected departments such as local government; and inflation remains stubbornly persistent.
1.4	It is around this position of uncertainty, reduced funding and rising costs that this MTFS is based and highlights the reasons for a growing number of authorities either declaring a section 114 notice or highlighting why they are on the verge of declaring one. A section 114 notice indicates that the council's forecast income is insufficient to meet its forecast expenditure for the next year.
1.5	It should be noted that Tewkesbury Borough Council is not in immediate danger of issuing a section 114 notice given the short to medium term forecasts and the existence of a significant reserve to support the base budget, but the forecast budget gap over the medium term is significant and without meaningful progress to reduce that gap, both internally and externally, the ongoing financial sustainability of the Council will be called into question.
1.6	Despite the fog of uncertainty and issues highlighted, it is imperative that the Council understands the potential financial challenges it may face so that it can take sound financial decisions. This strategy provides members with an update on the issues affecting our budget, the most likely funding scenario the Council will face in the medium term based on the current understanding of government policy and economic forecasts and describes some of the actions being taken to address the projected shortfall in funding.

2.0	FUNDING
2.1	<p>The future of local government funding continues to remain uncertain with both the quantum of funding and the allocation of that funding being unclear. It has been a number of years since funding reform was first contemplated and scheduled for implementation but no progress has been achieved in delivering this ambition. In addition, whilst the Spending Review 2021 has set the funding envelope for a three-year period, no certainty exists beyond March 2025 and the Autumn Statement 2022 suggested much tighter public spending than previously envisaged. There is also the matter of a General Election to take place in either 2024 or January 2025 which further complicates financial projections.</p>
2.2	<p>Given the levels of uncertainty, it is difficult to forecast funding with any degree of assurance or accuracy. The following paragraphs describe a 'likely' scenario based on what the current government has told the sector over a number of years. However, there are numerous factors that contribute to this likely scenario and a change to one of those factors can produce very different outcomes. Therefore, section 2.15 looks at some of those variances and potential different funding scenarios to highlight the spectrum of hypothetical alternative outcomes for local government funding over the next five years.</p>
2.3	<p><u>Quantum of Funding</u></p> <p>The 2021 Spending Review provided government departments certainty of funding for the three years between April 2022 and March 2025. In terms of funding for local government, whilst there was significant additional funding in the first year, there was no additional funding in the second and third years outside of social care and some smaller grant funding pots. Therefore, the overall quantum of funding for local government, aside from social care, remains cash flat for the current and next financial year and, given the current inflationary pressures, results in a real term cut in funding.</p> <p>Beyond March 2025, reliance for financial forecasting is placed upon the Autumn Statement 2022 and the announcement of 1% growth in public spending each year. This level of growth is very tight given the assumption of a return to normal levels of inflation of around 2% and would leave the public sector continuing to look for savings in order to balance its budgets. This position could be worse for unprotected departments such as local government as other government spending commitments for areas such as the NHS will require increases above the 1% set for the public sector as a whole. This could result in cash reductions for local government during the next Spending Review period with some estimates concluding a 0.7% reduction in funding will be required. More recently, the Institute for Fiscal Studies suggested that unprotected departments may need to shoulder cuts of up to 1.5% post 2025.</p> <p>Given the uncertainty around this forecast, particularly with an election before the next Spending Review, and the potential catastrophic impact on services of further cuts to local government funding, the MTFS has assumed that the slightly more generous position of a 0% change to departmental spending will be met. It should be noted however, that even at this level, this is likely to be another real terms cut in the spending power of local government.</p>
2.4	<p><u>Funding reform</u></p> <p>Funding reform is the term given to proposals to amend the allocation basis and grant regime of central government funding. The Fair Funding Review (FFR) was established a number of years ago to review how the overall quantum of funding for local government is allocated to individual authorities. Many of the drivers for allocating funding are over ten years old and reflective of a very different country. In the period since the</p>

	<p>commencement of the review, the number of individual grants from central government has grown and the 2021 census has highlighted a significant change to the population spread across the country.</p> <p>The Finance Policy Statement announced by Secretary of State on the 12th of December 2022 confirmed what had been widely predicted in that the funding reforms proposed would be postponed until after the next general election. As a result, no funding reform will take place until 2025/26 at the earliest with a more likely time frame for introduction being 2026/27.</p> <p>Whilst this is disappointing given that funding reform was originally set to be introduced from 2019, for Tewkesbury Borough Council the delay is beneficial as current funding reform proposals highlight a significant reduction in central funding for the council. It is expected that a 'damping' regime will accompany funding reform in order to manage the losses at individual councils although the value of this regime may not be significant.</p> <p>The funding forecast at appendix A has made the assumption that the current proposals for the Fair Funding Review will be implemented in 2026/27 with a number of the current individual grants ceasing at that point and being rolled into a much reduced Revenue Support Grant. The change to allocation drivers will result in reduced funding for lower tier authorities, although the population growth enjoyed by the Borough Council over the last ten years will provide some benefit. Assumptions have also been made about a limited damping regime that provides some moderate transitional relief in 2026/27 to the reductions in funding.</p> <p>The resultant impact highlights a reduction in Settlement Funding and other grants of £2.48m in 26/27, equivalent to a reduction of circa 48%. The reduction to funding continues the following year as the damping grant drops out before flatlining the year after.</p> <p>There is of course the possibility of different outcomes to the FFR or that it may not happen at all given that it will be seven years since the proposals were last discussed meaningfully. Therefore, it cannot be stated with any certainty that the outcome highlighted in this MTFS will actually occur but for the purposes of modelling the medium term, it has been deemed appropriate to include funding reform in its current shape.</p>
2.5	<p><u>Business rates retention reset</u></p> <p>As with the delays to funding reform, the reset of the business rate retention scheme has also been postponed to 25/26 at the earliest. As with the FFR, it is more likely that the reset will actually occur in 26/27 given the impact of the General Election and would be based on outturn data for 2024/25.</p> <p>The reset is an integral part of the current retention scheme and was originally scheduled to be delivered in 2020/21. When it is delivered, it will take the growth generated by local government as a whole since the inception of the retention scheme in 2013 and will redistribute it based on the needs assessment within the Baseline Funding Level. When this does happen, Tewkesbury is likely to lose a significant level of funding.</p> <p>Given the delay to the reset, Tewkesbury's retention levels will continue to grow and a total retention level of £2.64m has been assumed for 2025/26 which is an increase of £0.66m on current levels.</p> <p>At the point of reset, Tewkesbury's retention level is forecast to fall by £1.39m based on current assumptions resulting in a retained level of £1.25m in 26/27. There is no damping regime associated with this reduction of funding and it is not currently known when the following reset would take place. As a result, it is hard to place reliance on business growth within the Borough as a stable source of funding for the Council.</p>

2.6	<p><u>Business rates technical adjustments</u></p> <p>A further consideration on estimating business rates income will be the outcome from the consultation published by the Government on 28 September 2023 covering technical adjustments to the Business Rates Retention System in response to the Non-Domestic Rating Bill. The Non-Domestic Rating Bill, currently before Parliament, brings forward changes to the ways that business rates multipliers will be calculated and applied and could be implemented from 2024/25.</p> <p>As a consequence of the Bill changes, the Government are considering technical amendments to the Business Rates Retention System (BRRS) to maintain the accuracy of levy and safety net payments and future income compensation paid to local authorities for the impact of tax policy decisions. The consultation closed on 02 November 2023 with any changes likely to feed through to the 2024/25 Local Government Finance Settlement.</p>
2.7	<p><u>Funding Guarantee</u></p> <p>In the first couple of financial years of the decade, Tewkesbury has seen a 0% change to its Core Spending Power (CSP) as government funding has been reduced and council tax levels increased to compensate for that reduction. It had been widely expected that this 0% floor to local government funding would continue given the roll over nature of funding settlements. However, the Finance Policy Statement from the 12th December 2022 proposed a new floor to local government funding being 3% of CSP. Currently this is only proposed as a one off but the MTFs modelling has assumed it is carried over into 24/25 at the 3% level, retained in 25/26 but at a 0% level to reflect assumptions around the next Spending Review and then scrapped in 26/27 with the introduction of funding reform.</p> <p>The Funding Guarantee of 3% is based on all council's receiving at least a 3% uplift in funding as compared to their current year CSP. The calculation of CSP includes:</p> <ul style="list-style-type: none"> • Settlement Funding Assessment (Baseline Funding Level and Revenue Support Grant); • compensation for not increasing the business rates multiplier; • Council tax; • New Homes Bonus; • Services Grant; and • Funding Guarantee <p>It does not include business rates growth retention.</p> <p>With Tewkesbury's current CSP being circa £10.3m, the Council would expect to see an uplift in funding of over £0.3m in 24/25. Actual projections for funding over the next two years, excluding business rates growth, see increases of £0.41m (3.98%) and £0.14m (1.29%). Whilst funding increases are welcome and more than previous settlements, it should be noted that in all three years of the Funding Guarantee, increased resources have still been significantly below levels of inflations resulting in real terms reductions in funding.</p>
2.8	<p><u>New Homes Bonus</u></p> <p>The Finance Policy Statement 2022 confirmed that New Homes Bonus (NHB) would continue for a further year in 2023/24 and that it was the government's intention to consult with the sector and announce its future plans for NHB before the 24/25 finance settlement. At the time of writing, this is yet to happen and now looks unlikely.</p>

It is therefore assumed that NHB will continue in its current format – one year only reward – for one more year before being withdrawn in 25/26. This will mean that the final five years of the scheme will only have attracted one year only reward for each new home delivered rather than the six years originally designed. This is a substantial reduction in funding for this Council given the level of housebuilding taking place within the Borough. The Council might have expected to receive circa £5.78m in NHB funding for 24/25 if the original scheme was still in place rather than the £1.24m it is now expecting to receive.

The MTFS expects NHB to be withdrawn in 25/26 and the Funding Guarantee to be increased to partially compensate for this loss. It is not yet known whether the government will at some stage confirm plans for the future of NHB or if there might be a replacement scheme, as originally consulted on in Spring 2021.

2.9 Council Tax referendum thresholds

The Autumn Statement in 2022 confirmed council tax principles for the 2023/24 and it has been assumed that these will be carried forward throughout the MTFS period.

Greater freedom for tax increases was announced with the core principle increasing from 2% to 3% and the Adult Social Care Levy increasing from 1% to 2%. For District Councils, the referendum principle has been amended to the greater of 3% or £5. Given how low Tewkesbury’s council tax is at £139.36 per annum for a Band D property, the largest increase the Council could levy under these principles is £5 throughout the MTFS period.

The projected level of council tax for a Band D property is illustrated in the table below.

	23-24	24-25	25-26	26-27	27-28	28-29
Forecast Council Tax	£139.36	£144.36	£149.36	£154.36	£159.36	£164.36
Increase (£)	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00
Increase (%)	3.72%	3.59%	3.46%	3.35%	3.24%	3.14%

This forecast will mean that Tewkesbury falls further below the average council tax for a District as most other councils will be able to raise their tax by 3% which will generate more than £5 each year.

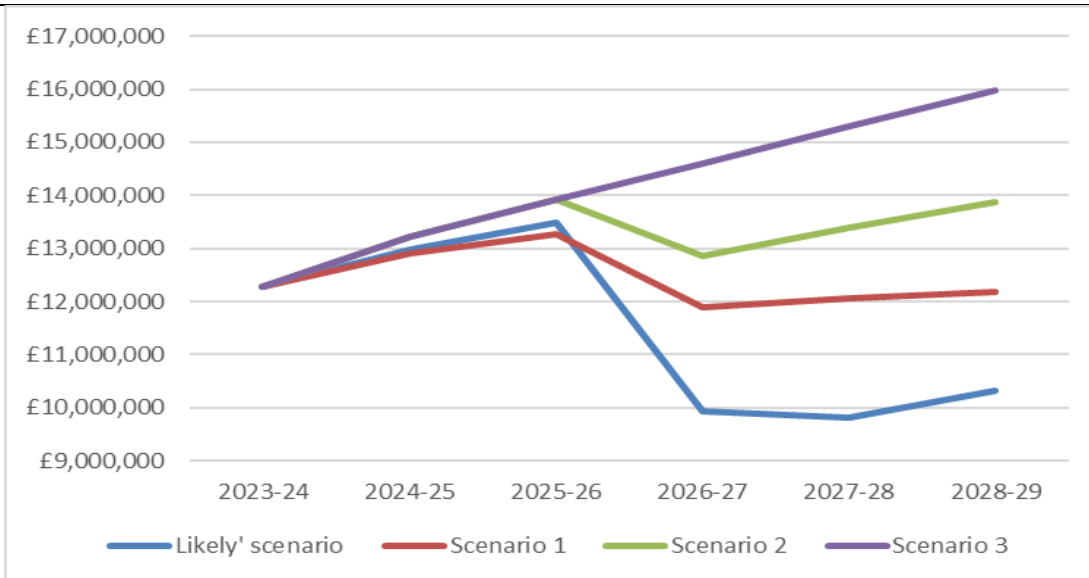
As in previous years, there is a clear expectation from government that local authorities will use the full freedom of their council tax raising powers. All government estimates of funding and Core Spending Power assume that council tax is increased by the highest amount possible before a referendum is required. Given this, and the significant deficit generated by further funding cuts and increasing costs, the MTFS has assumed a continued increase in council tax band D of £5 per annum throughout the MTFS period.

The increased council tax generates additional ongoing funding of over £0.9m in the five years of the MTFS whilst the band d charge to council tax payers will increase from £139.36 to £164.36, an increase of £25 or 17.9% over the five year period. Given how low Tewkesbury’s council tax currently is (eight lowest District in England) it is expected that even with these forecast increases, Tewkesbury will remain in the bottom quartile for council tax charged.

<p>2.1 0</p>	<p><u>Tax base growth</u></p> <p>As highlighted earlier, the Borough continues to grow with substantial housebuilding taking place now and forecast into the future. Over the last five years, the number of properties within the Borough has grown by 3,506 or 8.6% and that trend continues as we approach 2024. That trend may slow down in the coming years due to economic factors but with the planning permissions in place there is still likely to be a high level of growth across the Borough with nearly 5000 new properties being forecast.</p> <p>Converting properties into a tax base means placing each property into a valuation band; applying discounts, exemptions and premiums; deducting the Council Tax Reduction Scheme and then converting it all back to a Band D equivalent. The tax base then enables the calculation of how much council tax revenue will be raised from a certain charge.</p> <p>The table below highlights the projections of properties and the tax base.</p> <table border="1" data-bbox="236 712 1295 891"> <thead> <tr> <th></th> <th>2023-24</th> <th>2024-25</th> <th>2025-26</th> <th>2026-27</th> <th>2027-28</th> <th>2028-29</th> </tr> </thead> <tbody> <tr> <td>Forecast total properties</td> <td>44,016</td> <td>45,024</td> <td>45,893</td> <td>46,837</td> <td>47,899</td> <td>48,944</td> </tr> <tr> <td>Forecast tax base</td> <td>36,781</td> <td>37,624</td> <td>38,349</td> <td>39,138</td> <td>40,026</td> <td>40,899</td> </tr> <tr> <td>Band D increase</td> <td>970</td> <td>842</td> <td>726</td> <td>789</td> <td>887</td> <td>873</td> </tr> <tr> <td>Annual taxbase increase</td> <td>2.71%</td> <td>2.29%</td> <td>1.93%</td> <td>2.06%</td> <td>2.27%</td> <td>2.18%</td> </tr> </tbody> </table> <p>The increasing tax base means that the council will collect around £600,000 more in council tax in five years time, even at the current council tax charge. It should however be noted that whilst each new property will deliver increased revenue, they will also demand increased services (see Section 4: Growth), the cost of which outweighs the increased revenue, given the low council tax charged by the Borough.</p>		2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	Forecast total properties	44,016	45,024	45,893	46,837	47,899	48,944	Forecast tax base	36,781	37,624	38,349	39,138	40,026	40,899	Band D increase	970	842	726	789	887	873	Annual taxbase increase	2.71%	2.29%	1.93%	2.06%	2.27%	2.18%
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<p>2.1 1</p>	<p><u>Delay to introduction of Extended Producer Responsibility for packaging (pEPR)</u></p> <p>The Government has deferred the introduction of Extended Producer Responsibility (pEPR) by a year to October 2025. Commentary included in the 2023/24 settlement indicated pEPR may have provided additional income to local authorities.</p> <p>“2024-25 brings with it a significant new funding stream, subject to successful delivery of the Extended Producer Responsibility for packaging (pEPR) scheme as soon as is feasible within this financial year; local authorities can expect to receive additional income from the scheme whilst being asked to submit data relevant to their waste collection services. Alongside His Majesty’s Treasury and the Department for Environment, Food and Rural Affairs, we will be assessing the impact of additional pEPR income on the relative needs and resources of individual local authorities in the coming year.”</p> <p>Given the delay and uncertainty to exactly how the scheme will work and whether there will be a net benefit to the council or not, the pEPR has not been included within the MTFs at this point. This will be kept under review until such time that it can be included with certainty in our financial projections.</p>																																			

<p>2.1 2</p>	<p><u>Total forecast resources</u></p> <p>The combination of the assumptions made in the previous paragraphs is detailed within appendix A which provides the funding forecast for the next 5 years. As can be seen, the roll over nature of the next two settlements plus the growth of business rates retention and increases to council tax result in a steady increase in resources in the short term equivalent to £1.21m or 9.8%.</p> <p>However, in the third year of the MTFS, the expected impact of funding reform and Business Rates retention reset has a significant detrimental bearing on available funding, even after allowing for damping protection. The MTFS depicts a scenario where over £3.5m of funding is lost in 26/27, with further losses in 27/28 before a modest recovery in the final year.</p> <p>The table below summarizes the forecast position:</p> <table border="1" data-bbox="223 672 1372 873"> <thead> <tr> <th></th> <th>23-24</th> <th>24-25</th> <th>25-26</th> <th>26-27</th> <th>27-28</th> <th>28-29</th> </tr> <tr> <th></th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> </tr> </thead> <tbody> <tr> <td>Total Resources</td> <td>12.28</td> <td>12.99</td> <td>13.49</td> <td>9.94</td> <td>9.82</td> <td>10.33</td> </tr> <tr> <td>Change in Total Resources (£m)</td> <td>1.27</td> <td>0.71</td> <td>0.50</td> <td>-3.55</td> <td>-0.12</td> <td>0.51</td> </tr> <tr> <td>Change in Total Resources (%)</td> <td>11.50%</td> <td>5.74%</td> <td>3.87%</td> <td>-26.30%</td> <td>-1.26%</td> <td>5.23%</td> </tr> </tbody> </table>		23-24	24-25	25-26	26-27	27-28	28-29		£m	£m	£m	£m	£m	£m	Total Resources	12.28	12.99	13.49	9.94	9.82	10.33	Change in Total Resources (£m)	1.27	0.71	0.50	-3.55	-0.12	0.51	Change in Total Resources (%)	11.50%	5.74%	3.87%	-26.30%	-1.26%	5.23%
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<p>2.1 3</p>	<p>To illustrate the expected levels of funding over the next five years, a graphical representation is included at appendix B. This summarizes the funding streams into four headings so that the movement on each of these can be seen but also shows the level of total resources available. The chart also includes information from the previous seven years as well as the forecast five years and the current year to provide a comprehensive overview of the resources that have been, and will likely be, available to the council.</p> <p>The chart clearly highlights the growing level of dependency on council tax to finance the activities of the council. The assumed £5 increase in council tax over the twelve years highlighted in the appendix together with a growth in the tax base results in total council tax income increasing from £3.56m in 2017/18 to £6.72m in 2028/29. This is an increase of £3.17m or 89% and council tax as a percentage of overall funding has increased from 36.5% to 65.1% in this forecast.</p> <p>The chart also highlights the volatile nature of business rates funding with a contraction in funding during the pandemic before a recovery ahead of the system reset. As a result of this volatility, business rates retention is expected to diminish by £0.23m from its current level.</p> <p>As with business rates, grant funding has fluctuated over the period but will reduce dramatically over the final three years of the forecast as a result of the Fair Funding Review. Grant funding is forecast to reduce by £3.3m over this period and leave the Council with a negative Revenue Support grant of £0.06m. If funding reform is taken forward and has the impact as illustrated in the MTFS it will mean grant funding will fall by 101.2% between 2017/18 and 2028/29.</p> <p>Overall, total resources forecast for 2028/29 are set to be £1.95m less than the current year in cash terms.</p>																																			
<p>2.1 4</p>	<p><u>Real terms impact of funding forecast</u></p> <p>Whilst the forward forecast of resources highlights that cash levels of funding for 2028/29 will be significantly less than the current year and only £0.58m more than 2017/18 levels, that ignores the impact of inflation over that period.</p>																																			

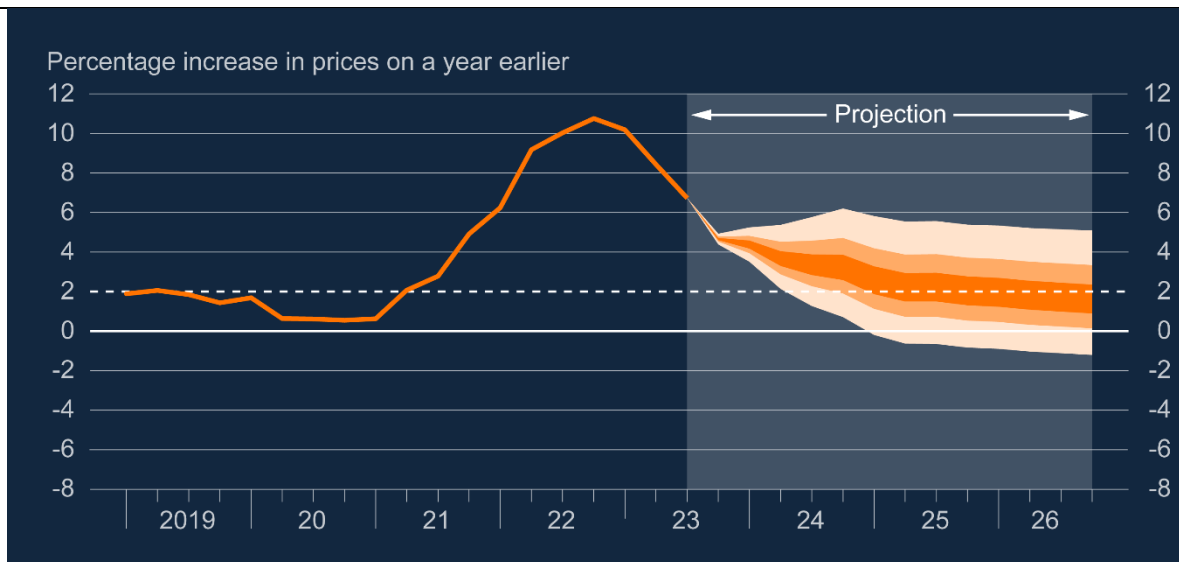
	<p>Appendix C provides a graphical representation of what levels of funding may look like if the 2017/18 funding level simply uplifted by inflation each year. The forward forecast uses expected inflation levels for the Consumer Price Index Q3 as projected by the Bank of England in their November 2023 Monetary Report.</p> <p>As can be seen in Appendix C, funding levels increased by far more than inflation in the early years as the Council benefited from increased funding from New Homes Bonus, business rates retention and council tax whilst inflation remained low.</p> <p>However, the future projection highlights the impact of funding changes forecast in 2026/27. A funding gap of £3.7m emerges in 26/27 and increases to over £4m the following year before falling back to £3.7m. This means, that in real terms, the spending power of the council is forecast to reduce by 27% on 2017/18 levels and would be significantly higher if the austerity of the previous seven years had also been factored in.</p>
<p>2.1 5</p>	<p><u>Alternative scenarios</u></p> <p>As highlighted at 2.2, the previous sections describe the ‘likely’ scenario based on current government policy and announcements. Given the political and economic uncertainties as well as doubts over whether planned reforms would go ahead in their current guise given the age of them, there are a significant range of possible funding scenario’s that could differ from the ‘likely’ scenario.</p> <p>There are some scenario’s that could be worse than the ‘likely’ scenario that has been highlighted. This could be as a result of reduced public spending either generally or specific to unprotected departments, poor economic performance impacting on business growth or a reduced ability to grow local council tax levels. However, given the impact to local government services should the ‘likely’ scenario occur, there is more weight to the upside risk. Therefore, the focus on alternative scenario’s within this MTFS is on improvements to the settlement.</p> <p>The chart below highlights three possible scenario’s in comparison to the likely scenario. These are:</p> <ul style="list-style-type: none"> • Scenario 1 – a 0% change to the Core Spending Power of the Council in the next five years. This reflects the position adopted by the government in settlements between 2021 and 2023 for Tewkesbury. In this scenario, grant funding is reduced as council tax income increases to provide a 0% change in CSP and the only increase in funding is from increased business rates retention. The planned Fair Funding Review has been removed in this scenario. A business rates reset is still forecast for 26/27. • Scenario 2 – a 3% change in the Core Spending Power of the Council. This follows the parameters of scenario 1 but allows for an overall increase of 3% in Core Spending Power. This is similar to the current year settlement but includes additional council tax income within the overall 3% uplift. • Scenario 3 – as per Scenario 2 but with no business rates reset in 26/27.



As can be seen, over the long term, even a freeze to core spending power results in a better funding position to the current 'likely' scenario. The other depicted scenario's highlight increasing resource levels with scenario 3 suggesting an increase of £3.69m or 30%.

The graph highlights a range of outcomes that could be possible with slight movements on assumptions. Given the amount of moving parts that form our funding projections, there are many more scenario's that could be constructed and added to the graph. Which, if any, will come to fruition, will not be known for some time yet and results in the Council's financial planning being based on unstable foundations.

<p>2.1 6</p>	<p>Summary</p> <p>As highlighted at the start of this strategy, given the uncertainty with all aspects of the current funding regime, many assumptions have been needed to be made in order to provide a medium term projection. It is unlikely that all of those assumptions will become reality and it is inevitable that this projection will change. However, these assumptions are the best information we have to work with at the current time and therefore are the basis for our assessment of future financial challenges for the authority.</p>
<p>3.0</p>	<p>NET EXPENDITURE FORECAST</p>
<p>3.1</p>	<p>The opposite side to funding projections is an estimate of the Council's net expenditure requirements over the medium term. Taking the current core budget of the Council, a forecast of expenditure to maintain the current services of the Council is made using a number of assumptions about inflationary impacts.</p>
<p>3.2</p>	<p><u>Consumer Price Inflation forecast</u></p> <p>The recent Bank of England Monetary Policy Report in November 2023 highlighted the levels of Consumer Price Inflation over recent years and made a projection of future price increases. This is highlighted in the following graph.</p>



As can be seen, high levels of inflation have been affecting prices since late 2021 and whilst it appears that the peak of price inflation is now past and inflation is falling, it is unlikely that inflation will return to the Bank of England target level of 2% until at least the middle of 2025.

This will mean that the Council's budgets for the purchase of goods and services will need to increase significantly in the next two years in order to keep pace with inflation and ensure that the same level of inputs can be purchased to deliver our services. For the purpose of the MTFS, we use inflation forecasts for Q3 of the preceding year to forecast likely budget increases. Utilising the Bank of England projection, the following levels of price increase have been applied to relevant expenditure budgets:

	24-25	25-26	26-27	27-28	28-29
CPI Impact	6.93%	3.30%	2.13%	1.62%	1.75%

Similarly, CPI inflation forecasts have been applied to fees and charges projections where the Council has discretion over the charge levied to the customer.

3.3 Pay Awards

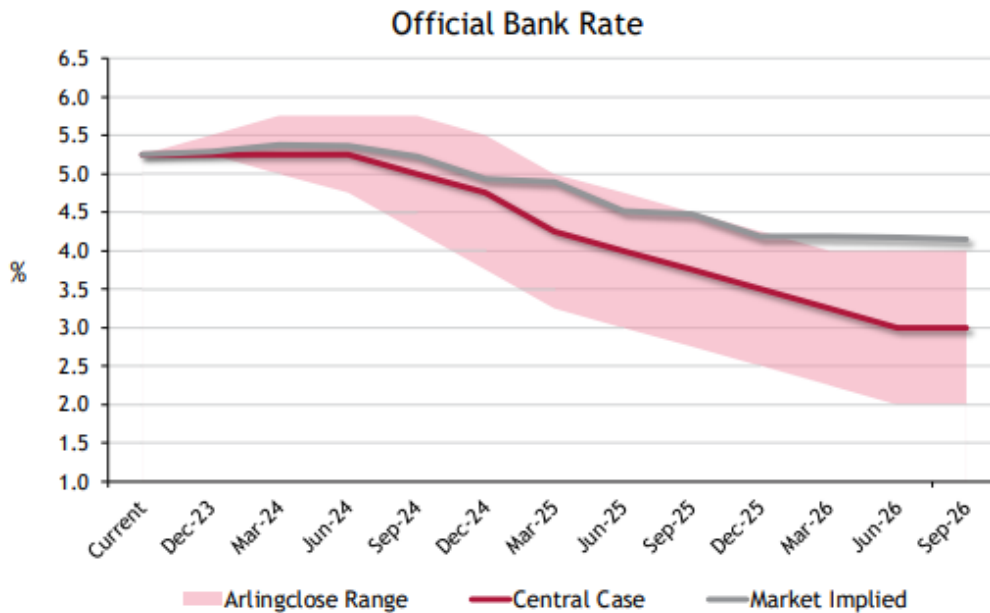
Assumed levels of employee inflation for all posts, based on the annual pay award (negotiated at national level and incorporated into contracts of employment), are shown in the table below.

	24-25	25-26	26-27	27-28	28-29
Salary inflation	4%	2%	2%	2%	2%

The level of salary inflation assumed is based on both the prevailing level of general inflation and the tightness of funding settlements to get to a balanced position of likely agreed pay award. A pay award reserve is in place to support any in year additional costs from excessive pay awards and to be replenished should pay awards be less than anticipated. This reserve will be utilized in 2023-24 to cover the recently agreed pay awards for 2023/24. The Council had budgeted for a flat increase of £1,601 per full time employee, but the agreed award has been finalized at £1,925 for the majority of staff.

3.4 Interest rates

The Bank of England once again froze the base rate in October 2023 following 14 consecutive rate rises between December 2021 and August 2023 which saw the base rate move from 0.1% to 5.25%. The council's treasury management advisors, Arlingclose, have forecast that this rate will be held until mid 2024 before slowly dropping off toward 3%. The following graph highlights this forecast as well as that of other market institutions.



Based on this projection of the base rate we forecast the likely return from treasury investments and the potential cost of any new borrowing. The three month money market rate is used as a blended rate to cover both short and long term interest rates. The table below highlights this blended rate that has been used for the purpose of the MTFS projection.

	24-25	25-26	26-27	27-28	28-29
3 month money market rate	4.89%	3.66%	3.00%	3.00%	3.00%

3.5 The previous three tables highlight the main inflationary assumptions contained within the medium term projection although there are a number of more specific assumptions for certain expenditure and income lines such as the expected cost of utilities that have seen dramatic increases over the last twelve months. There are also specific calculations for items such as the Minimum Revenue Provision.

3.6 The MTFS cost projection also picks up any known and unavoidable cost increases. These are not the growth items where the Council has discretion but significant movement on costs, outside of the Council's control.

There are two items to highlight in this MTFS.

1. An increased cost of external audit provision totalling £66,500 or 95%. This increased cost reflects the additional work required to be undertaken by external audit but also the market conditions for the provision of this service.
2. An increased cost of £200,000 for the disposal of recycled materials as reported in the Q2 financial outturn report. The budget for the current year was reduced as

	the value the recycled materials had increased in the previous year. This has now been reversed and we are seeing lower values resulting in a higher gate fee for the disposal. A prudent estimate of this volatile cost stream has therefore been included within the MTFS																																			
3.7	<p>Applying these inflationary expectations and known cost variances to our current core budget allows a forecast to be made over the medium term about levels of expenditure which are likely to be required to provide our current services, at current service standards, over the next five years. The detailed forecast is shown in appendix D and highlighted below.</p> <table border="1"> <thead> <tr> <th></th> <th>23-24</th> <th>24-25</th> <th>25-26</th> <th>26-27</th> <th>27-28</th> <th>28-29</th> </tr> <tr> <th></th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> </tr> </thead> <tbody> <tr> <td>Net budget</td> <td>12.28</td> <td>13.44</td> <td>14.20</td> <td>14.74</td> <td>15.13</td> <td>15.47</td> </tr> <tr> <td>Change in net budget (£m)</td> <td>1.26</td> <td>1.16</td> <td>0.75</td> <td>0.54</td> <td>0.39</td> <td>0.34</td> </tr> <tr> <td>Change in net budget (%)</td> <td>11.45%</td> <td>9.42%</td> <td>5.61%</td> <td>3.84%</td> <td>2.62%</td> <td>2.26%</td> </tr> </tbody> </table>		23-24	24-25	25-26	26-27	27-28	28-29		£m	£m	£m	£m	£m	£m	Net budget	12.28	13.44	14.20	14.74	15.13	15.47	Change in net budget (£m)	1.26	1.16	0.75	0.54	0.39	0.34	Change in net budget (%)	11.45%	9.42%	5.61%	3.84%	2.62%	2.26%
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3.8	As can be seen from the table, there is a significant rise in the cost of providing current services in each of the next two years, as well as the current year, given expected levels of inflation, employee pay awards and unavoidable cost increases. Nearly £2m additional cost will be faced between April 2024 and March 2026 due to rising costs before the council considers funding new ambitions or supporting growth within services.																																			
3.9	Over the course of the medium term, it is currently forecast that the net budget will increase from £12.28m to £15.47m, an increase of £3.18m or 25.9%.																																			
4.0	GROWTH																																			
4.1	As highlighted in the previous section, the cost of providing current services is set to increase significantly. In addition to this, it should be expected that our services will need to continue to grow to meet the increasing demands on the Council. This is as a result of the projected growth in the size of the Borough where the number of domestic dwellings could increase circa 11.2%. As a result of this, services such as waste and recycling, housing, planning, revenues and benefits could all require an increase in capacity to meet the extra demand generated by a bigger Borough. This of course, has the knock on effect of requiring larger support services to assist the increasing front line requirement.																																			
4.2	In addition to this, new requirements are being placed on the council each year. In recent years, areas such as cyber security, General Data Protection Regulations and climate change have resulted in additional resources needing to be found by the Council to meet the emerging requirements. The requirement for 10% Biodiversity Net Gain on planning applications comes into force in January 2024 and is likely to require specialist input to ensure we are meeting our duties. Whilst some new burdens grant funding has been received to support this, there has not been any confirmation of ongoing funding from the government to meet this requirement and is therefore currently another example of a 'new' cost falling upon the council to fund.																																			
4.3	Given both of these factors, it would therefore be right to assume a continued demand for growth of the budget over the coming years. For the current year, over £1.5m of ongoing growth was requested and £0.45m was approved for inclusion in the budget which continued the trend of previous years. The forthcoming year again sees a similar level of request being made with decisions yet to be made on the affordability and prioritisation of those bids.																																			

4.4	Therefore, it is prudent, for the purposes of the MTFs, to assume a level of growth each year over the period of the MTFs. Given the projections on both funding and the rising cost of providing services a 'managed' level of £0.2m per annum is included. Whilst it is expected that services and the ambitions of the Council may seek higher levels of growth, it will be an important part of the deficit reduction programme of the council to manage growth so that only unavoidable growth is included within the base budget. Funding for other growth requirements will need to be met from existing budgets as expenditure is further prioritized to meet the overall funding envelope available to the council and avoid heading towards the possibility of a section114 notice.																																																								
5.0	FUNDING GAP																																																								
5.1	<p>Combining the forecasts of the previous sections provides the overall projection of the Council's net budget position for the next five years. This is shown in the table below.</p> <table border="1" data-bbox="236 696 1369 992"> <thead> <tr> <th></th> <th>23-24</th> <th>24-25</th> <th>25-26</th> <th>26-27</th> <th>27-28</th> <th>28-29</th> </tr> <tr> <th></th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> </tr> </thead> <tbody> <tr> <td>Projected net expenditure</td> <td>12.28</td> <td>13.44</td> <td>14.20</td> <td>14.74</td> <td>15.13</td> <td>15.47</td> </tr> <tr> <td>Projected growth</td> <td>0.00</td> <td>0.20</td> <td>0.40</td> <td>0.60</td> <td>0.80</td> <td>1.00</td> </tr> <tr> <td>Projected total expenditure</td> <td>12.28</td> <td>13.64</td> <td>14.60</td> <td>15.34</td> <td>15.93</td> <td>16.47</td> </tr> <tr> <td>Projected Funding</td> <td>12.28</td> <td>12.99</td> <td>13.49</td> <td>9.94</td> <td>9.82</td> <td>10.33</td> </tr> <tr> <td>Funding Gap</td> <td>0.00</td> <td>0.65</td> <td>1.10</td> <td>5.40</td> <td>6.11</td> <td>6.14</td> </tr> <tr> <td>% of net exp</td> <td>0.00%</td> <td>4.78%</td> <td>7.56%</td> <td>35.17%</td> <td>38.35%</td> <td>37.26%</td> </tr> </tbody> </table>		23-24	24-25	25-26	26-27	27-28	28-29		£m	£m	£m	£m	£m	£m	Projected net expenditure	12.28	13.44	14.20	14.74	15.13	15.47	Projected growth	0.00	0.20	0.40	0.60	0.80	1.00	Projected total expenditure	12.28	13.64	14.60	15.34	15.93	16.47	Projected Funding	12.28	12.99	13.49	9.94	9.82	10.33	Funding Gap	0.00	0.65	1.10	5.40	6.11	6.14	% of net exp	0.00%	4.78%	7.56%	35.17%	38.35%	37.26%
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5.2	As can be seen, the projected total level of expenditure by 28/29 is £16.47m inclusive of assumed growth in services. Of this expenditure, only £10.33m is provided by the expected funding available under the 'likely' funding scenario leaving a funding gap of £6.14m. The early years of the MTFs provide smaller funding gaps as a growth in funding partly offsets the rising cost of core services and new growth demands. However, from 26/27 onwards, following the assumed funding reform and business rates reset, the funding gap jumps dramatically and continues to grow as funding remains stagnant whilst costs are expected to rise.																																																								
5.3	<p>Whilst the table in 5.1 depicts the potential deficit associated with the 'likely' funding scenario, the alternative funding scenarios have also been used to calculate alternative deficit projections. The table and graph below highlight these alternatives compared to the likely scenario and provide a spread of potential deficits facing the council in an uncertain future. As would be expected, given the different funding levels projected in the alternative scenario's, the range of potential deficits is quite wide ranging from the £6.14m already illustrated down to £0.5m under scenario 3.</p> <p>Alternatives deficits:</p> <table border="1" data-bbox="236 1630 1369 1845"> <thead> <tr> <th></th> <th>23-24</th> <th>24-25</th> <th>25-26</th> <th>26-27</th> <th>27-28</th> <th>28-29</th> </tr> <tr> <th></th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> <th>£m</th> </tr> </thead> <tbody> <tr> <td>'Likely' scenario</td> <td>0</td> <td>0.65</td> <td>1.10</td> <td>5.40</td> <td>6.11</td> <td>6.14</td> </tr> <tr> <td>Scenario 1</td> <td>0</td> <td>0.74</td> <td>1.32</td> <td>3.46</td> <td>3.88</td> <td>4.28</td> </tr> <tr> <td>Scenario 2</td> <td>0</td> <td>0.42</td> <td>0.68</td> <td>2.47</td> <td>2.54</td> <td>2.59</td> </tr> <tr> <td>Scenario 3</td> <td>0</td> <td>0.42</td> <td>0.68</td> <td>0.73</td> <td>0.62</td> <td>0.50</td> </tr> </tbody> </table>		23-24	24-25	25-26	26-27	27-28	28-29		£m	£m	£m	£m	£m	£m	'Likely' scenario	0	0.65	1.10	5.40	6.11	6.14	Scenario 1	0	0.74	1.32	3.46	3.88	4.28	Scenario 2	0	0.42	0.68	2.47	2.54	2.59	Scenario 3	0	0.42	0.68	0.73	0.62	0.50														
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	<p style="text-align: center;">Alternative deficit scenario's</p> <table border="1"> <caption>Estimated Deficit Values (£)</caption> <thead> <tr> <th>Year</th> <th>'Likely' scenario</th> <th>Scenario 1</th> <th>Scenario 2</th> <th>Scenario 3</th> </tr> </thead> <tbody> <tr> <td>2023-24</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>2024-25</td> <td>~0.5</td> <td>~0.5</td> <td>~0.5</td> <td>~0.5</td> </tr> <tr> <td>2025-26</td> <td>~1.2</td> <td>~1.2</td> <td>~1.2</td> <td>~1.2</td> </tr> <tr> <td>2026-27</td> <td>~5.5</td> <td>~3.5</td> <td>~2.5</td> <td>~0.8</td> </tr> <tr> <td>2027-28</td> <td>~6.1</td> <td>~4.0</td> <td>~2.6</td> <td>~0.7</td> </tr> <tr> <td>2028-29</td> <td>~6.1</td> <td>~4.3</td> <td>~2.6</td> <td>~0.6</td> </tr> </tbody> </table>	Year	'Likely' scenario	Scenario 1	Scenario 2	Scenario 3	2023-24	0	0	0	0	2024-25	~0.5	~0.5	~0.5	~0.5	2025-26	~1.2	~1.2	~1.2	~1.2	2026-27	~5.5	~3.5	~2.5	~0.8	2027-28	~6.1	~4.0	~2.6	~0.7	2028-29	~6.1	~4.3	~2.6	~0.6
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6.0	DEFICIT REDUCTION PROGRAMME																																			
6.1	<p>The funding gap highlighted in the previous section is significant. A shortfall of £6.14m by 28/29, if crystallised, represents savings of 37.3% to be found against our expected total net expenditure. Even in the short term, savings of £0.65m and £0.45m will be challenging given the demands on local government and the savings and income generated in previous years.</p>																																			
6.2	<p>To help address this forecast gap, a Deficit Reduction Programme (DRP) has been drawn together. The DRP highlights the actions which are currently being progressed by the Council to save money or generate income and presents them in the form of 'live' actions to address the following year budget gap. Longer term actions, to address the deficits in years 2 to 5 of the MTFS, which have not yet reached the stage of being actively taken forward, are summarized within the 'pipeline' actions.</p>																																			
6.3	<p>The DRP has worked well to support the council's financial position over the years of austerity and more recently. For the current year budget, over £1.3m of savings or additional income was identified and incorporated into the base budget. The level of savings and income ensured the council could invest heavily in its services in the current year with over £1.15m of growth approved despite the financial challenges that exist. Significant investment was made in services such as waste and recycling, the strategic local plan, IT & Cyber and licensing. More recently, identified actions have enabled the repurposing of existing budgets to fund a new Climate Change Officer.</p>																																			
6.4	<p>As a result of this identification and delivery of these savings, the current DRP has been depleted with less live and pipeline actions than in previous years. Live actions, to support the 24/25 budget are reasonably placed with an estimated £0.63m identified as being deliverable. If the MTFS projections are accurate, this would mean that the budget deficit before growth could be met but any desired growth would need to be funded by reserves or further savings quickly identified.</p>																																			

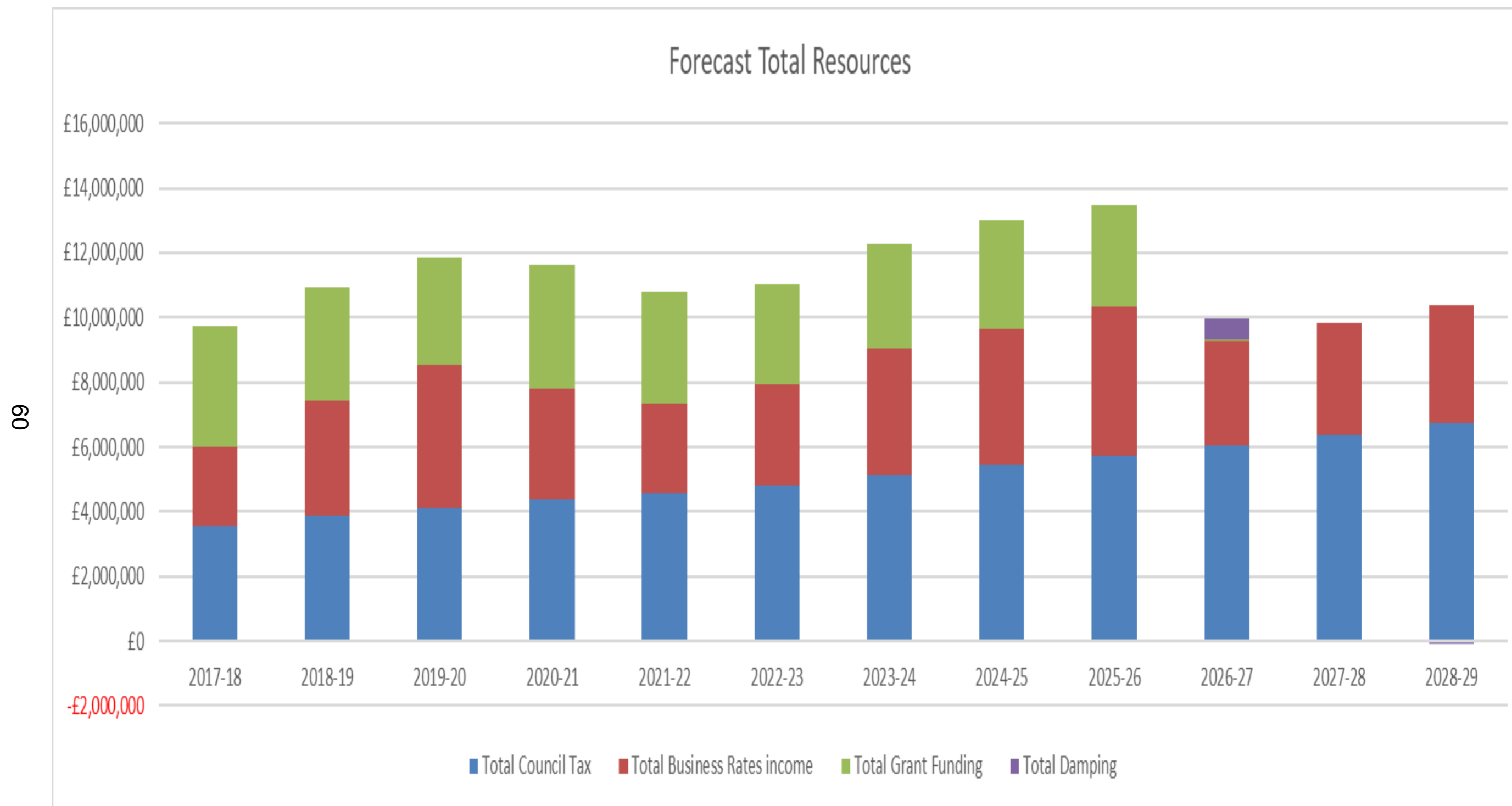
6.5	<p>The actions currently identified for 24/25 include:</p> <ul style="list-style-type: none"> • Increased planning fees • In-cab technology • Reduced pension contributions • S106 monitoring fees • Trade waste cessation • Service digitisation 																																			
6.6	<p>Looking to the medium term and the pipeline actions, it is currently estimated that around £1.04m of further income or savings can be generated. Some of these actions are not as well developed as the live actions and will take further work to shape into actions to be taken forward. Some are also dependent on external factors, such as the development of the retail outlet at junction 9. The pipeline actions are summarized in the table at 6.8.</p>																																			
6.7	<p>Whilst £1.67m of potential savings and income have been identified at this stage, this still leaves a significant gap to reach the potential target of £6.14m and many further actions are likely to be needed. Renewed focus and drive is required from the whole organization to identify and commit to making cost reductions or income generation.</p> <p>To support this, the Chief Officer Group will recommence the review of the breadth and depth of services currently offered by the Council, engaging with service management to understand future challenges and opportunities in each area as well as across the council as a whole. This work was originally started in the Winter of 2022 but put on hold to allow for the management restructure and other priority targets to be delivered. It is envisaged that this piece of work will be ongoing given the financial challenges the Council faces with updates being provided to the Transform Working group and recommendations taken on to Executive Committee and Council if required.</p> <p>Whilst no decisions have been made at this stage and no hard costings undertaken, a very high level estimate of the types of savings that may be achievable is included in the table at 6.8 under future actions.</p>																																			
6.8	<p>Bringing together the live actions, pipeline actions and future potential actions a total of £3.63m may be generated to meet the forecast funding gap.</p> <table border="1" data-bbox="236 1361 1364 1731"> <thead> <tr> <th></th> <th style="text-align: center;">Live DRP projects £m</th> <th style="text-align: center;">Pipeline DRP projects £m</th> <th style="text-align: center;">Future actions £m</th> <th style="text-align: center;">Total £m</th> </tr> </thead> <tbody> <tr> <td>Income</td> <td style="text-align: right;">0.37</td> <td style="text-align: right;">0.78</td> <td style="text-align: right;">0.45</td> <td style="text-align: right;">1.60</td> </tr> <tr> <td>Employee cost base</td> <td style="text-align: right;">0.10</td> <td style="text-align: right;">0.10</td> <td style="text-align: right;">0.20</td> <td style="text-align: right;">0.39</td> </tr> <tr> <td>Service efficiency & digitalisation</td> <td style="text-align: right;">0.10</td> <td style="text-align: right;">0.06</td> <td style="text-align: right;">0.56</td> <td style="text-align: right;">0.72</td> </tr> <tr> <td>Service cessation</td> <td style="text-align: right;">0.07</td> <td style="text-align: right;">0.00</td> <td style="text-align: right;">0.30</td> <td style="text-align: right;">0.37</td> </tr> <tr> <td>Contractual arrangements</td> <td style="text-align: right;">0.00</td> <td style="text-align: right;">0.10</td> <td style="text-align: right;">0.45</td> <td style="text-align: right;">0.55</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">0.63</td> <td style="text-align: right;">1.04</td> <td style="text-align: right;">1.96</td> <td style="text-align: right;">3.63</td> </tr> </tbody> </table>		Live DRP projects £m	Pipeline DRP projects £m	Future actions £m	Total £m	Income	0.37	0.78	0.45	1.60	Employee cost base	0.10	0.10	0.20	0.39	Service efficiency & digitalisation	0.10	0.06	0.56	0.72	Service cessation	0.07	0.00	0.30	0.37	Contractual arrangements	0.00	0.10	0.45	0.55	Total	0.63	1.04	1.96	3.63
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	<p>It should be noted that any service reviews / reduction in employee costs / potential redundancies would be the subject of detailed proposals and consultation with the affected staff and trade unions at the appropriate time and before any decisions are made.</p>																																			
6.9	<p>Even with the additional savings that may be presented by a root and branch review of the Council, it is unlikely that sufficient savings or income will be found to close the funding gap in its entirety. The Council will be reliant on the government providing more</p>																																			

	<p>funding, in the order of £2.5m, to ensure the future sustainability of the organization. This could be in the form of a different direction to funding reform, greater retention of local business rates, a replacement New Homes Bonus scheme, greater freedom for council tax setting or simply more funding in total to support local government than currently envisaged. It is hoped that the 3% Funding Guarantee introduced for 2023/24 is the first sign that the government is aware of the funding issues affecting District Councils and further support will be available over the course of this Medium Term Financial Strategy.</p>
<p>6.1 0</p>	<p>Whilst the Council hopes for better funding settlements in the future, it will plan for the worst and look to establish a savings programme to close the full gap identified. As that programme is being developed and the government forms long terms plans to sustainably fund local government, the council may need to utilize reserves to balance the budget. The Council has £3m set aside to meet budget shortfalls and will look to boost this if in-year surpluses are achieved. It should however be remembered that the use of reserves is only a short term fix to budget deficits and cost reductions or income/funding increases will be needed to place the council on a sustainable long term footing.</p>

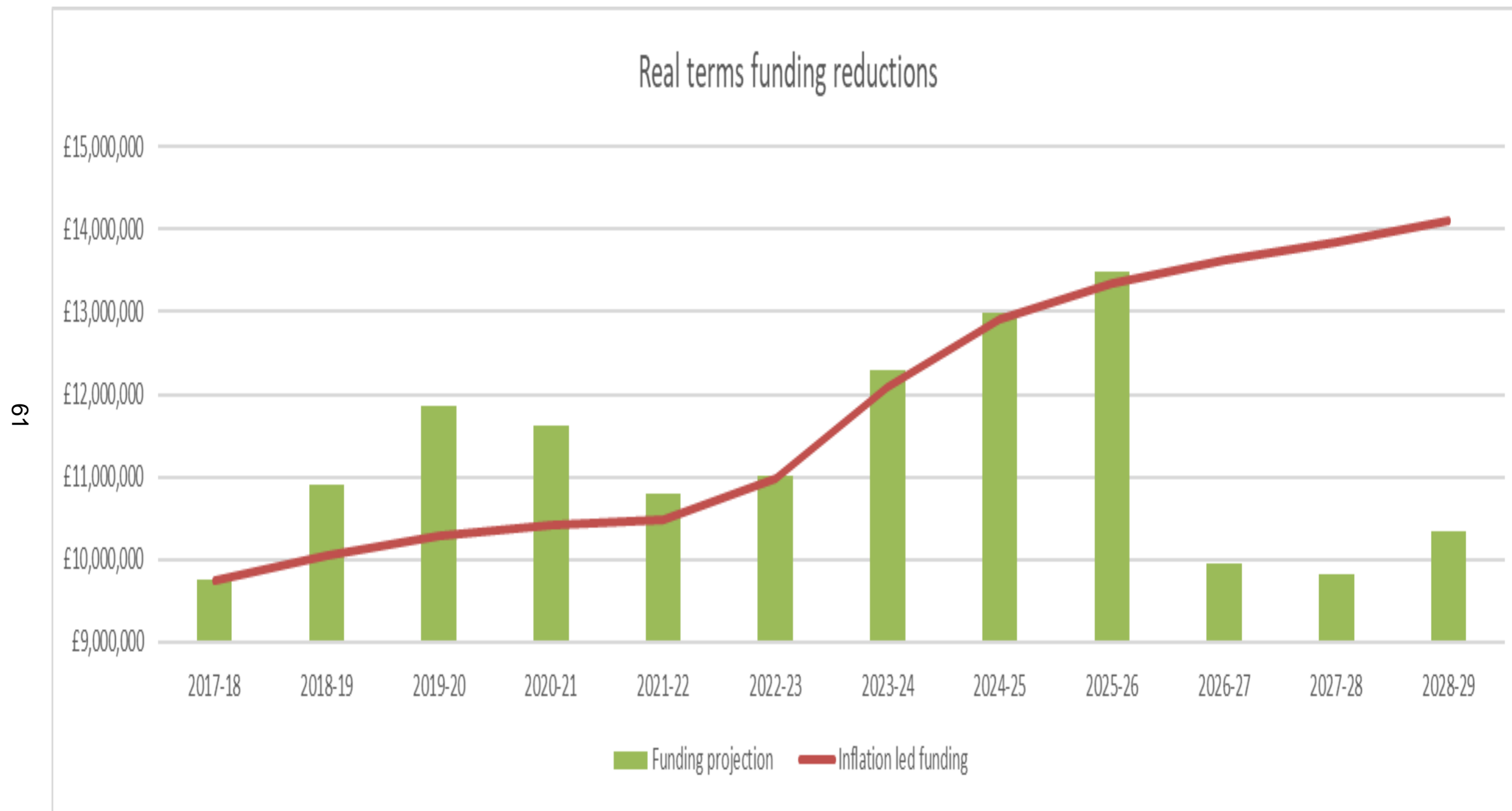
Appendix A - Forecast Total Resources

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
	£m	£m	£m	£m	£m	£m
Baseline Funding Level	1.92	1.92	1.95	1.99	2.03	2.07
Revenue Support Grant	0.16	0.17	0.16	0.02	-0.02	-0.06
Retained Business Rates	1.98	2.27	2.64	1.25	1.42	1.60
Rural Services Delivery Grant	0.01	0.02	0.02	0.02	0.02	0.02
New Homes Bonus	1.24	1.24	0.00	0.00	0.00	0.00
Lower Tier Services Grant	0.00	0.00	0.00	0.00	0.00	0.00
Services Grant	0.07	0.07	0.07	0.00	0.00	0.00
Council Tax	5.13	5.43	5.73	6.04	6.38	6.72
Funding Guarantee	1.78	1.87	2.92	0.00	0.00	0.00
Damping Grant	0.00	0.00	0.00	0.62	-0.01	-0.01
Total Resources	12.28	12.99	13.49	9.94	9.82	10.33
Change in Total Resources (£m)	1.27	0.71	0.50	-3.55	-0.12	0.51
Change in Total Resources (%)	11.50%	5.74%	3.87%	-26.30%	-1.26%	5.23%

Appendix B - Forecast Total Resources



Appendix C - real terms funding reduction



Appendix D - Forecast Net Expenditure

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
	£m	£m	£m	£m	£m	£m
Employees	12.69	13.47	13.83	14.16	14.47	14.74
Premises	0.80	0.86	0.88	0.92	0.94	0.95
Transport	0.07	0.08	0.08	0.08	0.08	0.08
Supplies & Services	2.35	2.50	2.58	2.63	2.68	2.73
Third party payments	8.72	9.13	9.41	9.59	9.76	9.93
Housing Benefits	11.67	11.09	10.54	10.02	9.52	9.05
Income	-25.15	-25.07	-24.53	-24.10	-23.78	-23.49
Other funding	-0.76	-0.53	-0.53	-0.53	-0.53	-0.53
Minimum Revenue Provision	0.93	0.95	0.97	1.00	1.02	1.05
Transfer to reserves	0.96	0.96	0.96	0.96	0.96	0.96
Net budget	12.28	13.44	14.20	14.74	15.13	15.47
Change in net budget (£m)	1.26	1.16	0.75	0.54	0.39	0.34
Change in net budget (%)	11.45%	9.42%	5.61%	3.84%	2.62%	2.26%

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive
Date of Meeting:	29 November 2023
Subject:	Tewkesbury Garden Town - Programme Delegations
Report of:	Executive Director: Place
Head of Service/Director:	Chief Executive
Lead Member:	Leader of the Council / Lead Member for Built Environment
Number of Appendices:	None

Executive Summary:

On 26 September 2023, following a programme gateway review, the Council approved a new governance structure for the Garden Town programme and, subsequent to this, work has begun to implement the enhanced governance arrangements, which was a key recommendation of the review. For this governance structure to be effective, a level of delegation is now required so that various workstreams can progress at pace and at the correct time, with updates presented to the Executive (and Council) every three months. To progress the Garden Town programme, as well as meet the expectations of all stakeholders, a critical path for delivery needs to be followed. Whilst the joint strategic local plan process continues, parallel actions are also required to provide certainty for stakeholders and continue to foster investment, leverage government funding, deliver fulsome stakeholder engagement and good place making in line with Garden Town principles. The work streams that make up the programme's critical path are centred on bringing forward development and infrastructure proposals in-line with the aspirations and ambitions of the Council and the community while helping manage the risk of speculative planning applications, noting that these are always subject to the statutory planning process. Therefore, to best progress the various workstreams, it is requested that Executive recommend to Council to grant the delegated authorities set out below.

Recommendation:

To RECOMMEND TO COUNCIL that authority be delegated to the Chief Executive to:

- i) prepare bids for external revenue funding to support the delivery of the Garden Town programme;**
- ii) accept grants of external revenue funding and agree any terms and conditions associated with those awards;**
- iii) deploy the revenue resources in line with the funding bids and the Garden Town programme following the Council's normal procedures for procurement and the appointment of staff;**
- iv) ensure continued stakeholder engagement related to the programme takes place informed by production of a Tewkesbury Garden Town Charter for subsequent, specific approval by Council in February 2024;**

- v) undertake activities to progress the Garden Town programme, including sourcing potential partner capital funding, whilst seeking specific Council approval for:
 - acceptance of any partner grant for capital works; and
 - acting as lead for delivery of infrastructure elements of the programme where necessary; and
- vi) provide quarterly update reports to Council on progress with the Garden Town programme.

Financial Implications:

The scope of continued activities of the Garden Town programme will be subject to the award of further revenue funding from Homes England, as the lead agency for the national Garden Town programme.

Legal Implications:

The Council has the power to accept capacity funding under s1-3 of the Localism Act 2011. One Legal on behalf of Council will review any capacity grant funding agreement before it is signed on behalf of the Council to advise on the conditions of the grant and to ensure that there are no unusual or onerous conditions associated with the grant award.

Environmental and Sustainability Implications:

Environmental and sustainability implications associated with the development of the Garden Town proposals will be managed within the programme with environmental improvements, flooding infrastructure and biodiversity net gain being emphasised as key deliverables.

Resource Implications (including impact on equalities):

Implications arising from the implementation of the recommendations and the new programme are addressed in the relevant sections of this report.

Safeguarding Implications:

There are no safeguarding implications resulting directly from this report.

Impact on the Customer:

A key recommendation from the recent Garden Town review was to create a transparent governance structure and enhanced community involvement. This is reflected within these recommendations to enable the new governance structure and continuing stakeholder engagement to be implemented to better deliver planning for the garden town.

1.0 INTRODUCTION

1.1 Tewkesbury Garden Town was identified within the government’s garden communities programme in March 2019. A garden town is defined as a ‘holistically planned development, which enhances the natural environment, tackles climate change and provides high quality housing locally and accessible jobs in beautiful, healthy and sociable communities.’

- 1.2** A priority for the Council in respect of the garden town is to ensure that development is promoted by the Council, rather than being developer led. The Council is committed to ensuring development is well planned and delivers the expected social, economic and environmental benefits central to the principles behind the national Garden Communities programme. The Council can ensure that the best interests of the new and existing local communities are best addressed side-by-side, with appropriate, timely infrastructure improvements being secured to complement an overall managed development approach
- 1.3** Following the recent gateway review and ongoing implementation of its recommendations, delivery of the programme's key actions requires delegated authority to ensure that the new governance structure is efficient and effective. This report therefore highlights the pressing delegated authorities necessary to move the programme forward.

2.0 RESOURCES

- 2.1** The Tewkesbury Garden Town programme has been funded to date through grant from Homes England Garden Communities programme and a recent bid to extend this support has been submitted – as requested by Homes England – requesting revenue resource funding for enhanced engagement and project management capacity, including development and production of a Garden Town Charter document, as well as master planning and transport expert advice.
- 2.2** Whilst the final details are not yet confirmed, the bid covered funding until end of the current financial year as well as an indicative request for future years. Following any final agreement, work will need to continue to prepare job descriptions, so that once confirmed recruitment can take place.
- 2.3** At this stage it is expected that resource funding support will only cover this financial year and so recruitment is most likely to consist of contract-based staff to deliver key activities.
- 2.4** In addition to implementation of any further approved resource funding, delegated authority is also sought to explore opportunities for third party capital funding when these present themselves. Such funding can help in unlocking development within the garden town as well as supporting the viability of development. This proposed delegated authority will allow bids to be discussed/submitted with the relevant partners and grant bodies, where appropriate and accepts that if successful, a further report to Council will be made asking for approval to accept such a grant and will outline the relevant terms.

3.0 CONSULTATION

- 3.1** Through the new governance structure and ongoing stakeholder engagement programme, consultation will continue with all stakeholders on the programme's evolution and subsequent delivery.

4.0 ASSOCIATED RISKS

- 4.1** To support the delivery of the Garden Town, especially to the principles and aspirations of the Council and community, there is the need to bring forward external funding for both revenue and capital projects as well as to coordinate with developers in the Council's capacity as promoter, separate from the Council's development management function. To be successful, there is the need to continue the programme workstreams and therefore manage the critical path for delivery through these delegations, the risk is for timely progression of key programme actions to be mitigated.

5.0 MONITORING

5.1 The revised governance arrangements include a number of review and check points to ensure full oversight and monitoring of the garden town programme. Most importantly, it schedules a regular review of risks associated with the programme so that, appropriate mitigation can be implemented.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 The transparent, inclusive delivery of the Garden Town programme is a priority within the emerging Council Plan.

Background Papers: None

Contact Officer: Executive Director: Place
chris.ashman@teWKesbury.gov.uk

Appendices: None

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Infrastructure Funding Statement (IFS) and Annual Community Infrastructure Levy (CIL) Rate Summary Statement
Report of:	CIL Manager
Head of Service/Director:	Associate Director: Planning
Lead Member:	Lead Member for Built Environment
Number of Appendices:	2

Executive Summary:

All Councils which charge Community Infrastructure Levy (CIL) and secure developer contributions by way of Section 106 (S106) agreements have a statutory obligation to prepare the following:

- An Infrastructure Funding Statement (IFS) (Appendix 1) and
- An annual CIL Rate Summary Statement (Appendix 2).

The Infrastructure Funding Statement must include an Infrastructure List (Chapter 3 of the IFS), to help guide future priorities for allocation of strategic community infrastructure funding monies.

Regulation 121A requires the Council, as a contribution receiving authority to publish an IFS annually, no later than the 31 December, that sets out details about planning obligations and CIL income and expenditure, actual and anticipated for the last reported year ending on the 31 March, and an Infrastructure List; and

Regulation 121C(1) requires an annual CIL Rate Summary Statement to be published no earlier than 2 December and no later than 31 December updated in line with the CIL Index published by the Royal Institute of Chartered Surveyors (RICS) for the 1 November each year.

Regulations referred to are the Community Infrastructure Levy Regulations 2010 (as amended).

Recommendations:

To RECOMMEND TO COUNCIL:

1. That publication of the Infrastructure Funding Statement (IFS), relating to the financial year ending 31st March 2023, by 31st December 2023, be **APPROVED**; and
2. That the Annual Community Infrastructure Levy (CIL) Rate Summary Statement be published alongside the Infrastructure Funding Statement by 31 December 2023.

<p>Financial Implications:</p> <p>None as work undertaken within existing resources and budgets.</p>
<p>Legal Implications:</p> <p>The production of an Infrastructure Funding Statement at least annually, including a Regulation 121A 'Infrastructure List', is a statutory obligation as a result of amendments to the Community Infrastructure Levy Regulations 2010 by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019. As is the publication of the annual CIL Rate Summary Statement.</p> <p>The same 2019 amendments also revoked, as of 1 September 2019, Regulation 123 thereby removing the restrictions there had been previously, both on the pooling of monies from s106 obligations and also the spending of both CIL and Section 106 (S106) monies on the same infrastructure.</p>
<p>Environmental and Sustainability Implications:</p> <p>None as a result of meeting our statutory reporting obligations, though the effective use of CIL receipts themselves has the potential to have a positive impact on all 3 dimensions of sustainable development.</p>
<p>Resource Implications (including impact on equalities):</p> <p>None.</p>
<p>Safeguarding Implications:</p> <p>None.</p>
<p>Impact on the Customer:</p> <p>The IFS provides clarity and transparency for communities and developers on the funding that has been raised and spent and on the infrastructure that has been and is expected to be delivered.</p>

1.0 INTRODUCTION

- 1.1 The Council's fourth IFS has been prepared ready for submission¹ and publication on our website by 31 December 2023².
- 1.2 The IFS (Appendix 1) must include reports on the previous financial year, ending on the 31 March, for both CIL and S106 Planning Contributions as well as an Infrastructure List.
- 1.3 An annual 'CIL Rate Summary Statement' (Appendix 2), applying the national CIL index³ and setting out the charges for the following calendar year, must also be published in December⁴.

¹ Department for Levelling Up Housing and Communities (DLUHC), formerly Ministry of Housing, Communities and Local Government (MHCLG)

² Community Infrastructure Levy Regulations 2010 (as amended) Regulation 121A

³ Published by the Royal Institute of Chartered Surveyors (RICS) on the 1st November each year

⁴ Regulation 121C(1) requires it to be published "no earlier than 2nd December and no later than 31st December"

1.4 The 'Infrastructure List' is a list of the infrastructure projects or types of infrastructure which "the charging authority intends will be, or may be, wholly or partly funded by CIL".

1.5 The Infrastructure List is shared by the three Joint Core Strategy (JCS) Councils – Cheltenham Borough, Gloucester City and Tewkesbury Borough - reflecting their co-operation on the JCS and its successor, the 'Strategic and Local Plan' (SLP). Previous reporting has highlighted that the agreed Infrastructure List is not representative of current priorities. As such the JCS/SLP Councils, alongside Gloucestershire County Council, have prepared an interim Infrastructure List. This recognises that a full reassessment of the Infrastructure Delivery Plan (upon which the agreed Infrastructure List was based) is required and this will take place alongside the preparation of the SLP but cannot wait until that is completed to better reflect current priorities. A further report is being prepared for Executive Committee and Council separately which seeks:

1. Approval of the establishment of a Joint Committee to facilitate governance of the allocation of CIL funding for strategic Infrastructure from receipts received by Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils; and
2. Agreement of pooling arrangements by the three Joint Committee partner Councils, managed through CIL Joint Committee Terms of Reference.

1.6 Further detail on the interim Infrastructure List is provided in section 2.3 of this report.

2.0 INFRASTRUCTURE FUNDING STATEMENT

2.1 IFS – CIL Report

2.1.1 In the 'reporting year' (1st April 2022 to 31st March 2023):

- CIL Receipts = **£4,561,624.23**
- CIL Expenditure by the borough council = **£225,334.53**
- CIL Expenditure by the parish councils = **£55,109.07**
- CIL Passed to parish councils = **£466,910.11** (**£223,725.37** of which raised in previous year)

2.1.2 At the end of the 'reporting year' (31st March 2023):

- CIL Receipts Retained by the Borough Council = **£7,468,206.30**; made up of the following:
 - **£414,919.76** Neighbourhood Funding⁵ collected by the Borough Council between the 1st October and the 31st March of the reported year to be paid to Parish Councils on the 28th April of the next reported year (2023); and
 - **£7,053,286.54** Strategic Infrastructure funding made up of **£3,620,504.81** from receipts in the reporting year and **£3,432,781.73** from previous years, for infrastructure required to deliver planned development.

⁵ Regulation 59A Neighbourhood

2.1.3 The Council may use up to 5% of CIL receipts to support administration. The JCS/SLP Councils currently pool their administration funding; this supports the employment of a CIL Manager and CIL Officer, together with the required computer and systems software, and membership costs such as the Royal Institute of Chartered Surveyors (RICS), Building Cost Information Service (BCIS) Subscription etc. The CIL Regulations allow the repayment of expenses incurred prior to the publication of the Charging Schedule over the first three years; however, the repayment of set-up costs, along with the ongoing administration of CIL must not exceed 5% in each year. During this period, to 31 March 2022, the 5% funding did not cover all set-up and operating costs and additional funding was provided through the JCS/SLP councils shared commitment and funding of the JCS and its approach to the preparation of the SLP.

2.1.4 Appropriate administrative expenses associated with CIL that can be recovered from the 5% are broadly set out in the CIL [guidance](#), these include the costs of the functions required to establish and run a levy charging scheme. These functions include levy set-up costs, such as consultation on the levy charging schedule, preparing evidence on viability or the costs of the levy examination. There are similar costs associated with amending a levy charging schedule. They also include ongoing functions like establishing and running billing and payment systems, enforcing the levy, the legal costs associated with payments in-kind and monitoring and reporting on levy activity.

2.1.5 Over time as the CIL pots grow, Tewkesbury Borough Council will wish to fully recover all liable costs, both joint and those arising from Tewkesbury Borough only. This element is kept under regular review.

2.2 IFS – S106 Report

2.2.1 At the start of April 2022, there was a balance of **£9,166,102.72**

2.2.2 During the ‘reporting year’ the Council:

- Received **£2,150,370.63**; and
- Spent **£712,926.66**

2.2.3 At the end of March 2023 there was a closing balance of **£10,226,958.65**

2.2.4 The S106 report also provides details of the **£151,776.25 off-site financial contributions** and **123 affordable homes** secured in agreements entered into during the reporting year.

2.3 IFS – Infrastructure List

2.3.1 The ‘Infrastructure List’ identifies projects which may need wholly or partly funding from CIL individually and those which the JCS/SLP partners share.

2.3.2 The preparation of the SLP is now underway and provides the appropriate context for a full review of the Infrastructure List informed by updated evidence on infrastructure demands and delivery and by the priorities of the three councils, including our commitment to tackle climate change, achieve modal shift away from private car use and reflect changing patterns of work following the pandemic, the Council’s Corporate Plan, including our 2030 net zero objectives.

2.3.3 The interim Infrastructure List will cover the transition to the SLP. Relevant to the decision making of this report are those elements relating only to Tewkesbury Borough Council and those elements which are shared. Chapter 3 of the IFS also includes those items identified by Cheltenham Borough, Gloucester City and Gloucestershire County Councils. Gloucester City and Cheltenham Borough Councils will be reporting on their priorities for the interim Infrastructure List through their reporting procedures.

2.3.4 There is a larger piece of engagement work ongoing with infrastructure providers outside the local authorities to identify any wider infrastructure priorities.

2.4 THE ANNUAL CIL RATE SUMMARY STATEMENT

2.4.1 The annual CIL Rate Summary Statement (Appendix 2) is based on the Royal Institute of Chartered Surveyor's (RICS) CIL Index, published in November each year. Indexation is required so that the rates the Council charge are adjusted to take account of the costs of development and inflation. Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require the Council to use the CIL Index published by RICS.

3.0 NEXT STEPS

3.1 Publication on the Council's website and submission and notification of the location of data to the Department for Levelling Up, Housing and Communities by end December 2023.

3.2 Alongside the preparation of the SLP, ensure the infrastructure needed to accommodate planned future development is fully considered through ongoing engagement with a full range of infrastructure providers, including running an open and transparent bidding process with the aim of producing a comprehensive Infrastructure Delivery Plan, from which schemes which meet not only the needs of new development but also the priorities of the Council may be selected for inclusion on a deliverable future Infrastructure List to support the new plan.

4.0 CONSULTATION

4.1 None.

5.0 ASSOCIATED RISKS

5.1 Failure to publish the required statements would be a breach of regulations.

6.0 MONITORING

6.1 Statutory obligation to produce an IFS annually requires detailed accounts of income and expenditure for both CIL and S106 to be maintained to ensure that the flow of 'income-purpose-expenditure' is transparent.

The updated Infrastructure List is included in the IFS (Appendix 1); however, the list will continue to be reviewed, at least annually, alongside the preparation of the Infrastructure Funding Statement.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 Joint Core Strategy 2011 to 2031(December 2017).

Joint Core Strategy 2011 to 2031 Infrastructure Delivery Plan (2014) and Addendum (2017).

Background Papers: None

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Appendices: Appendix 1 - Draft Tewkesbury Borough Council Infrastructure Funding Statement 2023

Appendix 2 – Draft Tewkesbury Borough Council Annual CIL Rate Summary Statement 2023



Tewkesbury Borough Council Annual Infrastructure Funding Statement

2022/23

Contents

1. COMMUNITY INFRASTRUCTURE LEVY REPORT	5
OPENING POSITION	5
Administration	5
Neighbourhood	5
Infrastructure	6
IN YEAR ACTIVITY	6
Notices Issued	6
Income In The Reported Year	7
Surcharges and Late Payment Interest	7
Income Before The Reported Year	7
Administration	7
Neighbourhood	8
Infrastructure	9
Expenditure In The Reported Year	9
Administration	9
Neighbourhood	10
Infrastructure	11
Allocations	11
CLOSING POSITION	12

Administration	12
Neighbourhood.....	12
Infrastructure	13
2. SECTION 106 REPORT	14
OPENING POSITION	14
Money Held At The Start Of The Reported Year	14
IN YEAR ACTIVITY	14
Obligations Entered Into Or Accepted During The Reported Year	14
Income In The Reported Year	18
Non-Monetary Contributions Provided During The Reported Year	24
Expenditure In The Reported Year	24
CLOSING POSITION	30
Money Retained At The End Of The Reported Year	30
SECTION 278 MATTERS.....	31
3. INFRASTRUCTURE LIST	32
Background	33
The Allocation of CIL	33
The Partnership Approach	34
Previous Infrastructure Lists	34
The 2023 Infrastructure List.....	35
The 'Infrastructure List'	35
Projects Requesting CIL Funding.....	36
Local	36

Shared 37

The Pipeline..... 37

Projects Requiring More Work to Identify Costs: 37

 Local 37

 Shared 38

Projects not to be funded from CIL..... 38

Format:..... 39

 Funding Available..... 39

 Costed Requests for Funding 40

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1. COMMUNITY INFRASTRUCTURE LEVY REPORT

Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 1

Reporting Year: From 01 April 2022 to 31 March 2023

77 OPENING POSITION

Administration

The amount of unspent CIL, collected **before the reported year**, assigned for administration costs was **£0.00**

Neighbourhood

Parish Council Neighbourhood Funding

The amount of unspent CIL, collected **before the reported year**, assigned for Regulation 59A Neighbourhood CIL:

- Held by Charging Authority for payment on 28 April 2022 was **£223,725.37**.
- Held by the Parish Councils was **£376,906.82**. This was held by:
 - Alderton PC £3,412.45
 - Bishops Cleeve PC £191,011.71

- Brockworth PC £101,535.96
- Churchdown PC £2,392.00
- Down Hatherley PC £17,011.96
- Gotherington PC £27,797.00
- Leigh, the £19,767.25
- Stanway PC £3,742.75
- Toddington PC £5,671.38
- Twyning PC £1,964.36
- Winchcombe PC £2,600.00

Infrastructure

The amount of unspent CIL, collected **before the reported year**, which was not allocated to Neighbourhood CIL or CIL Administration was **£3,432,781.73**.

IN YEAR ACTIVITY

Notices Issued

(a) The total value of CIL **Demand Notices** issued in the reported year was **£2,980,909.20**.

It should be noted that not all of this funding would have been expected to be received during the reported year as a result of the Council's adopted [Instalments Policy](#).

The total value of CIL **Liability Notices** issued in the reported year was **£2,964,570.14**.

It should be noted that not all of this potential funding would have been expected to be the subject of a demand notice during the reported year as a liability notice is not a demand for payment and evidence to justify deductions and claims for relief may still be submitted up until the commencement of development, after which a demand notice is issued.

Income In The Reported Year

(b) Total CIL income **in the reported year** was **£4,506,690.52**

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) during the reported year.

Surcharges and Late Payment Interest

The total value of **Surcharges** imposed due to breaches of the CIL Regulations was **£13,194.22** and the total value of the **late payment interest** accrued was **£3,144.84** during the reported year.

Income Before The Reported Year

(c) total CIL income **before** the reported year was **£4,319,668.01**.

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) before the reported year.

Administration

CIL income collected in and transferred to Tewkesbury Borough Council, as a contribution towards shared administration expenses, **in the reported year** was **£71,095.58**. This was made up of:

- Contribution of **£69,548.21** from Cheltenham Borough Council; and
- Contribution of **£1,547.37** from Gloucester City Council.

Neighbourhood

(l) Parish Council Neighbourhood Funding

CIL both collected and passed to Parish Councils **in the reported year** was: **£243,184.74**. This was for:

- Bishops Cleeve PC Neighbourhood Funding of **£81,862.16** from 18/01146/FUL paid on the 28 October 2022
- Bishops Cleeve PC Neighbourhood Funding of **£145,345.19** from 21/00214/APP paid on the 28 October 2022
- The Leigh PC Neighbourhood Funding of **£3,333.84** from 22/00194/APP paid on the 28 October 2022
- The Leigh PC Neighbourhood Funding of **£6,252.89** from 18/00173/FUL paid on the 28 October 2022
- Ashleworth PC Neighbourhood Funding of **£77.61** from 20/00602/FUL paid on the 28 October 2022
- Stanway PC Neighbourhood Funding of **£3,742.75** from 19/00752/FUL paid on the 28 October 2022
- Woodmancote PC Neighbourhood Funding of **£2,570.30** from 21/00938/FUL paid on the 28 October 2022

08

(d) CIL collected **before the reported year** but allocated in the reported year was **£223,725.37**. This was for:

- Down Hatherley PC Neighbourhood Funding of **£9,597.07** from 20/01179/FUL paid on the 28 April 2022
- Bishops Cleeve PC Neighbourhood Funding of **£11,718.08** from 19/00758/OUT paid on the 28 April 2022
- Bishops Cleeve PC Neighbourhood Funding of **£48,448.40** from 21/00214/APP paid on the 28 April 2022
- Bishops Cleeve PC Neighbourhood Funding of **£52,731.38** from 19/00758/OUT paid on the 28 April 2022
- Alderton PC Neighbourhood Funding of **£4,000.00** from 20/01282/FUL paid on the 28 April 2022
- Brockworth PC Neighbourhood Funding of **£8,439.60** from 19/00055/FUL paid on the 28 April 2022
- Brockworth PC Neighbourhood Funding of **£76,151.97** from 18/01239/FUL paid on the 28 April 2022
- The Leigh PC Neighbourhood Funding of **£12,638.87** from 18/00173/FUL paid on the 28 April 2022

It should be noted that:

- No payments were made to Parish Councils as a result of the Charging Authority receiving any 'payment in kind' during the reported year; and
- (j), (k) & (l) No CIL was either requested or returned to the Charging Authority in the reported year because it had not been spent within 5 years (Regulation 59E).
- (j), (k) & (l) As a fully parished borough no Regulation 59F Neighbourhood Funding was received or spent before or during the reported year.

Infrastructure

The amount of CIL, collected **in the reported year**, which was not allocated to Neighbourhood CIL or CIL Administration was **£3,620,504.81**.

Expenditure In The Reported Year

(e) Total CIL expenditure **in the reported year**, was **£166,854.82**. This was made up of:

- **£55,109.07** of Neighbourhood CIL reported by Parish Councils; and
- **£111,745.75** of Admin CIL.

Administration

CIL income **in the reported year** allocated for administration expenses was **£296,430.11**. This was made up of the following percentages of partners CIL income in the reported year:

- (g) (iii) Tewkesbury Borough Council - **£225,334.53** - 5% of the total CIL receipts collected (**£4,506,690.52**) in the reported year;
- Cheltenham Borough Council - **£69,548.21** - 5% of the total CIL receipts collected (**£1,390,933.44**) in the reported year; and
- Gloucester City Council - **£1,547.37** - <1% of the total CIL receipts collected (**£162,638.05**) in the reported year. When added to the **£6,584.54** spent on administration by Gloucester City Council directly this equals 5% (**£8,131.90**) of the total CIL receipts collected.

CIL income collected **before** to the reported year spent on administration was **£0.00**. This was 0% of the total CIL collected within the reported year.

Neighbourhood

Parish Council Neighbourhood Funding

(g) (i) Expenditure from CIL passed to Parish Councils in the reported year was reported as **£2,276.36**.

Parish Councils reported the following spending from CIL funds in the reported year:

Infrastructure	Amount	Date	Spend Description
Twynning PC Reg 59A	£1,964.36	10/10/2022	Footpath surfacing
Toddington PC Reg 59A	£312.00	05/05/2022	Parish Website Development - Planning Tracker Installed
From In Year Sub Total	£2,276.36		
Wheatpieces PC Reg 59A	£220.84	26/01/2023	Installation of solar panels on Community Centre
Wheatpieces PC Reg 59A	£50.00	24/01/2023	Solar Panel Installation Survey
Wheatpieces PC Reg 59A	£16,006.95	30/11/2022	Installation air conditioning and heating units at Community Centre – Part Payment
Wheatpieces PC Reg 59A	£250.00	05/10/2022	Building Regs for Solar Panels
Wheatpieces PC Reg 59A	£675.00	30/09/2022	Technical drawings for Solar Panel Planning Application
Wheatpieces PC Reg 59A	£5,541.80	07/09/2022	Installation air conditioning and heating units at Community Centre – Part Payment
Wheatpieces PC Reg 59A	£23,347.19	07/09/2022	Installation air conditioning and heating units at Community Centre – Part Payment

Infrastructure	Amount	Date	Spend Description
Wheatpieces PC Reg 59A	£6,571.93	07/09/2022	Installation air conditioning and heating units at Community Centre – Part Payment
Wheatpieces PC Reg 59A	£52.00	03/08/2022	Cleaning in main hall of Wheatpieces Community Centre required following work carried out by contractors
Wheatpieces PC Reg 59A	£117.00	22/07/2022	Planning Application Fee re Solar Panel installation
From Before Reported Year Sub Total	£52,832.71		
Total	£55,109.07		

Infrastructure

It should be noted that:

- No CIL, returned under Regulation 59E by Parish Councils, was spent by the Charging Authority, in the reported year;
- No CIL Income received either before, or in, the reported year has been spent on Infrastructure, including education and affordable housing; and
- (g) (ii) No CIL Income received either before, or in, the reported year has been spent on repaying money borrowed, including any interest.

Allocations

(f) CIL collected in the reported year that was allocated but not spent during the reported year was:

Type	Allocated	Spent	Remaining
Parish Neighbourhood CIL	£658,104.50	£2,276.36	£655,828.14

CLOSING POSITION

Administration

The amount of unspent CIL, collected in the reported year, assigned for administration costs is **£184,684.36**.

The amount of unspent CIL, collected **from 01 January 2018 to the end of the reported year**, assigned for administration costs is **£184,684.36** repayable to the JCS/SLP fund.

Neighbourhood

Parish Council Neighbourhood Funding

The amount of unspent CIL, collected **in the reported year**, assigned for Regulation 59A Neighbourhood CIL:

- Held by the Charging Authority for payment on 28 April 2023 was **£414,919.76**.
- The amount of unspent CIL, collected **from 01 January 2018 to the end of the reported year**, assigned for Regulation 59A Neighbourhood CIL and held by the Parish Councils was **£847,162.83**. This was held by:
 - Alderton PC **£7,412.45**
 - Ashleworth PC **£77.61**
 - Bishops Cleeve PC **£531,116.92**
 - Brockworth PC **£195,492.54**
 - Churchdown PC **£2,392.00**
 - Down Hatherley PC **£26,609.03**
 - Gotherington PC **£27,797.00**
 - Leigh, the PC **£41,992.85**
 - Stanway PC **£3,742.75**
 - Toddington PC **£5,359.38**

- Winchcombe PC **£2,600.00**
- Woodmancote PC **£2,570.30**

It should be noted that:

- No CIL was outstanding for recovery from Parish Councils under Regulation 59E at the end of the reported year.

Infrastructure

The amount of unspent CIL, collected **in the reported year**, which was not allocated to Neighbourhood CIL or CIL Administration was **£3,620,504.81**.

(h) The amount of unspent CIL, collected **from 01 January 2018 to the end of the reported year**, which was not allocated to Neighbourhood CIL or CIL Administration was **£7,053,286.54**.

2. SECTION 106 REPORT

Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 3

OPENING POSITION

Money Held At The Start Of The Reported Year

(i) The total amount of money retained at the start of the reported year was **£9,166,102.72**.

IN YEAR ACTIVITY

Obligations Entered Into Or Accepted During The Reported Year

(a) The total amount of money agreed, in planning agreements which were **entered-into during the reported year**, to be paid in the future by developers was **£151,776.25**. This figure does not include indexation (inflation/deflation) that will be added, if necessary, when a payment is due or sums for future maintenance that are commuted requiring calculation and payment in the future.

Planning Reference	Site Address	Signature Date	Amount	Notes
21/00976/OUT	Land off Brook Lane, Twigworth.	09/08/2022	£11,680.00	This payment is for the funding of Refuse and Recycling.
21/00976/OUT	Land off Brook Lane, Twigworth.	09/08/2022	£3,000.00	This payment is for Monitoring.

21/00976/OUT	Land off Brook Lane, Twigworth.	09/08/2022	£tbc	This payment is for Commuted Sum for Maintenance of Public Open Space.
21/01036/FUL	Innsworth House Farm, Innsworth.	18/11/2022	£1,241.00	This payment is for the funding of Refuse and Recycling.
21/01036/FUL	Innsworth House Farm, Innsworth.	18/11/2022	£1,500.00	This payment is for Monitoring.
19/01201/FUL	Fortitude, Birdlip Hill, Witcombe.	22/12/2022	£300.00	This payment is for Monitoring.
19/01201/FUL	Fortitude, Birdlip Hill, Witcombe.	22/12/2022	£925.00	This payment is for Legal Costs.
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton.	07/02/2023	£25,898.25	This payment is for Affordable Housing to be provided off-site.
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton.	07/02/2023	£23,072.00	This payment is for Play Facilities to be provided off-site.
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton.	07/02/2023	£2,044.00	This payment is for the funding of Refuse and Recycling.

19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton.	07/02/2023	£2,500.00	This payment is for Monitoring.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	£69,816.00	This payment is for Playing Fields to be provided off-site.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	£7,300.00	This payment is for the funding of Refuse and Recycling.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	£tbc	This payment is for Commuted Sum for Maintenance of the LEAP.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	£2,500.00	This payment is for Monitoring.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	£tbc	This payment is for Commuted Sum for Maintenance of Public Open Space.
		TOTAL	£151,776.25	

The total number of affordable housing units, in planning agreements which were **entered-into during the reported year**, to be provided from the off-site funding allocation of **£25,898.25** is **0 dwellings**.

(d) (i) Planning agreements **entered-into during the reported year** secured the following, non-monetary, contributions of infrastructure provided on-site:

Planning Reference	Site Address	Signature Date	Number	Notes
21/00976/OUT	Land off Brook Lane, Twigworth.	21/10/2022	56 dwellings	This agreement is for Affordable Housing to be provided on-site.
21/01036/FUL	Innsworth House Farm, Innsworth.	18/11/2022	6 dwellings	This agreement is for Affordable Housing to be provided on-site. Whilst a minimum of 6 dwellings has been secured an additional 11 dwellings is proposed making the whole development affordable with 17 dwellings.
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton.	07/02/2023	11 dwellings	This agreement is for Affordable Housing to be provided on-site.
21/00496/FUL	Land West of Delavale Road, Winchcombe.	09/03/2023	50 dwellings	This agreement is for Affordable Housing to be provided on-site.
		TOTAL	123 dwellings	

The total number of affordable housing units, in planning agreements which were **entered-into during the reported year**, to be provided on-site is **123 dwellings**.

It should be noted that:

(d) (ii) Education provisions will not be included in this report as, in this two-tier authority area, Gloucestershire County Council will be publishing its own Infrastructure Funding Statement. The County Council will include details of planning obligations it has secured by way of S106, as well as S278 in its areas of competence. The County Council's Infrastructure Funding Statements can be found by following this link:

[Infrastructure Funding Statement \(IFS\) - Gloucestershire County Council](#)

Income In The Reported Year

(b) The total amount of money from planning obligations **received during the reported year** was **£2,150,370.63**

Planning Reference	Site Address	Received Date	Amount	Notes
16/00738/OUT	Parcel 3745 Cheltenham Road East Churchdown Gloucester Gloucestershire	30/06/2021	-£31,957.83	POB342 : Community Facilities Contribution - Extension or Improvement at GL3 Community Hub
19/00537/APP (12/01256/OUT)	PHASE 1 - Land At Perrybrook, North Brockworth, GL3 4QY	17/05/2022	£869.28	POB365 : Dog Bins & Signs - Signage
19/00537/APP (12/01256/OUT)	PHASE 1 - Land At Perrybrook, North Brockworth, GL3 4QY	17/05/2022	£8,692.80	POB366 : Dog Bins & Signs - Bins
19/00537/APP (12/01256/OUT)	PHASE 1 - Land At Perrybrook, North Brockworth, GL3 4QY	17/05/2022	£1,352.21	POB367 : Refuse and recycling
16/00738/OUT	Parcel 3745, Cheltenham Road East, Churchdown, Glos	17/05/2022	£6,661.45	POB368 : Dog Bins & Signs
16/00738/OUT	Parcel 3745, Cheltenham Road East, Churchdown, Glos	14/04/2022	£38,057.40	POB369 : Refuse and recycling
16/00738/OUT	Parcel 3745, Cheltenham Road East, Churchdown, Glos	17/05/2022	£231,573.20	POB370 : Playing Pitches
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	05/07/2022	£28,345.95	POB374 : AH Contribution

19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	05/07/2022	£25,252.59	POB375 : Play Facilities
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	05/07/2022	£2,237.18	POB376 : Public Recycling
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	05/07/2022	£2,736.28	POB377 : S106 Monitoring Fee
08/01221/OUT	Land At, Kennel Lane	08/07/2022	£232,881.42	POB373 : Open Space Commuted Sum
20/01119/FUL	Garage Site 4, Bishops Drive	11/08/2022	£750.00	POB378 : S106 Monitoring Fee
98/636/9399/FUL	Whitefields Road Bishops Cleeve	30/04/2022	£978.01	POB371 : POS On Site Maintenance Sum (4.3)
18/01239/FUL	Land Adjacent To Hucclecote Road And Golf Club Lane	12/08/2022	£13,632.75	POB379 : Public Recycling - S106 Provided on Site
18/01239/FUL	Land Adjacent To Hucclecote Road And Golf Club Lane	12/08/2022	£13,632.75	POB380 : Dog Bins & Signs - S106 Contribution
18/01239/FUL	Land Adjacent To Hucclecote Road And Golf Club Lane	12/08/2022	£56,250.00	POB381 : Special Area of Conservation (SAC)

18/00249/OUT	Land At Stoke Road, Bishops Cleeve, GL52 7DG	26/08/2022	£17,014.70	POB383 : Recycling Contribution
20/00245/FUL	Former Norttenham Allotments, Land West Of The A435, Bishops Cleeve	10/10/2022	£2,774.79	POB384 : S106 Monitoring Fee
18/00249/OUT	Land At Stoke Road, Bishops Cleeve, GL52 7DG	06/10/2022	£86,726.73	POB385 : Pitches & Changing Rooms S106 Contribution
05/00883/OUT	Land to East of Tewkesbury Road & North of Longford Lane Longford	07/09/2022	£283,366.66	POB386 : POS Commuted Sum
16/00738/OUT	Parcel 3745, Cheltenham Road East, Churchdown, Glos	14/10/2022	£230,480.23	POB387 : Sports Facilities Off Site Contributions
14/00838/FUL	Land to west of farm lane - Shurdington	18/07/2022	£9,926.72	POB388 : S106 Monitoring Fee (including interest for late payment)
21/00007/FUL	Henley Bank Kennels, Mill Lane, Brockworth	31/10/2022	£1,183.96	POB389 : Public Recycling - S106 Provided on Site
14/01233/FUL	Part Parcel 7346, Evesham Road, Bishops Cleeve	08/02/2023	£401.55	POB390 : Dog Bins & Signs

14/01233/FUL	Part Parcel 7346, Evesham Road, Bishops Cleeve	08/02/2023	£1,571.29	POB391 : Public Recycling Contributions
14/01233/FUL	Part Parcel 7346, Evesham Road, Bishops Cleeve	08/02/2023	£52,593.44	POB392 : Sports Facilities Off Site Contributions
14/01233/FUL	Part Parcel 7346, Evesham Road, Bishops Cleeve	08/02/2023	£13,683.51	POB393 : Sports Facilities Off Site (Indoor) Contributions
21/00976/OUT	Land Off Brook Lane, Twigworth	31/10/2022	£1,100.00	POB394 : S106 Monitoring Fee (for AH)
21/00976/OUT	Land Off Brook Lane, Twigworth	31/10/2022	£1,941.16	POB395 : S106 Monitoring Fee (for POS)
17/01203/FUL	Land South Of The A46 And North Of Tirlle Brook	24/11/2022	£248,552.02	POB396 : S106 Enhance Public Contribution 1st
20/00140/OUT	Land Off A38 Coombe Hill	18/11/2022	£5,483.56	POB397 : Notice - Household information packs
20/00140/OUT	Land Off A38 Coombe Hill	18/11/2022	£2,886.08	POB398 : S106 Monitoring Fee

20/00140/OUT	Land Off A38 Coombe Hill	18/11/2022	£114,533.24	POB399 : Wildlife - S106 Contribution
20/00140/OUT	Land Off A38 Coombe Hill	18/11/2022	£8,006.00	POB400 : Public Recycling Provided on site
17/01078/FUL	Land Off Broadway Road, Part Parcel 9070	09/12/2022	£123,965.32	POB401 : Affordable Housing Contribution
17/00852/OUT	Yew Tree Farm, Tewkesbury Road, Twigworth, Gloucester, Gloucestershire, GL2 9PP	13/02/2023	£42,460.57	POB402 : Community Centre
17/00852/OUT	Yew Tree Farm, Tewkesbury Road, Twigworth, Gloucester, Gloucestershire, GL2 9PP	13/02/2023	£28,988.48	POB403 : Pitches & Changing Rooms Changing Rooms
17/00852/OUT	Yew Tree Farm, Tewkesbury Road, Twigworth, Gloucester, Gloucestershire, GL2 9PP	13/02/2023	£34,629.19	POB404 : Sports Hall
17/00852/OUT	Yew Tree Farm, Tewkesbury Road, Twigworth, Gloucester, Gloucestershire, GL2 9PP	13/02/2023	£83,558.29	POB405 : Pitches & Changing Rooms the Playing Pitches Contribution
15/00749/OUT	Land North Of Innsworth Lane Innsworth	10/03/2023	£41,722.67	POB406 : Waste Disposal for the 1st phase

15/00749/OUT	Land North Of Innsworth Lane Innsworth	10/03/2023	£4,445.51	POB407 : Dog Waste Bins Contribution
15/00749/OUT	Land North Of Innsworth Lane Innsworth	10/03/2023	£2,857.72	POB408 : Dog Signage Contribution
17/00863/FUL	Land Adjacent To Cornerways	22/11/2018	£424.00	POB409 : NHS Contribution
17/00863/FUL	Land Adjacent To Cornerways	22/11/2018	£1,254.00	POB411 : Pitches & Changing Rooms
17/00863/FUL	Land Adjacent To Cornerways	22/11/2018	£73.00	POB412 : Public Recycling
17/00863/FUL	Land Adjacent To Cornerways	22/11/2018	£430.00	POB413 : Village Hall Contribution
18/00173/FUL	Land Adjacent To The Swan, Tewkesbury Road, Coombe Hill, Gloucester	24/02/2023	£8,228.70	POB414 : Wildlife - S106 Contribution
14/01233/FUL	Part Parcel 7346, Evesham Road, Bishops Cleeve	03/03/2023	£25,230.52	POB415 : Play Facilities S106 Contribution
14/00343/OUT	Land Behind Newton Cottages, Ashchurch Rd	31/03/2023	£417.22	POB416 : Dog Waste Bins Contribution
14/00343/OUT	Land Behind Newton Cottages, Ashchurch Rd	31/03/2023	£262.25	POB417 : Dog Signage Contribution

14/00343/OUT	Land Behind Newton Cottages, Ashchurch Rd	31/03/2023	£13,673.59	POB418 : Healthcare Facility - S106 Contribution
14/00343/OUT	Land Behind Newton Cottages, Ashchurch Rd	31/03/2023	£19,697.20	POB419 : Sports Facilities Off Site - S106 Contribution
14/00343/OUT	Land Behind Newton Cottages, Ashchurch Rd	31/03/2023	£3,881.32	POB420 : Recycling Contribution
		Total	£2,150,370.63	

(c) The total amount of **money received before the reported year that has not been allocated** was **£8,390,972.79**

Non-Monetary Contributions Provided During The Reported Year

During the reported year the following non-monetary contributions were provided:

- The **total number of affordable housing units provided on-site** during the reported year was **280 dwellings**, 157 of which were on JCS Strategic Allocations; and
- The total number of **affordable housing units provided by S106 off site funding allocations** made within the reported year was **0 dwellings**.

Expenditure In The Reported Year

(f) The total amount of money from planning obligations **spent during the reported year** was **£712,926.66**. Of this amount **£366,415.02** was spent by a third party on behalf of Tewkesbury Borough Council.

(h) (i) The items of infrastructure that planning obligation money has been spent on during the reported year and the amount spent are as follows:

Infrastructure	Spent	Spend Description	Date	Source
POB52	£121.22	Burial facilities - Part payment for Section 106 Reclaim for Brockworth Cemetery Project Payment to Brockworth Parish Council	06/01/2023	04/01421/OUT
POB57	£6,626.29	Burial facilities - Part payment for Section 106 Reclaim for Brockworth Cemetery Project Payment to Brockworth Parish Council	06/01/2023	04/01421/OUT
POB58	£2,502.49	Burial facilities - Part payment for Section 106 Reclaim for Brockworth Cemetery Project Payment to Brockworth Parish Council	06/01/2023	04/01421/OUT
POB59	£14,641.70	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	04/01421/OUT
POB95	£8,793.03	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	12/01078/FUL
POB96	£12,919.02	Sports contribution - MUGA at Winchcombe Park Payment to Winchcombe Town Council	31/05/2022	12/01078/FUL
POB99	£14,628.93	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	12/01078/FUL
POB100	£12,999.80	Sports contribution - MUGA at Winchcombe Park Payment to Winchcombe Town Council	31/05/2022	12/01078/FUL
POB101	£2,069.88	Community contribution - Wheeled sports provision at Winchcombe Park Payment to Winchcombe Town Council	31/05/2022	12/01078/FUL
POB110	£12,020.84	Sports contribution - Payment for floodlights deposit, container locks and storage Payment to Brockworth Rugby Club (BSF)	10/06/2022 29/07/2022 09/11/2022	10/00091/OUT

Infrastructure	Spent	Spend Description	Date	Source
POB119	£5,809.62	Healthcare contribution - towards extension of Winchcombe Medical Centre dispensary counter modification - flooring, non-slip mats, blinds, door system and clinical bins Payment to NHS Glos	27/05/2022 07/07/2022 10/08/2022	13/00114/FUL
POB127	£7,760.73	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	14/01053/FUL
POB170	£49,032.57	Community contribution - Towards community facilities, footpaths, cycle paths, lighting, petanque court at Winchcome Park Payment to Winchcombe Town Council	31/05/2022	12/00464/OUT
POB186	£572.76	Play contribution - Payment to Alderton Parish Council for notice board	26/04/2022	14/00414/FUL
POB198	£68,173.17	Sports contribution - Stoke Orchard Upgrade/Ext MUGA	26/09/2022	14/00074/OUT
POB199	£17,736.77	Play contribution - Soft play Tewkesbury Leisure Centre from Stoke Orchard	30/09/2022	14/00074/OUT
POB214	£1,058.77	Community contribution - Village Hall/TRAC contribution	16/12/2022 & 01/03/2023	13/00978/FUL
POB219	£24,510.62	Community contribution - Longford Village Hall contribution	27/05/2022	05/00883/OUT
POB228	£7,708.83	Sports contribution - Maisemore Indoor Sports Facilities Contribution	18/10/2022	15/00131/OUT
POB232	£3,100.64	Sports contribution - Maisemore Changing Room Facilities Contribution	18/10/2022	15/00131/OUT
POB233	£13,616.53	Community contribution - Maisemore Village hall contribution	18/10/2022	15/00131/OUT
POB244	£10,854.00	Healthcare contribution - Bentham GP Surgery	06/03/2023	13/00794/FUL

Infrastructure	Spent	Spend Description	Date	Source
POB247	£9,298.42	Play contribution - Mitton Play Area	09/05/2022 to 09/02/2023	14/00211/OUT
POB249	£743.62	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	13/01205/FUL
POB252	£1,305.16	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	13/01205/FUL
POB254	£7,768.87	Play contribution - Soft play Tewkesbury Leisure Centre	30/09/2022	13/01205/FUL
POB261	£58,579.72	Sports contribution – Cheltenham Road Playing pitches Bishops Cleeve	21/11/2022	15/01177/FUL
POB276	£15,153.10	Community contribution - Brockworth Link and Community Library	03/01/2023 to 23/03/2023	12/01256/OUT
POB288	£40,801.30	Play contribution – Gotherington Play facilities	03/11/2022	16/00965/OUT
POB289	£46,783.54	Sports contribution – Gotherington Playing Pitches	31/10/2022	16/00965/OUT
POB297	£53,345.94	Sports contribution – Playing Pitches	08/11/2022	14/00838/FUL
POB298	£5,161.66	Community contribution - Community Centre Farm Lane Shurdington	22/03/2023	14/00838/FUL
POB302	£5,203.39	Play contribution – Offsite LEAP in Walton Cardiff	17/06/2022 to 30/09/2022	16/00177/FUL
POB306	£40,000.00	Sports contribution – Highnam Sports Facilities	12/09/2022 to 13/02/2023	14/00583/OUT
POB315	£565.00	Dog Bins & Signs - Highnam	06/09/2022	14/00583/OUT
POB323	£1,014.00	Sports contribution – Brockworth Changing facilities	31/10/2022	12/01256/OUT
POB333	£38,592.00	Sports contribution – Pamington Colts sports facilities	21/10/2022	14/00972/OUT

Infrastructure	Spent	Spend Description	Date	Source
POB342	£2,070.00	Community contribution - Extension or Improvement at GL3 Community Hub Churchdown	29/07/2022	16/00738/OUT
POB348	£200.00	Dog Bins & Signs – Twigworth	06/09/2022	15/01149/OUT
POB358	£2,356.00	Sports contribution – Gotherington Playing Pitches	30/04/2022	16/00336/OUT
POB385	£86,726.73	Sports contribution – Pitches & Changing Rooms Cheltenham North RFC Bishops Cleeve	09/01/2023	18/00249/OUT
Total	£712,926.66			

(e) The total amount of money from planning obligations **allocated towards infrastructure during the reported year** was **£2,150,370.63**. Of this amount **£0.00** was not spent during the reported year.

(g) The following items have had money allocated towards them during the reported year with unspent allocations:

Infrastructure	Allocated	Date Allocated	Unspent
POB371, 373 and 386 Commuted Sum for Long Term Maintenance of POS	£517,226.09	30/04/2022 to 07/09/2022	£517,226.09
POB365, 366, 368, 380, 390, 407, 408, 416 and 417 Dog Waste Bins and Signage	£37,978.28	17/05/2022 to 31/03/2023	£37,978.28
POB367, 369, 376, 379, 383, 389, 391, 400, 406, 412 and 420 Refuse and Recycling	£128,732.48	17/05/2022 to 31/03/2023	£128,732.48

Infrastructure	Allocated	Date Allocated	Unspent
POB377, 378, 384, 388, 394, 395 and 398 Monitoring	£22,115.03	05/07/2022 to 18/11/2022	£7,997.87
POB370, 387, 392, 393, 403, 404, 405, 411 and 419 Sports	£696,457.54	17/05/2022 to 31/03/2023	£696,457.54
POB375 and 415 Play Facilities	£50,483.11	05/07/2022 and 03/03/2023	£50,483.11
POB374 and 401 Affordable Housing	£152,311.27	05/07/2022 and 09/12/2022	£152,311.27
POB409 and 418 NHS Contribution	£14,097.59	22/11/2022 and 31/03/2023	£14,097.59
POB381, 397, 399 and 414 Environmental	£184,495.50	12/08/2022 to 24/02/2023	£184,495.50
Community including Village Halls	£291,442.59	24/11/2022 to 22/02/2023	£291,442.59
Total	£2,095,339.48	Total	£2,081,222.32

(h) (ii) No planning obligation money was spent on repaying money borrowed, including any interest, **during** the reported year.

(h) (iii) The amount of planning obligation money spent in respect of administration of planning obligations and monitoring in relation to the delivery of planning obligations during the reported year was £18,873.05.

(Staff Costs of £14,610.58 plus £4,262.47 software licence for Exacom made up of: S106 Module of £3,653.54 and 50% of Project Module of £608.93).

CLOSING POSITION

Money Retained At The End Of The Reported Year

(i) The total amount of money retained at the end of the reported year is **£10,226,958.65**. Of this **£535,307.94** has been retained for long term maintenance.

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SECTION 278 MATTERS

Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 4

In respect to Highways Agreements, under Section 278 of the Highways Act 1980, it should be noted that:

Highway provisions will not be included in this report as, in this two-tier authority area, Gloucestershire County Council will be publishing its own Infrastructure Funding Statement. The County Council will include details of planning obligations it has secured by way of S106, as well as S278 in its areas of competence. The County Council's Infrastructure Funding Statements can be found by following this link: [Infrastructure Funding Statement \(IFS\) - Gloucestershire County Council](#)

Community Infrastructure Levy (CIL)

3. INFRASTRUCTURE LIST

104



121A.— Annual infrastructure funding statements (1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following— (a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list");

Background

The Joint Core Strategy (JCS) partners of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council are each both Community Infrastructure Levy (CIL) Charging and Collecting Authorities in their own right.

Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended) requires CIL Charging Authorities to produce an annual "Infrastructure Funding Statement". This must include a list of schemes or types of infrastructure (the "Infrastructure List") that the Council intends may be wholly or partly funded from CIL.

The Allocation of CIL

All CIL income must be allocated as follows:

Administration Fund: Up to 5% of CIL can be applied towards its implementation and ongoing administration of the Charging/Collection Authority(ies).

Neighbourhood Fund: 15% (subject to a cap based on number of existing dwellings in the Parish) rising to 25% in areas that have a 'made' Neighbourhood Development Plan (NDP also called neighbourhood Plans) in place, of each CIL charge payment received, is either:

- Passed to the Parish Council in whose boundary the development that made the payment is located;
- Held by the Charging Authority on behalf of a Designated Neighbourhood Forum, as once they have a made NDP they are entitled to direct the spending of their 25%, or
- 15% is held by the Charging Authority to be spent in the same way as all other Neighbourhood CIL.

Infrastructure Fund: The remaining 70 to 80% must be spent on infrastructure that supports the growth of the CIL Charging Authority's area.

The 'Infrastructure List' relates solely to schemes or infrastructure types that the Charging Authority intends may be wholly or partly funded from the 'Infrastructure' Fund.

The Partnership Approach

The Joint Core Strategy (JCS) partners of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council has led to the development of a shared Infrastructure list.

Previous Infrastructure Lists

The Infrastructure List is not a comprehensive audit of all infrastructure requirements associated with the facilitation and mitigation of the impacts of development during the plan period. The Infrastructure Delivery Plans (IDP) of Development Plans are prepared for this purpose and seek to identify not only infrastructure needs but also potential sources of funding and delivery including funding from: Central Government; Local Government; and Developer Contributions and Provision by way of agreements permitted under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980, for example.

The removal of the Regulation 123 'pooling restriction', by the 2019 CIL Amendment Regulation, was intended to make it easier to deliver major infrastructure projects. It allows local authorities to combine CIL and Section 106 revenues towards the same infrastructure project or item.

As set out in CIL Regulation 122, planning obligations such as a section 106 agreements will continue to be sought alongside the CIL to secure all infrastructure which is "necessary to make the development acceptable in planning terms, "is directly related to the development and is "fairly and reasonably related in scale and kind to the development".

The IDP, prepared to support the JCS, provided an evidenced source of projects for the first JCS Partner's Infrastructure List, published in December 2020.

The IDP identified a significant potential shortfall in funding, and CIL income forecasts predicted only a small amount of the shortfall could be raised within the plan period. As we have prepared our IFS statements our Infrastructure List has been updated:

Year 1: The Infrastructure identified as 'critical' was selected to form the first list;

Year 2: Reviewed progress of each of the projects and identified a number that were either completed or had secured sufficient funding from other sources to no longer envisage needing CIL funding;

Year 3: Removed schemes identified as no longer requiring CIL funding and provided updates to scheme names and cost estimates for the remaining schemes.

Year 4: 2023 Infrastructure List as summarised below; and

Future Years: Will be informed by a full review of the IDP.

The 2023 Infrastructure List

Further to the publication of the 2022 IFS report which highlighted that the agreed Infrastructure list was not representative of current priorities, work has taken place with our JCS/SLP partners and Gloucestershire County Council to prepare an interim Infrastructure List. This recognises that the IDP prepared to support the JCS was a point in time, since then the councils have declared a climate emergency, there have been key changes in national policy, and it is important that CIL investment is targeted to infrastructure priorities that are relevant, deliverable and meet the demands of the current position of the three partners, individually and jointly.

The 'Infrastructure List'

The inclusion of a project on the Infrastructure List does not represent a commitment that the Partners will necessarily spend CIL monies on that item and for clarity, there is no priority implied by the order in which the projects appear in the list itself.

The JCS Partners will continue to review this list and provide updates on at least an annual basis, alongside the preparation of their Infrastructure Funding Statement(s).

Projects Requesting CIL Funding

Local

1. Cheltenham Petersfield Community & Sports Hub (£300k to £617k)
2. Cheltenham Spa Railway Station Enhancements (Honeybourne Line cycle path extension) (£1.3m) – S106/County Council Funding Potential
3. Cheltenham Parks and Green Space Landscape and Recreation: maintenance & investment (£600k) – Section 106 Commuted Sums for long term maintenance and Borough Council funding Potential.
4. Cheltenham central safe cycle hub pilot project (£25k) – Neighbourhood Funding Potential
5. Cheltenham Town Centre Interchange study (£70k) – S106/County Council Funding Potential
6. Cheltenham cycle spine phase 1 Construction Work (£1.3m) - – S106/County Council Funding Potential
7. Cheltenham Cycle Spine Phase 2 (Station to Pittville Park) Design Work (£600k) – S106/County Council Funding Potential
8. Tewkesbury Town Centre and Riverside Public Realm Enhancements (£1.5m) – S106 Funding Potential
9. Tewkesbury Town Centre children's play facilities (£75k) (part of Tewkesbury Borough enhanced play facilities project) - S106/Neighbourhood Funding Potential
10. Hampton Place, Churchdown footpath (£20k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential
11. Melrose Walk, Mitton footpath (£10k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential
12. Wheatpieces Woodland Walk footpath (£10k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential

13. Gloucester to Haresfield Cycle Spine Design Work (£850k) – S106 / County Council / Challenge Funding Potential
14. Gloucester Strategic Transport Interchange connectivity (£2m - £5m) – S106/County Council/Challenge Funding Potential

Shared

15. Recycling services depot (£28.5m split 60/40 between CBC and TBC respectively) – Section 106 Potential
16. Mass Rapid Transit, next business case stage (£2m divided by 3) – S106/County Council/Challenge Funding Potential

The Pipeline

Projects Requiring More Work to Identify Costs:

Local

17. Cheltenham High Street public realm improvements – Section 106 / Neighbourhood / County Council / Challenge Funding Potential
18. Tewkesbury Borough Crematoria / Cemeteries – Section 106 Potential
19. Tewkesbury Borough Bishops Cleeve Leisure Centre - Section 106 /Neighbourhood Funding Potential
20. Tewkesbury Ashchurch Rail Station/Infrastructure Enhancements - Section 106 / Challenge Funding Potential
21. Tewkesbury Garden Town enabling infrastructure - Section 106 / County Council / Challenge Funding Potential
22. Tewkesbury Town Centre enhanced cultural offer – Section 106 Potential
23. Tewkesbury Traffic management in historic core – Section 106 and County Council Potential
24. Tewkesbury Town Centre Business incubator units – Section 106 Potential
25. Tewkesbury Borough EV induction charging infrastructure – Section 106 / Challenge Funding Potential
26. Tewkesbury Borough Active Travel network improvements – Section 106 / Neighbourhood / County Council / Challenge Funding Potential
27. Tewkesbury Borough Community Places creation and improvement - Section 106 /Neighbourhood Funding Potential
28. Tewkesbury Borough Youth Facilities project creation and improvement - Section 106 /Neighbourhood Funding Potential
29. Tewkesbury Borough enhanced play facilities project - Section 106 /Neighbourhood Funding Potential

30. Tewkesbury Borough enhanced sports facilities project - Section 106 /Neighbourhood Funding Potential
31. Gloucester City GL1 Leisure Centre - Section 106 Potential/Neighbourhood Funding Potential
32. Gloucester City Oxstalls Sports Park - Section 106 Potential/Neighbourhood Funding Potential
33. Gloucester City Blackbridge Community and Sports Hub - Section 106 Potential
34. Gloucester Nature Park - Section 106 Potential/Neighbourhood Funding Potential
35. Gloucester Crematoria / Cemeteries - Section 106 Potential
36. Gloucester Strategic Green Infrastructure - Section 106 Potential/Neighbourhood Funding Potential

Shared

37. NHS GP Surgeries - Section 106 Potential
38. Expressbus Corridors – Section 106/County Council/Challenge Funding Potential
39. Brockworth to Cheltenham cycle link (via Shurdington) – Section 106/County Council/Challenge Funding Potential
40. Brockworth to Gloucester cycle link – Section 106/County Council/Challenge Funding Potential
41. Gloucester to Hartpury College cycle link – Section 106/County Council/Challenge Funding Potential

Projects not to be funded from CIL

42. M5 J10 Scheme
43. M5 J9 & A46 Improvement Scheme
44. All Education requirements

Format:

The partner councils at the time of drafting this IFS are progressing proposals to set up a CIL Joint Committee. It should be noted that the Joint Committee proposal relates **only** to the strategic element of CIL, the Infrastructure Fund, responsibility for the neighbourhood element of CIL sits wholly with the individual councils. The Joint Committee would be responsible for the allocation of CIL monies using the interim Infrastructure List as a starting point for consideration.

For information, the Infrastructure List has been compared to the funding available in the three council's Infrastructure Funds, both as is reported in this Infrastructure Funding Statement (December 2023) and in the first 6 months of this financial year 2023/24.

Funding Available

CIL Authority	Regulation 59i Strategic 'Infrastructure Fund'	
	Date	Amount
Cheltenham Borough Council	31/03/2023	£1,199,537.68
	25/10/2023	£2,564,105.08
Tewkesbury Borough Council	31/03/2023	£7,053,286.54
	25/10/2023	£8,058,663.30
Gloucester City Council	31/03/2023	£825,367.24
	25/10/2023	£1,274,784.90
	31/03/2023	£9,078,191.46
	25/10/2023	£11,897,553.28

111

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Costed Requests for Funding

CIL Authority	Projects seeking funding		
	List	Project	Amount
Cheltenham Borough Council	Local	1.	£617,000.00
	Local	2	£1,310,000.00
	Local	3.	£600,000.00
	Local	4.	£25,000.00
	Local	5.	£70,000.00
	Local	6.	£1,300,000.00
	Local	7.	£600,000.00
CBC Local Sub-total			£4,522,000.00
	Shared	15.	£17,100,000.00
	Shared	16.	£666,666.67
CBC Shared Sub-total			£17,766,666.67
CBC Joint Sub-total			£22,288,666.67
Tewkesbury Borough Council	Local	8.	£1,500,000.00
	Local	9.	£75,000.00
	Local	10.	£20,000.00
	Local	11.	£10,000.00
	Local	12.	£10,000.00
TBC Local Sub-total			£1,615,000.00

112

	Shared	15.	£11,400,000.00
	Shared	16.	£666,666.67
TBC Shared Sub-total			£12,066,666.67
TBC Joint Sub-total			£13,681,666.67
Gloucester City Council	Local	13.	£850,000.00
	Local	14.	£5,000,000.00
GCC Local Sub-total			£5,850,000.00
	Shared	16.	£666,666.67
GCC Shared Sub-total			£666,666.67
GCC Joint Sub-total			£6,516,666.67
All Councils Local Total			£11,987,000.00
All Councils Shared Total			£32,115,000.00
All Councils Joint Total			£44,102,000.00

Tewkesbury Borough Council's 'Annual CIL Rate Summary Statement'

Approved for Publication December 2023

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require CIL Charging Authorities to:

"Each calendar year, no earlier than 2nd December and no later than 31st December ... publish a statement ("Annual CIL Rate Summary") in relation to the next calendar year".

Regulation 121C(1)

This 'Annual CIL Rate Summary' Statement sets out how 'indexation' will affect CIL charges within Tewkesbury Borough from 1st January 2024 to 31st December 2024.

Indexation

Indexation allows the rates we charge to be adjusted to take account of inflation.

Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require us to use an index published by the Royal Institute of Chartered Surveyors (RICS).

The CIL Regulations require RICS to publish the CIL Index for 1st November each year, starting in 2019 and updated annually thereafter and for all Charging Authorities to apply this index.

Calculating CIL

CIL is calculated by multiplying the net increase in gross internal area (GIA)¹ by the relevant CIL rate (£/m²). The CIL rates must be index linked from the year that CIL was introduced to the year that a planning permission is granted.

Background

Prior to changes in the CIL Regulations in 2019 we were required to use the national 'All-In Tender Price Index', published by RICS' Build Cost Information Service (BCIS). Changes to the CIL Regulations that came into force on the 1st September 2019 now require us, from the Calendar year 2020, to use a new RICS 'CIL Index'.

Along with the other JCS Authorities Tewkesbury Borough Council began charging CIL on planning permissions granted after the 1st January 2019. As required at the time the Authorities applied the 'All-In Tender Price Index' published on the 1st November 2018 for the first calendar year of charging.

The index is now applied annually on the 1st January each year based on the RICS 'CIL Index' published on the 1st November in the previous year.

New Charges

From the 1st January 2024 to the 31st December 2024 rates have been adjusted in line with the RICS CIL Index published for the 1st November 2023.

The table below shows the original charges set for 2019 along with this years (2023) charges and the charges applying the index published on the 1st November 2023 as they will apply in the calendar year of 2024:

- The original charges in Year 1 (2019) when we began charging and the index was 322;
- the increased charges in Year 2 (2020) as the index rose by 3.73% to 334;
- the reduced charges in Year 3 (2021) as the index fell by 0.3% to 333;
- the reduced charges in Year 4 (2022) as the index fell by 0.3% to 332;
- the increased charges in Year 5 (2023) as the index rose by 6.9% to 355; and
- the increased charges in Year 6 (2024) as the index rose by 7.3% to 381.

¹ The definition of gross internal area is not specified in the regulations; however, the generally accepted method of calculation is the RICS Code of Measuring Practice (6th edition, 2015)

Charging Schedule

Development Category	All-in TPI 01/11/18	Year 1 (2019)	CIL Index 01/11/22	Year 5 (2023)	CIL Index 01/11/23	Year 6 (2024)
10 dwellings and under ²	322	£104 per m ²	355	£114.66 per m ²	381	£123.06 per m ²
Between 11 and 449 dwellings	322	£200 per m ²	355	£220.50 per m ²	381	£236.65 per m ²
450 dwellings and over	322	£35 per m ²	355	£38.59 per m ²	381	£41.41 per m ²
JCS Strategic Allocations A5 and B1	322	£35 per m ²	355	£38.59 per m ²	381	£41.41 per m ²

² For clarity this includes individual dwellings, irrespective of size (Regulation 42(2)), and extensions and annexes greater than 100 m² (Regulation 42(1)).

Publication

Regulation 121C(3) requires us to “publish each annual CIL rate summary” on our “website”. This statement will therefore be published on-line, alongside Tewkesbury Borough Council’s Infrastructure Funding Statement (IFS) no later than the 31st December 2023.

Contingency

If the RICS CIL Index is discontinued, we will revert to using the BCIS Index and, in the event that both are discontinued, we will use the Retail Price Index.

Further information and all CIL forms are available on the Planning Portal website at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

If you have any questions regarding CIL please contact us at:
Tewkesbury – cil@tewkesbury.gov.uk

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Four

Executive Summary:	To adopt the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy agreed by the Licensing Committee at its meeting on 9 November 2023.
Recommendation:	To ADOPT the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy attached at Appendix B.

Financial Implications:	None arising directly from this report.
Legal Implications:	<p>Tewkesbury Borough Council may set its own standards for driver, vehicle and operator licensing whilst also taking statutory guidance and best practice into account.</p> <p>Consultations must be carried out fairly and the recommended consultation period is 12 weeks.</p> <p>The Council will need to carefully and thoroughly assess the impact of introducing the proposed policy, including the effect on the supply of taxis and private hire vehicles in the area. They should also bear in mind the need for a proportionate approach, ensuring that those licence holders that would not meet the criteria can adapt or change their vehicle within a reasonable time.</p> <p>Consultation on the policy should include not only the taxi and private hire vehicle trades, but also groups likely to be the trades' customers.</p>

Environmental and Sustainability Implications:

The Government's website reports that cars and vans represent 19% of all domestic emissions. In Tewkesbury Borough there are 801 licensed taxi and private hire vehicles, so they are only a small percent of the total number of vehicles within the district. However, any reduction in emissions from taxis and private hire vehicles will be a move to improving air quality and help reduce impact on the environment. An all-electric fleet with zero emission is the aim but this must be balanced against cost and impact on the trade along with the infrastructure to support this. The policy proposed in this report seeks to improve emissions by introducing a policy which will result in all taxis and private hire vehicles being Euro 6 emissions or ULEV by 2025 and will see a phasing out of older, higher polluting vehicles up to that date. This revised vehicle policy will also support the Council's climate emissions ambitions.

Resource Implications (including impact on equalities):

No resource implications.

Restrictions on emission compliance of wheelchair accessible taxi and private hire vehicles may result in a reduction in the number of wheelchair accessible vehicles being licensed.

Equally, there could be a positive benefit for people living with a respiratory illness or disability, as the proposed emissions policy will contribute towards cleaner air.

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

Vehicle licence holders will have to comply with new vehicle requirements by 1 January 2026.

All new driver applicants will have to pay for a driver assessment (currently £87).

1.0 INTRODUCTION

1.1 Tewkesbury Borough Council is responsible for licensing Taxi and Private Hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for driver, vehicle and operator licences.

1.2 There have been several reviews over the last 2 years to update the document with the Gloucestershire Common Standards (aligned approach to driver standards), medical criteria (to accept medical summaries from GP's) and to include the M1 vehicle standards for converted vehicles.

1.3 This review is to amend:

- Driver requirements that have not already been updated as part of the Gloucestershire Common Standards
- Vehicle requirements – introduction of an age and emissions policy
- Updated operator conditions
- Revised plate exemption policy

2.0 BACKGROUND

2.1 A draft policy was approved by the Licensing Committee on 15 June 2023 for consultation.

2.2 A table of proposed amendments can be found at **Appendix A**.

2.3 The Licensing Committee approved the final draft policy attached at **Appendix B** and recommended the document to be presented to Executive Committee for adoption.

3.0 CONSULTATION

3.1 A 12-week consultation was carried out with all licence holders and stakeholders between 3 July – 24 September 2023 covering the initial proposals set out in section 2 of this report.

3.2 This included:

- Gloucestershire County Council's Integrated Transport Unit
- Gloucestershire Police
- All other Gloucestershire Licensing Authorities
- Ward Councillors
- Town/Parish Councils
- Gloucestershire Sight loss Council
- Citizens Advice Bureau
- Community Safety Partnership
- National Private Hire and Taxi Trade Association
- Website

3.3 During the consultation, 52 responses were received. This included responses from:

- Gloucestershire County Council Integrated Transport Unit
- Gloucestershire Sight Loss Council
- National Private Hire and Taxi Association
- Tewkesbury Town Council
- Cabinet member at Cotswold District Council, Cllr Juliet Layton
- Licence holders

3.4 A copy of the consultation comments with Officer appraisal is attached at **Appendix C**.

3.5 A further representation from a private hire operator, GO Accessible Transport, is attached at **Appendix D**.

4.0 CONSULTATION RESPONSES AND PROPOSED AMENDMENTS TO DRAFT POLICY

4.1 Driver Requirements

4.1.1 Proposed change – Applicant must have held a DVLA driver licence for 12 months prior to application (previously 3 years)

There was one unsupportive comment with regards to the length of time that an applicant should hold a DVLA driver licence prior to applying for a driver licence. It is proposed that the amendment should proceed as it is in-line with the Gloucestershire local authorities and Department for Transport (DfT) Best Practice Guidance.

4.1.2 Proposed change – all new applicants must complete a driver assessment

There were a couple of unsupportive comments regarding this change. It is proposed to retain this amendment to raise standards further and to be in line with Gloucestershire.

4.2 Vehicle Requirements – age and emissions policy

4.2.1 Currently, there are no age restrictions or an emissions policy for licensed vehicles in the Tewkesbury Borough. This has resulted in a huge number of issues including:

- An influx of private hire vehicle applications from outside of the area applicants. This has resulted in pressures on the licensing service and a rise in enforcement issues.
- Majority of our licensed private hire vehicles working in Cheltenham and Gloucester.
- Frustration from the Gloucester and Cheltenham licence holders due to the higher standards set by those Councils. Tewkesbury vehicles work alongside these vehicles that are newer. This has resulted in a bad reputation for Tewkesbury Borough Council.
- Illegal plying for hire taking place in Cheltenham and Gloucester.
- Higher emissions from older vehicles.
- Reduction of availability in the Borough of licensed vehicles as it is more attractive to work in Cheltenham/Gloucester.
- Disappearance of the hackney trade.

A change to our vehicle age and emissions requirements has been needed for some time and will be the last piece of work to getting the licensed trade to a level playing field with the rest of the county.

4.2.2 Proposed changes to age and emissions policy (these changes were consulted upon)

New vehicle applications and change of vehicle applications from 1 January 2024

- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.

- New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV

Vehicle Renewal Applications

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV until 15 years of age).

4.2.3 There were several supportive comments to the proposal. These came from licence holders that are frustrated with some of the older licensed vehicles on the road and the 'light touch' licensing that has been in place for some years. There were also several unsupportive comments. These covered:

- Cost of obtaining new vehicles
- Shortage of second-hand vehicles available to comply with proposed requirements
- Cost of living concerns
- Delay in new vehicle supply
- Future policy changes e.g. electric vehicles
- The lower and upper age limits and proposed amendments

4.2.4 It has been recognised by both the Institute of Licensing and Local Government Association that there are shortages of good, second-hand vehicles and licensing authorities are asked to bear this in mind when they are making decisions.

4.2.5 A Euro 6 vehicle emits the same emissions regardless of their age.

4.2.6 WAV's (Wheelchair Accessible Vehicles)

WAV's are larger vehicles which are more costly to source. The home to school contract sector is reliant on these vehicles to transport vulnerable passengers around the County.

The Council must be mindful that there is a need for these vehicles, and the costs involved to adhere to any age or emissions policy.

Within the County the following policies are in place:

- Cheltenham – will licence from new up to 8 years of age and up to 16 years
- Gloucester – will licence from new as long as Euro 5* and up to 15 years of age
- Stroud – will licence from new as long as Euro 6 and no upper age policy (existing vehicles exempt from upper age policy)
- Cotswold and Forest of Dean – no age or emissions policy

*Euro 5 introduced on 1 January 2011.

GO Accessible Travel's response (Appendix D) is a useful insight and has a useful proposal which has been considered in the amended proposal. They have also proposed a dedicated plate for home to school contract work; whilst this is a reasonable idea, at present the licensing team does not have the capacity to explore this option.

The National Private Hire and Taxi Association (NPHTA) have also raised a valid point in their response in that the local authority should be mindful of the wear and tear on the vehicles and it is felt that this warrants an upper age limit due to the mileage that these vehicles undertake each year.

4.2.7 Proposed changes to age and emissions policy (post-consultation)

Based on the comments above, the Councils declaration on carbon reduction, and public safety concerns, it is proposed to amend the proposal to:

New vehicle applications and change of vehicle applications from 1 January 2024

- A new application for a taxi or private hire vehicle licence (including WAV's) will be refused if it is not Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if it is not Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.

Vehicle Renewal Applications

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV.
- From 1 January 2024, all WAV's will be renewed until they reach 15 years of age.

4.3 Vehicle testing

4.3.1 Proposal

It is proposed to introduce a mandatory compliance requirement from 1 June 2024. Vehicles under 5 years of age would require an annual inspection and any vehicle over 5 years of age would require a test every 6 months.

4.3.2 Most of the comments were supportive regarding this change.

4.3.3 It is proposed to implement this change due to no physical inspections taking place by an Officer. This will ensure that an inspection of cosmetic appearance, display of plates, meters etc. takes place and the Council can ensure that there is a higher standard for vehicles. This also follows the same practice as many Councils in the Country including Cheltenham, Gloucester and Stroud.

4.3.4 The supporting appendix of the policy (Appendix I) will be presented to the Licensing Committee at its meeting in March 2024.

4.4 Plate exemption policy

4.4.1 Plate exemption applications are made by private hire operators for vehicles which are predominantly (75% of their work) used for clients which are VIP's, executive etc.

4.4.2 The current policy is very basic and does not offer much guidance to either the Licensing Officer or the licence holder for determining or making applications.

4.4.3 The revised policy attached at Appendix H of the draft policy offers in-depth information.

4.4.4 Following feedback from Chauffeur businesses, this has been amended.

4.5 Other amendments

4.5.1 It is proposed to adopt all other amendments as consulted upon.

4.6 CCTV

4.6.1 Members of the Committee were keen to support the use of CCTV and expressed a desire to advertise those who installed CCTV within their vehicle and were compliant with Information Commissioner's Office (ICO) requirements.

4.6.2 Looking at the responses received, it is apparent that licence holders have little understanding around the data protection requirements required.

4.6.3 The County Licensing Officer Group will revisit CCTV use in Autumn/Winter 2023/24.

5.0 ASSOCIATED RISKS

5.1 None at present.

6.0 MONITORING

6.1 The revised policy will come into effect from 1 January 2024.

6.2 All licence holders will be written to regarding any amendments.

6.3 The Council's website will be updated with the revised policy document and information.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2023

Background Papers: [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

[Licensing Committee 9 June 2023](#)

[Licensing Committee 9 November 2023](#)

Contact Officer: Licensing Team Leader
michelle.bignell@teWKesbury.gov.uk

Appendices: Appendix A – Table of amendments to existing Hackney Carriage and Private Hire Licensing Policy
Appendix B – Draft Hackney Carriage and Private Hire Licensing Policy
Appendix C – Consultation comments
Appendix D – GO Accessible Transport's comment

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Driver Policy					
Immediate Suspension and revocation of licences	11	Not specified	If a driver is suspended due to safeguarding concerns, if the LADO (Local Authority Designated Officer) or Police have not been informed, the Licensing Authority will forward the information that they have been provided to them for investigation.	Make the process clear	Already in effect
Age and experience	12	Must have held DVLA driver licence for 3 years	Must have held DVLA driver licence for 12 months	In-line with Department for Transport Guidance and other Glos. LA's	01.01.2024
Driver Assessment	12	None	All new applicants must obtain a driver assessment certificate prior to licensing	To ensure that drivers have been assessed prior to licensing and in-line with other Glos. LA's	01.01.2024
Mandatory Safeguarding and Equality Awareness Training	13		Include that the training must be the content agreed by the Gloucestershire Councils Any licence holder who does complete the refresher training will be suspended.	To make this requirement clearer and to maintain a joint approach	Already in effect
HMRC (Tax Conditionality)	13	Not specified	Outlines legal requirement of supplying a tax code for driver licence applications	Legal requirement	Already in place
Medical Examination	14	Certificate valid for 3 months	Certificate valid for 4 months	Same timescale as DVLA Group 2 examination	01.01.2024

Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Appendix A

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
			Any change in medical notify the Council within 48 hours	Specified in conditions (Appendix F as 7 days – updated to 48 hours)	01.01.2024
Proof of right to work in the UK	15		Revised wording	More simplified	
National Register of Refusals, Revocations and Suspensions (NR3S)	15	National Register of Refusals and Revocations (NR3) Retention period 25 years	National Register of Refusals, Revocations and Suspensions (NR3S) Retention period 11 years	Update to NAFN (National Anti-Fraud Network) Initiative and Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022	Implemented April 2023
Grant and renewal of licences	16			Simplified wording and clear expectations on late/invalid applications	Already in effect
Change of details	17		Include change of email address and change notice period to 48 hours		
Change of operator	17	Currently no requirement	If drivers are working as a private hire driver, they must notify us within 48 hours if they change the private hire operator that they work for. If this notification is by email, they must copy the private hire operator email address into the email to the licensing team. If this notification is by letter, they must get the operator to countersign this.	For the licensing team to maintain accurate records	01.01.2024

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Refunds	17		New section – no refunds will be due on any surrendered or revoked licence	Clear wording	01.01.2024
Suspension of a driver’s licence (public safety)	27		Cases where immediate effect is required – authorised Officer	Clear wording	Currently permitted under scheme of delegation
Vehicle Policy					
Maximum age of vehicles	20	No age limit		Removed and replaced with proposed age and emissions policy	01.01.2024
Age and emissions policy	20	None	<p>New policy proposed:</p> <p>New vehicle applications and change of vehicle applications from 1 January 2024</p> <p>A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.</p> <p>An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.</p>		<p>01.01.2024</p> <p>01.01.2024</p>

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
128			<p>EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.</p> <p>New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV</p> <p>Vehicle Renewal Applications</p> <p>From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.</p> <p>From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV's until 15 yrs of age).</p> <p>Tewkesbury Borough Council 's aim to be carbon neutral by 2030</p> <p>1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.</p>		<p>01.01.2024</p> <p>01.01.2024</p> <p>01.01.2024</p> <p>01.01.2026</p> <p>01.04.2028</p>

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
			<p>1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.</p> <p>1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.</p>		<p>01.04.2030</p> <p>01.04.2033</p>
Converted vehicles	21	Deadline for current vehicles to provide IVA by 30.04.23		Remove sentence as deadline has passed	
Vehicle Testing 129	22	MOT requirements	Amended wording to implement Council Vehicle Testing at approved test stations	Current testing is not vigorous enough to ensure that the public are safe	01.06.2024 (due to procurement work required)
LOLER	22		<p>All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 6 months to ensure the lift is safe to use.</p> <p>A satisfactory LOLER certificate must be submitted with all relevant vehicle applications.</p> <p>Certificates must be retained for 2 years and available for inspection upon request.</p>	New section to cover legal requirements	Already in effect

Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Appendix A

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Plate exemption for private hire vehicles	23		Addition of policy in Appendix I	Better clarity	01.01.2024
Environmental Considerations	22	It is important that emissions from hackney carriages and private hire vehicles are reduced as far as possible. In the event that central government introduces measures to control emissions or local emission controls were to be required by an air quality action plan the council may review the policy on emission standards for licensed vehicles.		Removed wording as proposed age and emissions policy supersedes this	01.01.2024
Accidents	23	3 working days	Update to include accident or damage to vehicle Change notice period to 48 hours		01.01.2024
Insurance Write Offs	24		A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.	Clarification as no information currently in the policy	Already in place
Grant and Renewal of licences	24			Simplified wording and clear expectations on late/invalid applications	Already in effect

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Change of details	24	7 days	Include change of email address Change notice period to 48 hours		
Refunds	24		New section – no refunds will be due on any surrendered, suspended or revoked licence	Clear wording	01.01.2024

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Operators Policy					
Duration of licences	25	5 years	1 or 5 years	Choice of licence holder	Already in effect
Record keeping	26		Addition of price agreed for the journey or if the journey is to be carried out on a meter	Not currently specified	01..01.2024
Address from which an operator may operate	26		The address should also have any relevant planning permission required to operate a private hire business.	Not currently state	Already in effect
Grant or renewal of licences	26			Simplified wording and clear expectations on late/invalid applications	Already in effect
Change of details	27	7 days	Include email address Change notice period to 48 hours		
Refunds	27		New section – no refunds will be due on any surrendered, suspended or revoked licence	Clear wording	01.01.2024

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Appendix A – table of delegations	28	Applications for driver’s licence, with relevant convictions – currently states Officer can assess traffic offences	<p>All applications that have convictions that are outside of relevance of convictions timescales can be assessed and issued by an authorised Officer.</p> <p>All applications whereby there are offences within the relevance of convictions timescales, or there is concerning information that may affect the suitability of the applicant, will be referred to a Licensing Sub Committee for determination</p>	Currently, incorrect wording	This is already in practice
Appendix D – Licence conditions and specifications for hackney carriage vehicles					
Equipment	42	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch		Remove these items in line with other Gloucestershire Authorities	01.01.2024
Insurance and other documentation	42		Update to include information that only a licensed driver can drive a licensed vehicle	Additional information for licence holders	Already in effect
Convictions/change of particulars of proprietor	45	Seven days	48 hours	In line with Gloucestershire Common Standards	Already in effect

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Appendix E – Licence conditions and specifications for private hire vehicles and operators			Update to Licence conditions and specifications for private hire vehicles		
Equipment	46	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch		Remove these items in line with other Gloucestershire Authorities	01.01.2024
Insurance and other documentation	47		Update to include information that only a licensed driver can drive a licensed vehicle	Additional information for licence holders	Already in effect
Meters/Fare card	48		<p>If the licence holder chooses to fit the private hire vehicle with a meter it must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The meter shall be maintained in a sound working condition at all times. The meter shall be set to a tariff and sealed by the approved testing stations to prevent unauthorised adjustment of that meter.</p> <p>A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall</p>	New section to provide clarity	Already in effect

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
			clearly display the vehicles licence number. A copy of the calibration certificate, and a copy of the table of fares that the meter has been calibrated to, must be submitted to the Council within 48 hours of being set.		
Plate Exemption	49			Remove – replaced with policy at Appendix G	01.01.2024
Novelty Vehicles	50	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch	Include in-date first aid kit	Same requirements as hackney carriage/private hire vehicles	01.01.2024
135	50	No age limit will be set for novelty vehicles but they are required to be tested as per private hire vehicles		These vehicles will be subject to the same age/emissions policy as private hire vehicles	01.01.2024
Appendix F - Licence conditions and specifications for private hire operators			Insertion of separate conditions for private hire operators		01.01.2024
	52		Updated booking record details	Replicates Gloucestershire Common standards	Already in effect

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
136	52		<p>New conditions for operators:</p> <p>All Operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.</p> <p>All Operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.</p> <p>All Operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.</p> <p>Any person named on the private hire operator's licence must notify the Council in writing within 48 hours if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.</p>	Better record keeping	01.01.2024
Appendix G – licence conditions and code of conduct for hackney carriage and private hire drivers			Update to Appendix G		01.01.2024
4	54	Seven working days to notify of any convictions etc.	48 hours	In line with Gloucestershire Common Standards	Already in effect

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
5	54	If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.		Delete as all drivers will be on update service which can be checked automatically	01.01.2024
6	54	A driver shall give notice in writing to the council within seven working days of any change in medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.	Change to 48 hours	Standardise 48 hours of any notifiable issues	01.01.2024
Appendix H – Plate exemption policy	57			New section to provide further clarity and enhance current policy	01.01.2024



HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY 2024

**Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT**

Version control

Date	Version	Amendments
October 2021	2	<ul style="list-style-type: none"> Updated to reflect “Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire”
February 2022	3	<ul style="list-style-type: none"> Amendment to medical requirements to permit medical practitioners and summary records
March 2022		<ul style="list-style-type: none"> Document adopted by Executive Committee
February 2023	4	<ul style="list-style-type: none"> Amendment to vehicle requirements – M1 standards and update to Borough population figure
March 2023		<ul style="list-style-type: none"> Document adopted by Executive Committee
November 2023	5	<ul style="list-style-type: none"> Update to driver assessment requirement, vehicle policy, operator conditions and other minor amendments

Contents

Overview	5
Local area profile.....	5
Purpose and Objectives	6
Part One – Hackney Carriage & Private Hire Drivers	7
Introduction	8
Licensing Authorities.....	8
General Principles	8
Licensing Policies.....	8
Ancillary Policies	9
Regulatory Structure.....	9
Enforcing the Licensing Regime	9
Specific Policies & Procedures	9
Fit & Proper.....	9
Information Sharing	9
Criminal records checks and information	9
Licensee self-reporting.....	10
Complaints against licensees	10
Certificate of Good Character	11
Immediate suspension and revocation of licences.....	11
Hackney Carriage & Private Hire Drivers	12
Duration of licences	12
Age and Experience.....	12
Knowledge Test.....	12
Driver Assessment	12
Language proficiency	12

Driving proficiency, qualifications and giving assistance	13
Mandatory Safeguarding and Equality Awareness Training.....	13
DVLA driving record check	13
HMRC (Tax Conditionality).....	13
Medical Examination	14
Disclosure and Barring	14
Certificate of Good Conduct	15
Proof of Right to Work in the UK (Immigration Act 2016).....	15
Behaviour and conduct of drivers.....	15
National Register of Refusals, Revocations and Suspensions (NR3S).....	15
Grant and renewal of licences	16
Change of details.....	17
Change of Operator	17
Refunds	17
Applying for a driver’s licence.....	17
Part Two – Vehicles.....	20
Role of hackney carriages and private hire vehicles.....	20
Hackney Carriage and Private Hire Vehicles	20
Limitation of numbers.....	20
Specifications and conditions	20
Age and emissions policy	20
Converted Vehicles	21
Vehicle testing.....	21
LOLER (Lifting Operations and Lifting Equipment Regulations 1998).....	22
Signage	22
Advertising on licensed vehicles	22
Plate exemption for private hire vehicles.....	22
Security and CCTV	23
Environmental considerations	23
Stretched limousines and novelty vehicles.....	23
Funeral and wedding vehicles.....	23
Livery.....	23
Transfers	23
Accidents or damage to a licensed vehicle.....	24
Insurance Write Offs.....	24
For hackney carriage vehicles	24
Grant and renewal of licences	24

Change of details.....	24
Refunds	24
Part Three - Private Hire Operators	25
Duration of licences	25
Criminality checks for private hire vehicle operators	25
Booking and dispatch staff.....	25
Record keeping	25
Conditions	26
Insurance.....	26
Address from which an operator may operate.....	26
Sub-contracting.....	26
Grant and renewal of licences	26
Change of details.....	27
Refunds	27
Appendix A - Table of Delegations.....	28
Appendix B – Relevance of Convictions Policy.....	29
Appendix C - Enforcement and Complaints Policy & Procedure	37
Appendix D - Licence conditions and specifications for hackney carriage vehicles	40
Appendix E - Licence conditions and specifications for private hire vehicles.....	45
Novelty vehicles	49
Appendix F - Licence conditions and specifications for private hire operators.....	51
Appendix G: Licence conditions and code of conduct for hackney carriage and private hire drivers .	53
Appendix H – Plate Exemption Policy	56
Appendix I – Authorised garage service level agreement	59

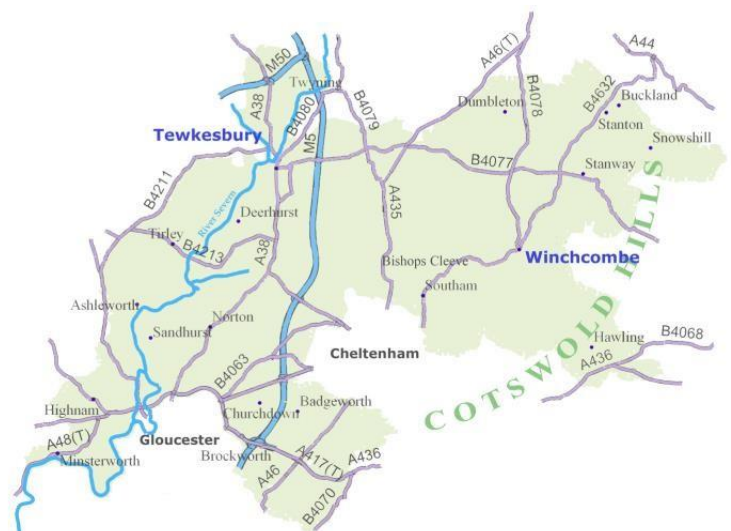
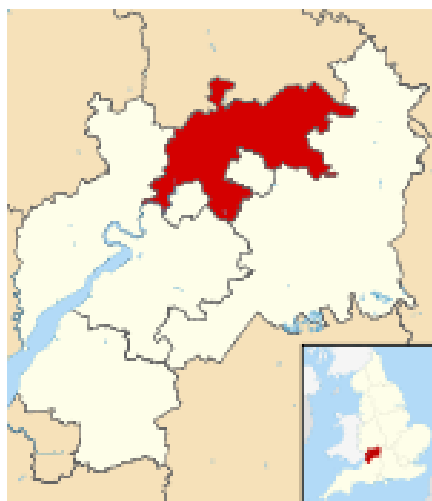
Overview

Local area profile

Tewkesbury Borough Council has the responsibility to regulate hackney carriage and private hire trade under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. We are responsible for licensing hackney carriage and private hire vehicles, drivers and operators. This policy outlines how we will discharge the regulatory functions for hackney carriage and private hire licensing within the borough.

Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 94,900 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the south west region.

The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop's Cleeve and Churchdown.



Purpose and Objectives

- a) **to confirm to members** of the licensing committee the boundaries and powers of the council and the parameters within which to make decisions
- b) **to inform applicants** of the parameters within which the council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council.
- c) **to inform local residents and businesses** of the parameters within which the council will make licensing decisions and therefore how their needs will be addressed
- d) **to support a case in a court of law** where the council has to show how it arrived at its licensing decisions.

In setting out this policy, we seek to promote the following objectives:

- a) the protection of public health and safety
- b) the maintenance of a professional and respected hackney carriage and private hire trade
- c) access to an efficient and effective transport service
- d) the protection of the environment.

The aim of the licensing process, in this context, is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the borough are safe, comfortable, properly insured and available where and when required.

We will have regard to this policy document and the objectives set out above when exercising our discretion in carrying out their regulatory functions. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits in accordance with the enforcement policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their businesses. This guidance, application forms and current fees are also available on the council's website. In order to ensure that the most up to date version is used, applicants, drivers and operators should not store these forms on their own system but should download the latest version of a form when it is required.

Part One – Hackney Carriage & Private Hire Drivers

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

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

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence Refusals, Revocations and Suspensions will also be recorded on NR3S database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

Licencee self-reporting

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

Complaints against licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licencees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

Certificate of Good Character

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document.

An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

If a driver is suspended due to safeguarding concerns, if the LADO (Local Authority Designated Officer) or Police have not been informed, the Licensing Authority will forward the information that they have been provided to them for investigation.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Age and Experience

We will not impose either a maximum or minimum age limit for drivers. Applicants must have held a DVLA licence for at least 12 months prior to applying for a licence to drive a hackney carriage or private hire vehicle.

Knowledge Test

Hackney carriage drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street. The DfT recognises that most licensing authorities require prospective hackney carriage drivers to pass a test of local topographical knowledge as a condition of gaining a licence.

In order to maintain the high standards expected of drivers, we will not issue a licence to drive a hackney carriage vehicle unless the applicant has passed a knowledge test of the area covering local geography.

Applicants are given their result as soon as possible and always within one week. If the applicant has passed the test, their application can proceed to the next stage. If they have failed the test they are given feedback and a re-sit is booked as soon as the applicant requires and there is a place available.

There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 12 month period except in exceptional circumstances.

Driver Assessment

As from 1 January 2024, all new drivers must undertake a driving assessment through an approved provider. Assessment Certificates will not be accepted that are over 12 months old.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing

substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Driving proficiency, qualifications and giving assistance

There are nationally recognised vocational qualifications for the hackney carriage and private hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. We encourage such training as this enhances the standing of the trade as one with recognised qualifications to demonstrate competence.

Mandatory Safeguarding and Equality Awareness Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

The safeguarding training that is undertaken must be the content that has been agreed by the Gloucestershire Councils.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence. Any licence holder who does not complete the refresher training by the expiry date will be suspended.

DVLA driving record check

Before the grant or renewal of a driver's licence, the applicant will be required to submit to a DVLA check. Applicants can share their driving records by using an electronic self-service system. There is no fee for the self-service system. However, applicants will pay a fee if they do not wish to use the self-service system. We will require a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

This check brings to light any driving offences committed that may not appear on the licence submitted and which should have been declared on the application form.

HMRC (Tax Conditionality)

From 4th April 2022, the Finance Act 2021 places an obligation on Councils to:

Get an applicant's confirmation that they're aware of their tax responsibilities on first-time licence applications for taxi and private hire licences.

Obtain confirmation from HMRC that renewal applicant has completed an online tax check before being able to consider their renewed licence application. This is confirmed by the applicant providing the Council with a share code

Medical Examination

The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying standards to hackney carriage and private hire drivers is considered to be best practice by DfT guidance.

A medical examination carried out by a medical practitioner is required before the grant of a driver's licence in order to assess an applicant's fitness to drive a licensed vehicle. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

A medical declaration form, along with the DVLA D4 medical examination form, must be presented to a suitably qualified medical practitioner. Both of these forms are available on the Council's website. The applicant will be responsible for paying the fee for the examination to the practitioner. On completion of the examination, **both** documents must be submitted to the Council. The medical practitioner completing the medical examination must have access to your medical history or a 'summary of medical records'.

Once a medical assessment has been carried out, the declaration form is only valid for 4 months.

The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.

Licence holders must advise the licensing team, in writing, of any deterioration in their health that may affect their driving capabilities within 48 hours. If there is any doubt as to the medical fitness of the applicant, we may require the applicant to undergo a further medical examination by a medical practitioner appointed by us. In these circumstances we will pay for the medical examination. Where there remains any doubt about the fitness of any applicant, the applicant will be brought before the licensing sub-committee and they will review the medical evidence and make the final decision.

Disclosure and Barring

An Enhanced Disclosure and Barring Service disclosure certificate will be required before a licence to drive a hackney carriage or private hire vehicle is granted. The certificate must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

The certificate must be subscribed to the DBS online update service.

We will conduct 6 monthly DBS checks using the online update service. Any registration that has expired will result in the driver licence being suspended until a satisfactory DBS certificate can be provided and proof that the certificate has been registered for the DBS online update service has been provided.

We will accept portability of DBSs as long as they are registered with the DBS Update service. We will accept the DBS certificate regardless of how long ago it was issued and we will carry out an electronic check in accordance with the DBS procedures. If the electronic check reveals that there is a change since the last DBS certificate was issued, we will require a new DBS certificate. The original certificate must be provided.

There will be a condition on the licence to advise drivers that their hackney carriage or private hire driver's licence may be suspended or revoked if any relevant information is later found on the DBS disclosure.

Licensed drivers are required to notify the licensing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Certificate of Good Conduct

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

Proof of Right to Work in the UK (Immigration Act 2016)

A right to work check will be conducted on any new applicant and any renewal application if necessary. The checks must be conducted in person by law.

If anyone has a time limited right to remain, a driver licence can only be issued up to the expiry date. This may be less than the usual 3-year duration for a driver's licence. A full fee will be required. An application will need to be submitted for any further licensing. Please refer to the Licensing Officer for further advice.

Any person who does not have the right to work in the UK is disqualified from holding a taxi or private hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

Behaviour and conduct of drivers

Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the council's licensing objectives.

The standards expected of licensed drivers are set out in the Code of Good Conduct that is included within the conditions attached to the driver's licence and set out at Appendix F.

Failure to comply with any aspect of the Code of Good Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which licensing officers will use to help decide upon subsequent enforcement action. This may result in enforcement action by licensing officers or if necessary, by the licensing sub-committee. Repeated breaches following education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

National Register of Refusals, Revocations and Suspensions (NR3S)

Tewkesbury Borough Council has signed up to the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage/ PHV licence is suspended or revoked, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3S itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3S for a period of 11 years.

This is a mandatory part of making a new or a renewal application for a dual hackney carriage and private hire driver licence or for a private hire driver licence. Tewkesbury Borough Council has a published policy on its website outlining the approach it will take to requests by other authorities for further information about entries on NR3S, and about the use it will make of any further information provided to it. You can read that policy at www.tewkesbury.gov.uk

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information under NR3S are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>

Grant and renewal of licences

To allow sufficient time for documents to be processed, applicants should ensure to submit their complete application, including the fee, at least eight weeks before expiry of a driver's licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to drive until the licence has been granted.

Change of details

Drivers must notify us in writing within 48 hours of any change of address, email or telephone number during the period of the licence.

Change of Operator

If drivers are working as a private hire driver, they must notify us within 48 hours if they change the private hire operator that they work for. If this notification is by email, they must copy the private hire operator email address into the email to the licensing team. If this notification is by letter, they must get the operator to countersign this.

Refunds

No refund will be due on any surrendered, suspended or revoked licence.

Applying for a driver's licence

The authority issues the following driver licences:

- a) Private Hire; and
- b) Hackney Carriage.

Licences are issued subject to proof of eligibility as outlined below:

Requirement	Relevance
<p>Provide his or her original DVLA driving licence (or equivalent).</p> <p>The licence must have been held for at least 12 months , must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period for which he or she is applying to be licensed.</p> <p>Please refer to motoring convictions within the Appendix B for further details.</p>	New and renewal applications
<p>Provide one passport sized, colour photograph of themselves.</p>	New and renewal applications
<p>You will need to provide an enhanced criminal disclosure certificate issued by the Disclosure and Barring Service (DBS).</p> <p>You will be required to also register for the DBS update service. You will need your certificate number. You must register for the update service within 30 days of the certificate being issued.</p>	New applications

<p>Portability of DBS certificates will be allowed providing the original certificate is seen and the certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	
<p>A DBS update service check of an Enhanced DBS. The certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	Renewal applications
<p>Documentation demonstrating their right to work in UK. We will arrange an appointment to verify your documents.</p>	New and renewal applications
<p>You will need to pass a knowledge test. The test will assess your knowledge on a range of relevant subjects such as geographical knowledge, law and conditions and basic numeracy</p>	New Hackney Carriage applications only
<p>You will need to pass a driver assessment course</p>	New applications
<p>You need to arrange to get your medical assessment done. In line with DVSA recommendations, the authority has adopted the Group 2 driver standard for medical fitness of Hackney and Private Hire drivers. All drivers over the age of 65 will be required to produce a completed medical certificate annually.</p>	New & renewal applications
<p>Evidence of your English language proficiency Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English.</p> <p>Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.</p> <p>If applicants are unable to provide such a certificate, or if the licensing officer is not</p>	New applications

satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.	
Certificate of good character Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a certificate of good conduct.	New applications Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.
Mandatory licensing, safeguarding and equality training must be completed by a Gloucestershire County approved provider.	New & renewal* applications * Refresher training every three years

Part Two – Vehicles

Role of hackney carriages and private hire vehicles

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or weekends), and/or for those with mobility difficulties.

Hackney Carriage and Private Hire Vehicles

Limitation of numbers

We will not set a limit on the number of licensed hackney carriages. No powers exist to limit the number of licensed private hire vehicles.

Specifications and conditions

We have adopted minimum standards that will be applied to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix B for private hire vehicles.

We may impose such conditions that are reasonably necessary when granting hackney carriage or private hire vehicle licences. Licensed vehicles provide a service to the public therefore; we will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

We can licence vehicles for the carriage of up to eight passengers provided that there is compliance with the specifications and conditions. We will determine 'novelty vehicles' on a case by case basis. We will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public. We will not licence any vehicle with a 'Q' plate registration as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts.

Age and emissions policy

New vehicle applications and change of vehicle applications from 1 January 2024

- A new application for a taxi or private hire vehicle licence (including WAV's) will be refused if it is not Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if it is not Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.

Vehicle Renewal Applications

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025 regardless of age or Euro category. Any vehicle licence that expires after this date must comply with the above requirements.

- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV.
- From 1 January 2026, all WAV's will be renewed until they reach 15 years of age.

EVs are pure electric vehicles with zero emissions.

ULEVs are currently defined as having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.

More information is on the [vehicle certification agency website](#)

The web page also lists all vehicles that meet the EV and ULEV criteria <https://carfueldata.vehicle-certification-agency.gov.uk/search-by-low-emissions.aspx>

EURO 6 Compliant are all petrol and diesel vehicles registered after 1 September 2015

Tewkesbury Borough Council 's aim to be carbon neutral by 2030

- 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.
- 1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.
- 1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.

Converted Vehicles

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

Vehicle testing

All new vehicle applications (for vehicles over 12 months from date of first registration) must be accompanied by a satisfactory MOT certificate that is no more than 1 month old.

All renewal applications must be accompanied by a satisfactory MOT certificate. Licensing Officers retain the right to request that any advisories or minor defects on an MOT are rectified prior to licensing if there is a potential risk to public safety (for example tyre close to legal limit). Proof of payment (showing the vehicle registration number and works carried out) or a MOT retest certificate will be required as proof that the work has been carried out.

From 01.06.24, a taxi or private hire vehicle is required to have at least 1 Council Vehicle Test a year. Vehicles aged 5 years and over are required to have a Council Vehicle Test every 6 months.

A list of authorised garages that can complete this test is available at www.tewkesbury-taxi-and-private-hire.gov.uk

The vehicle test certificate must be submitted with the application for the vehicle licence and must be no more than 1 month old. This timescale is for all new and renewal vehicle applications.

Any vehicles that fail the Council Vehicle Test will be suspended until they have received a pass. Licence holders are liable for all costs involved.

A Licensing Officer can request a Council Vehicle Test at any time to satisfy themselves that the vehicle is safe and suitable for the use of carrying passengers.

For further details, please see the Authorised Garage Policy at Appendix I.

[LOLER \(Lifting Operations and Lifting Equipment Regulations 1998\)](#)

All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 6 months to ensure the lift is safe to use.

A satisfactory LOLER certificate must be submitted with all relevant vehicle applications.

Under Health and Safety at Work Act 1974, certificates must be retained for 2 years and available for inspection upon request.

[Signage](#)

Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified elsewhere in the policy.

Both hackney carriages and private hire vehicles must display a licence plate on the outside rear of the vehicle. We may use different colours and different styles for hackney carriage and private hire vehicles.

The external licence plate shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. Temporary fixing such as magnets or Velcro® is not allowed.

[Advertising on licensed vehicles](#)

Advertising will be permitted on all licensed vehicles in accordance with the vehicle specifications and conditions. Complaints about unsuitable or offensive advertisements may be referred to the officers.

[Plate exemption for private hire vehicles](#)

The Council has adopted an 'exemption policy' for private hire vehicles with regard to the showing of licence plates. – Please see Appendix I.

The licence fee payable for plate exemption is subject to annual review and will be published together with other council licensing fees.

Security and CCTV

There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment with prior written notification being supplied to the Council. Use of CCTV must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998. It is the responsibility of the driver/operator to ensure compliance.

No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the Council.

Environmental considerations

Stretched limousines and novelty vehicles

The number of stretched limousines being imported, particularly from the United States, has been increasing. They are generally used for private hire work and special occasions.

We are sometimes asked to license stretched limousines as private hire vehicles. We will assess licence applications for these vehicles in accordance with the 'novelty vehicles specifications' set out in Section 2 of the Appendix B.

Where a vehicle has been imported from another country, we may require DVSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or novelty vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider special conditions on any such licence. We will take into consideration the guidance issued by the DfT, 'Guidance for operators of stretched limousines'.

Stretched limousines or novelty vehicles may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) certificate.

All applications to license stretched limousines or novelty vehicles as private hire vehicles will be judged on their merits. As these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order to ensure safety and suitability.

Funeral and wedding vehicles

There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral.

A vehicle does not need to be licensed to be used in connection with a wedding. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

Livery

There is no requirement for licensed vehicles to be finished in a special livery or appearance. The visual distinction between hackney carriages and private hire vehicles can be achieved by the signage.

Transfers

A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person. Under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, they must ensure that the licensing authority is notified of the new proprietor's name and address within 14 days.

Applications to transfer a licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

Accidents or damage to a licensed vehicle

Drivers or operators must inform licensing officers when a hackney carriage or a private hire vehicle is involved in an accident or the vehicle is subject to any damage. This must be reported regardless of however major or minor. Drivers or operators must report within 48 hours of the accident/damage occurring and bring the vehicle for inspection if requested by officers. Officers may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle.

Insurance Write Offs

Due to potential structural issues from accidents. The Council will not licence any vehicle that has been an insurance write off, regardless of category.

For hackney carriage vehicles

- a) **Hackney carriage roof signs and meters:** A roof sign must be displayed on the top of the vehicle showing the word 'Taxi'. The sign shall be controlled by the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the licensing officers. Taxi meters may be tested for accuracy at the discretion of licensing officers.
- b) **Use of hackney carriage vehicles:** When an applicant wishes to licence a vehicle as a hackney carriage, we will need information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the council's area on a pre-booked basis. Whilst each application will be considered on its own merits, we will have regard to the geographic location of an applicant's home and business address. If we have a reason to believe that the hackney carriage is to be used entirely or predominantly remotely from the council's area on a pre-booked basis, then the application for a licence will normally be refused or existing licence may be suspended or revoked.

Grant and renewal of licences

To allow sufficient time for documents to be processed, applicants should ensure to submit their complete application, including the fee, at least eight weeks before expiry of a vehicle licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The vehicle will be unlicensed and not be able to be used as a licensed vehicle until the licence has been granted. Any vehicles that do not comply with age/emissions policy will not be licensed.

Change of details

The proprietor must notify licensing officers in writing of any change of address, email or telephone number during the period of the licence within 48 hours of the change taking place.

Refunds

No refund will be due on any surrendered, suspended or revoked licence.

Part Three - Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a period of one or five years.

The fee for a one year and five year licence can be viewed on the website.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;

- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle;
- Price agreed for the journey or if the journey is to be carried out on a meter.

Conditions

Private hire operators' licences are issued with conditions set out in Appendix E. We may impose additional conditions where necessary. If multiple vehicles are found to be in breach of licence conditions or there is a pattern of breaching the licensing requirements and conditions, officers may require the operator to bring all licensed vehicles to the council for inspection.

Insurance

Operators are required to provide evidence that public liability insurance to the value of £5 million has been taken out for premises that are open to the public (e.g. waiting rooms).

Address from which an operator may operate

The address used on the operator's application form must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

We cannot grant a private hire operator's licence for an operator with an operating base that is outside the council's areas. It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose.

The address should also have any relevant planning permission required to operate a private hire business.

Sub-contracting

A private hire operator may sub-contract a booking to another licensed private hire operator in accordance with relevant legislation. A record of who the booking was sub-contracted to and when must be made in accordance with the licence conditions.

Grant and renewal of licences

To allow sufficient time for documents to be processed, applicants should ensure to submit their complete application, including the fee, at least eight weeks before expiry of an operators licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to operate a private hire business until the licence has been granted.

Change of details

The operator must notify the council in writing within 48 hours of any change of address, (whether this is a home address or the operating address), email, or change of telephone number or any other details during the period of the licence.

Refunds

No refund will be due on any surrendered, suspended or revoked licence.

Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where offences are still within timescales of relevance of convictions policy or if any other concerning information is received that may affect the suitability of the applicant	Cases where timescales have exceeded relevance of convictions policy
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases

GLoucestershire Licensing Authorities – Taxi and Private Hire Convictions Policy

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant

16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

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

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

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

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked

38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adults
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously

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

43. Dishonesty offence includes (this is not an exhaustive list)

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception
- j. Any similar offence

Drugs

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

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

Discrimination

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

47. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history •
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

Appendix D - Licence conditions and specifications for hackney carriage vehicles

Hackney carriage vehicle conditions

1. A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to a leasing contract, hire agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for public hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the licensing sub-committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) the vehicle must be capable of carrying not fewer than four passengers (unless it is a WAV and not possible to carry 4 passengers) and no more than eight.
 - b) each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e) the vehicle will be right hand drive.
 - f) the vehicle will have four road wheels.
 - g) the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - h) the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.

- k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
- l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacturer tints are permitted on the vehicle.

Equipment

4. The vehicle must carry the following equipment:

- a) an in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times. It shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency.
Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle.
- b) an in-date first aid kit.

Condition of vehicle

5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

- 6. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward/ public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.
- 7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

Licence plates

8. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. The penalty for failing to display a licence plate is a fine not exceeding Level 3 on the Standard Scale. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

Roof sign and advertisement requirements

9. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign.
10. Advertisements are permitted on the interior of purpose built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. The permitted sizes are as follows:
 - a) bulkhead 60cm x 8cm
 - b) tip up seat 33cm x 30.5cm.
11. No advertisement may be placed on the dividing glass partition other than notices approved by the council.
12. Advertisements are not permitted on the interior of non-purpose built hackney carriage vehicles, without prior written permission from the council.
13. Advertisements are permitted on the exterior of hackney carriages.
14. Proprietors may display a full livery and/or vehicle 'body-wrap'.
15. Operators are also permitted to display the following on the vehicle:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a first aid kit sticker
 - c) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, video or surveillance systems

16. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

17. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Meters/fare card

18. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set for the current maximum tariff agreed by the council (or can be set at a lower tariff) and shall be sealed by the approved testing stations to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation.
19. The taximeter must:
 - a) be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
 - b) not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
 - c) show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
 - d) be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.
20. A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall clearly display the vehicles licence number.

Wheelchair access

21. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
22. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

23. Trailers may only be used with the prior written approval of the council. The trailer can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.

- a) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
- b) the vehicle insurance must include cover for towing a trailer
- c) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Lost property

- 24. The proprietor or driver of a hackney carriage must hand in any found lost property to the nearest police station within 48 hours.

Convictions/ change in particulars of proprietor

- 25. The proprietor shall give notice in writing to the council within 48 hours of any conviction, warnings, reprimands, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

Appendix E - Licence conditions and specifications for private hire vehicles

General

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hire agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under an operator's licence issued by the council.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for private hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) The vehicle must be capable of carrying not fewer than four passengers (unless it is a WAV and not possible to carry 4 passengers) and no more than eight
 - b) Each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) The seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part
 - d) Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that tilt forward by a single operation. The driver must explain to the passengers the operation of the seats before a journey commences.
 - e) will be right hand drive
 - f) will have four road wheels
 - g) the vehicle will have an engine with a capacity of at least 990cc including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - h) will in addition to the driver's door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
 - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment

- k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council
- l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle.
Only vehicle manufacturer tints are permitted on the vehicle
- m) a private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

Equipment

4. The vehicle must carry the following equipment:

- a) An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle
- b) an in-date first aid kit.

Condition of the vehicle

5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the generality of the Motor Vehicle (Construction and Use) Regulations which currently apply.

Insurance and other documentation

- 6. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.
- 7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

Licence plates

8. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days. The penalty for failing to comply with this request is a fine not exceeding Level 3 on the Standard Scale. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with the policy on plate exemption.

Private hire signs and advertising

9. Private hire vehicles may display advertising provided it does not use the words 'Taxi' or 'Cab' that may indicate the vehicle is a hackney carriage. Private hire vehicles may also display:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a sign which requires passengers not to smoke
 - c) a first aid kit sticker
 - d) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio/video or surveillance systems

10. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

11. No smoking is permitted in the vehicle by either the driver or its passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Meters/fare card

12. If the licence holder chooses to fit the private hire vehicle with a meter it must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The meter shall be maintained in a sound working condition at all times. The meter shall be set to a tariff and sealed by the approved testing stations to prevent unauthorised adjustment of that meter.

A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall clearly display the vehicles licence number.

A copy of the calibration certificate, and a copy of the table of fares that the meter has been calibrated to, must be submitted to the Council within 48 hours of being set.

Wheelchair access

13. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

14. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

15. Trailers may only be used with the prior written approval of the council and subject to the following requirements:

- a) trailers can only be used in connection with private hire bookings
- b) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
- c) the vehicle insurance must include cover for towing a trailer
- d) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

15.

Lost property

16. The proprietor or driver of a private hire vehicle must hand in any found lost property to the nearest police station within 48 hours.

Convictions/change in particulars of proprietor

17. The proprietor shall give notice in writing to the council within 48 hours days of any convictions, warnings, reprimands, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

Novelty vehicles

1. For the purpose of this policy, a novelty vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an 'executive vehicle' and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, fire engines (recreational), executive vehicles or a vehicle that has fewer than four seats.
2. This element of the policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
3. The general licence conditions for private hire vehicles will not normally allow for novelty vehicles to be licensed for a number of reasons including the style and design of the vehicle.
4. Any novelty vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.
5. Each vehicle will be considered and assessed on merit taking account of:
 - a) the overall condition of the vehicle
 - b) the number of passengers for which it is required to be licensed
 - c) the specific criteria for which exemption is sought.
6. The primary consideration will always be the safety and comfort of the travelling public.
7. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a novelty vehicle.

Specification for novelty vehicles

8. Vehicles may be right or left hand drive provided that left hand drive vehicles have vehicle type approval from the Vehicle Certification Agency, Department for Transport, of which the council requires proof.
 - a) the vehicle must not have fewer than four road wheels
 - b) the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
 - c) the vehicle must comply with Construction and Use Regulations.
9. Vehicles must carry:
 - a) a fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council. The extinguisher must be securely affixed in the vehicle and ready for immediate use.
 - b) a first aid kit.
 - b) an in-date first aid kit.
10. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a private hire vehicle.

11. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.

12. The individual nature of a novelty vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence.

Appendix F - Licence conditions and specifications for private hire operators

1. The holder of a private hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - f) the name of the passenger;
 - g) the time of the request;
 - h) the pick-up point;
 - i) the destination;
 - j) the name of the driver;
 - k) the driver's licence number;
 - l) the vehicle registration number of the vehicle;
 - m) the name of any individual that responded to the booking request;
 - n) the name of any individual that dispatched the vehicle;
 - o) Price agreed for the journey or if the journey is to be carried out on a meter.
3. If the operator uses a computerised booking system the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
5. Operators will also be required to provide adequate instruction to officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.
6. All Operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.
7. All Operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.
8. All Operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.

9. Any person named on the private hire operator's licence must notify the Council in writing within 48 hours if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

Appendix G: Licence conditions and code of conduct for hackney carriage and private hire drivers

1. All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.
2. Any hackney carriage/private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council. The penalty for failing to comply with this request is a fine not exceeding Level 1 on the Standard Scale.
3. Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.
4. The driver shall give notice in writing to the council within 48 hours of any convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.
5. The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle. Drivers must ensure their appearance is smart and professional when working.
6. Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.
7. Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.
8. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-
 - a) not sound the vehicle's horn unless in case of emergency
 - b) keep the volume of audio and communications equipment to a reasonable level
 - c) switch off the engine if required to wait
 - d) take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.
9. Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible.
10. Under Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons.

11. A driver shall give notice in writing to the council within 48 hours of any change in medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.
12. At hackney carriage ranks drivers shall;
 - a) queue in an orderly manner and proceed along the rank in order and promptly
 - b) if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company
 - c) assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
 - d) remain in or within 10 metres of the vehicle.
 - e) not park on the rank when not working.
13. Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:
 - a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading
 - c) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

Legislation

15. The holder of every hackney carriage and private hire vehicle and drivers licence shall comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in the following legislation:
 - a) Town Police Clauses Act 1847
 - b) Part II Local Government (Miscellaneous Provisions) Act 1976
 - c) Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
 - d) Section 168 Equalities Act 2010 (Assistance Dogs).
16. Notwithstanding the relevant legislation, the council's conditions, the council's hackney carriage and private hire driver, vehicle and operator policy and the council's byelaws, drivers, proprietors and operators should be aware of the following criminal offences:
 - a) failure to give assistance to wheelchair users or failure to carry them safely
 - b) charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
 - c) refusal to carry an assistance dog without a medical exemption
 - d) driving whilst using a hand held mobile telephone or device
 - e) smoking in a hackney carriage or private hire vehicle
 - f) driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
 - g) exceeding the safe permitted number of working hours
 - h) claiming benefits for which there is no entitlement

- i) and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

Appendix H – Plate Exemption Policy

PRIVATE HIRE VEHICLES - EXEMPTION FROM REQUIREMENT TO DISPLAY AN EXTERNAL VEHICLE IDENTIFICATION PLATE POLICY

1. Statement of intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

2. Introduction

2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service and, in some circumstances, the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows Tewkesbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

2.4 It is not intended that all private hire vehicles licensed by Tewkesbury Borough Council should be exempt from the Council's requirement to display an external identification plate. However, the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

2.5 In creating its policy Tewkesbury Borough Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

2.6 This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council's existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.

3. THE POLICY

3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. However, the Council recognises the niche chauffeur industry, which has high standards regarding drivers and vehicles, and applications for exemptions relating to

a fleet of vehicles will be allowed from this sector where a business model is provided. The Licensing Committee will also allow this decision to lie with the licensing officer.

3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised Council Officer to ensure that it is fit for purpose.

3.3 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met:

- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles;
- b) Vehicles must be of a standard of comfort and must be executive MPV's, Luxury Long Wheelbase saloons and Luxury SUV and any other luxury brand vehicle council feels suitable for exemption.
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
- d) The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable. Plate exemptions will not be granted to private hire vehicles simply not wanting to display plates and it must be demonstrated that at least 75% of work is contracted.
- e) For chauffeuring bodies, a business model must be provided demonstrating the driver standards, training and service provided. The name chauffeur must appear in the business name or be visible in the home page of the business website.

3.4 Applications may only be made by a person holding a private hire operator's licence issued by Tewkesbury Borough Council.

3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate, they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee which will be nonrefundable.

3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7 Where an application is granted, and a vehicle is exempted from displaying its external identification plate an exemption notice will be issued as soon as practical after the decision is made.

3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal identification discs.

3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.11 Exemption notices may be renewed annually subject to the vehicle continuing to be fit for purpose. However, where a chauffeuring company have applied, this can be granted for a longer period of time at the discretion of the Licensing Officer.

3.13 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Council's Licensing Officer(s).

3.14 In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by a Licensing Sub Committee.

3.15 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Council's Taxi and Private Hire Licensing Policy.

3.16 THE CONDITIONS BELOW APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY TEWEKSBUURY BOROUGH COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN TEWEKSBUURY BOROUGH COUNCIL'S INFORMATION – TAXI AND PRIVATE HIRE LICENSING DOCUMENT AND THE COUNCIL'S BYE LAWS.

- a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
- b) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- e) When issued with an exemption notice, the vehicle will not be required to display any other signs which the Council may at any time require private hire vehicles to display.
- f) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- g) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- h) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed.
- i) The proprietor shall within 48 hours notify the Council of any change in the use of the vehicle.
- j) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for 'normal' airport journeys or daily private hire use).
- k) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- l) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately in writing and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council in which case, only the exemption notice has to be returned.

Appendix I – Authorised garage service level agreement

This document will be approved by the Licensing Committee in February 2024.

COMMENTS REGARDING THE REQUIREMENTS FOR DRIVER ASSESSMENT FOR ALL NEW APPLICANTS	OFFICER APPRAISAL
No comment	N/A
The proposed policy states that "We have concluded that the standard DVLA driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles" but then goes on to contradict this by requiring a driver assessment. Standards for this assessment seem to vary wildly from area to area with some official testers seeming to be determined to fail applicants at any cost, contrasted by others who have a much more pragmatic view as to what is required. Without a universal standard of testing this is just an exercise in box ticking and money wasting.	This is on page 13. The reference has been deleted
all improvements are good	Supportive comment
It's beneficial for the clients to be understood by the driver and for the taxi applicant to understand the paperwork they are reading otlr when filling in a form.	N/A
Yes,I strongly think that would be a good idea.	Supportive comment
I don't know about the new applicants	N/A
They have to provide the English test or proof of English.	N/A
English test and knowledge test need to be applied	N/A
Agreed, good idea.	Supportive comment
The rules & regulations should be the same as Gloucester. Far too many drivers are given licenses who would not pass the criteria In Gloucester and this is very unfair for drivers and company owners like myself. Gloucester & Cheltenham licensed drivers have not been happy about this for many years so do the right thing and implement the same rules for ALL!!!	Supportive comment
unlikely that you will be carbon neutral by 2030. the science states that we do not have enough CO2 (0.04%) at the moment and any reduction will kill plant life.	N/A
I have done taxi in London	N/A
Not really practical as all drivers have passed there test and hold a licence issued by DVLA is additional revenue for TBC and another cost for applicant	TBC will not be receiving any income from this
Fully support all recommended changes; Proposed measures are what was in place when we first got licensed in 2014. Driver standards drastically need an overhaul and drivers should show willingness to comply and jump through some hoops to achieve the licence. I also think should go further and include a mandatory first aid course	Supportive comment
I am a person who likes to travel with children and to drive in different cities and the country	N/A
There should be stricter rules and punishment around drivers who refuse passengers with guide dogs. It's illegal to refuse guide dogs without a valid exemption certificate and hat needs to be presentable at all	N/A

times. Too often drivers will arrive to pick up a blind or partially sighted passenger then make excuses that they can't take a guide dog or in some cases just drive off leaving the visually impaired person stranded in the street.	Any breaches of Equality Act 2010 will be investigated
As Cabinet member for Licencing at Cotswold District Council I applaud that Tewkesbury BC are updating their Taxi and Licencing policies. It is good to see that you are consulting on revisions in the current policy which bring it in line with other Gloucestershire licencing authorities. Having spoken to our Licencing department we are fully supportive of your recommendations	Supportive comment
Drivers assessment is good way to improve the quality of your work. So it should be done for the betterment of both drivers and customers.	Supportive comment
Driver assessment are very very important	Supportive comment
I really don't know what to say I believe Tewkesbury licensing officer should decide on that as I don't have to right or opinion to say	N/A
We disagree with this new proposal. If the new applicant has passed a drivers test why should they be tested again also why would an approved provider be any better qualified than a DVSA test instructor, this is an additional requirement that is unnecessary.	For Committee discussion
None	N/A
It is very helpful for new drivers	N/A
Must have the English proficiency leavel life in UK Test	Already in place
unable to see these documents	Link provided
Way too much waiting	The team have reduced the service delivery timescale from 12 weeks to 10 working days since 2021
council always make decisions good for people of gloucestershire i would recommend to add driving assessment for only new drivers and age 65 and over . it will be unfair to taxi drivers who been taxi drivers for 10 years or more with no driving convictions or offenses to go through this process again thanks regards	For Committee discussion
No comment	N/A
No need for it, if he had his licence for 5 years and above.	For Committee discussion
They should not use operators just to get license plate and move to other operators just less than one month later	N/A
There should be driver assessments test for all new driver to want to become a taxi driver	Supportive comment
Agree	Supportive comment

COMMENTS REGARDING THE COUNCIL VEHICLE TEST REQUIREMENT	
From 01.06.24, a taxi or private hire vehicle is required to have at least 1 Council Vehicle Test a year. Vehicles aged 5 years and over are required to have a Council Vehicle Test every 6 months - Question - Is this an MOT or another type of vehicle test? Is this going to cost me more money?	Yes. The test will be chargeable and will be Council prescribed looking at the cosmetics of the vehicle, plate display, fire extinguisher etc.
<p>The link to approved vehicle testing stations does not work. Whilst I agree that it is important to ensure vehicles are tested to proper standards, if there is any suggestion that an M.O.T. station is being soft on taxi or private-hire applicants then they should be reported to the relevant authorities.</p> <p>Limiting testing stations can lead to real issues regarding retest availability. Drivers have struggled to get retest appointments and can find themselves without income to support their families for extended periods as a result.</p> <p>Having recently performed a phone around of various MOT stations I was unable to book an appointment with any of them within a two week period as they were fully booked and suffering staff shortages. There must be options and protection in place for drivers so they may be able to continue working at the earliest opportunity.</p>	<p>The link does not work presently as there has not been a procurement exercise.</p> <p>MOT's do not cover the higher standards such as wear and tear and to ensure that vehicles are a good standard. The licensing team receive complaints and this will ensure that there is a test in place where vehicles are being inspected to standards set by TBC similar to other Glos. LA's</p>
safety is priority	Supportive comment
A car should always be presentable and in good roadworthy condition, and the Council should have the right to check this.	Supportive comment
Yes it must need to be done	Supportive comment
Mot test should be carried out as requested	N/A
It's very good to test the vehicles is safely for everyone	Supportive comment
They should take a test drive.	N/A
Yes	Supportive comment
We still do not agree with this change. MOT Testing stations are regulated and approved and work to a common standard. Procurement of app stations by TBC will inevitably result in increased costs for operators and will also reduce availability. This is an unnecessary change and not one that is adopted by other licencing departments.	This has been misunderstood. Also, in place at Gloucester, Stroud and Cheltenham
Good	Supportive comment
Mot test to be atleast 3 months validity required	N/A
Should be within 5 years like Gloucester and more severe checks on the individuals etc	Supportive comment

I am willing to take test	Supportive comment
<p>I strongly disagree with this new policy as the MOT test is already a comprehensive examination which is mandated by national regulations designed to ensure vehicles meet safety standards, so why the need to add further tests?</p> <p>This will create more burden on Taxi drivers like me especially financially. Having multiple levels of vehicle testing, including both MOT and council tests, could lead to confusion amongst us Taxi drivers. Different testing criteria and standards could potentially create inconsistencies and conflicting requirements, resulting in confusion.</p> <p>Instead of duplicating further tests, it would be more beneficial for the council to work together with the authorities in charge of MOT tests to support their existing policies.</p>	<p>The MOT only covers the mechanics of the vehicle. This will further enhance the standards of the vehicles</p>
<p>Concerns that there will not be enough garages that adopt this scheme and if only a couple of garages would prove difficult to get multiple vehicles tested within the time frame there needs to be sufficient garages to deal with the volume of vehicles licensed</p>	<p>Supportive comment</p>
<p>No issues for requirements. However, P21 - Vehicle Test Correction of defects; some clarity or would like to see some officer discretion around MOT advisories particularly for Chauffeur industry or those with LWB Luxury Saloons & V-classes which come with on-board low wear alerting systems. Advisories are very subjective. Early replacement of parts unnecessary would have a financial and environmental impact. P24 Accident Damage; disagree that councils should allow any 'written off' vehicles to be licensed for PH. Whilst a car might be suitable to go back on the road for private use, its safety features will never be the same and PH use involves a higher percentage of time on the road. This not only seems a step back in passenger safety, but also potentially opens the council staff up to liability should any criminal or civil action be sought should vehicle safety features fail in an accident after council have approved its use. Think this is an unnecessary risk for passengers and for council staff to take.</p>	<p>Valid comments.</p> <p>MOT advisories – have put an example, such as tyres close to legal limit</p> <p>Accidents – have researched and included a section in the report. Have amended policy</p>
<p>the car has all up-to-date services and has no modifications to the engine</p>	<p>N/A</p>
<p>We at the Gloucestershire Sight Loss Council would happily join in the consultation and give advice or training to drivers to help deal with carrying blind and partially sighted passengers</p>	<p>Misunderstood – have fed back to Sight Loss Council regarding the safeguarding and equality awareness training that will cover this area</p>
<p>approve</p>	<p>Supportive comment</p>
<p>to be honest, I don't know, but in the near future I will try to get more information</p>	<p>N/A</p>
<p>I happy to take any test that is required</p>	<p>Supportive comment</p>
<p>Test required for the vehicle is already going on its best</p>	<p>Supportive comment</p>
<p>Vehicle test requirement has to be mandatory in my opinion</p>	<p>Supportive comment</p>
<p>I believe the council test should be done anywhere so long the vehicle is good</p>	<p>Supportive comment</p>

We totally disagree with this proposal. We have to use approved DVSA MOT Centres and should be given the opportunity to select the centre of our choice. Vehicles over 5 years are already tested every 6 months. By TBC Licensing becoming responsible for procurement of approved testing centres will ultimately result in additional costs for operators, this is not in line with other Gloucestershire LA's	The MOT requirement will be removed and replaced with the Council inspection
Council or council approved MOT tests is a good idea. I agree with the proposal	Supportive comment
I believe that The MOT certificate would be enough	Not supportive
MOT TESTING CENTRE APPROVED BY DVLA . BUT UNDER THE BARROW COUNCIL BOUNDARY	Out of area driver
on new license and renewel license it is a good practise for new vehicles .	Supportive comment
"Council vehicle test"!! if the mot'er is doing thier job correctly it shouldn't matter where vehicle is mot'd but should be stated no advisors on mot, all vehicles after any mot should be deemed safe	For Committee discussion
MOT is enough.	Not supportive
That vehicles are road worthy	N/A
In my opinion this is very important the vehicle should have special inspection before getting a license	Supportive comment
Agree	Supportive comment

COMMENTS REGARDING THE REVISED AGE AND EMISSIONS POLICY FOR VEHICLES	
<p>Vehicle Renewal Applications</p> <ul style="list-style-type: none"> - From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements. - From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV's over 15 years of age). <p>My MPV is in immaculate condition. I simply wont be in a position financially to buy a Euro 6 compliant 9 seater MPV by the date you are proposing. So, this means I wont be able to keep using my vehicle and I will lose 50% of the volume of the work I have but this amounts to roughly 65-70% of my revenue. I will therefore only have my car left to use and this wont be enough for me to continue in this industry because I simply cannot earn enough money to survive with just my car that can only comfortably carry 3 passengers. So if the dates you are proposing are realistic then I (and I imagine quite a few others) wont be able to continue in the industry.</p>	<p>Unsupportive comment</p> <p>The licence holder has 2 vehicles – one s Euro 6 compliant – the other is a diesel 8 seater Ford Tourneo that is 9 years old</p>
another step forward	Supportive comment
Understand the requirement, but shouldn't be imposed as not everyone has the means to get one.	Unsupportive comment
10 years or less	Supportive comment
I believe this will have a huge impact on everyone financially. Many only do school run and many companies operate minibuses. It will be huge cost. If there are grants and loans available then it would be a good start. Gradually over the years everyone would have changed vehicle to euro 6.	Unsupportive comment
I think is very hard to change the vehicles ages because drivers are not earning enough money to pay a very expensive car no money in taxis now customer itself have difficulty to pay the drivers sometimes no money	Unsupportive comment
They vehicle standers shouldn't matter.	Unsupportive comment
Yes	Supportive comment
Whilst we agree to changes for newly registered vehicles for all categories. We strongly disagree that any changes should be made to requirements for WAV's that are currently licenced providing they have compliant IVA's. at present there is no age limit on WAV's and this should remain in force for all vehicles that are currently licenced. Revisions to only apply to new applications.	Unsupportive comment re WAV's. Potential to change WAV policy for new vehicles only

Not very good in the sense that So many drivers won't have enough resources to pay for vehicles under five years old. And this may result to shortage of taxes. And it will have a negative effect on the commuters	Unsupportive comment
Ditto	That all Councils have a generic policy – difficult without changes to National Legislation but we are striving for this in Gloucestershire
Hybrid vehicles most better than old other cars	Supportive comment
I have been a private hire driver for 20 years, all of them self employed, the cost of second hand cars have sky rocketed in recent years, mostly due to shortages of stock, the 5 years old rule you are proposing to bring in, is not going to be financially viable for most drivers, unless they start taking out big loans etc, how much we now earn, just doesn't match with having to register a car no older than 5 years, I get the euro 6 thing by all means, but coming from someone who has done this job for 20 years, I know I am going to struggle along with others when it comes to registering our next vehicle, this should be relaxed slightly, and I'm sure every driver would agree, subs to our operators. Endless car repairs, constantly rising insurance, the list goes on and on.	Unsupportive comment For Committee discussion
100 all cars need to match the current standards rules and regulations	N/A
I willing to take	N/A
<p>I am very disappointed with this new policy. Reasons will be divided into two categories.</p> <p>Personal Reason: I just purchased my car this year in January, and i purchased a fairly good condition low mileage car which was manufactured in 2012. The car costed around £9000 and the mileage was 12,000. So this new policy will affect me financially because resale value will be around £2000-3000. I received my taxi licence at around the same time, and i wasn't prewarned about potential policy changes, so i feel that is unfair as well. Forcing me to change a fairly good condition car also goes against sustainability and adds to waste because it means i have to change car in less than 1-2 years. Overall, this change is going to cause a financial burden upon me and i feel treated unjustly and unfairly and it is going to affect my livelihood.</p> <p>Reason as a community of taxi drivers as a whole: As I use my taxi licence for School runs, I meet many different drivers with their different vehicles on a daily basis. I have seen that most do not have cars which are as new as five years. This means so many of us will have to change our cars and be under this financial pressure as a whole.</p>	<p>Unsupportive comment</p> <p>This is a Euro 5 11 year old vehicle</p>

<p>This means less sustainability and results in wastage.</p> <p>An alternative: Instead of mandating these new rules for the car age and emissions, the council should offer incentives for drivers who change to newer or EV cars. This would be more fair and effective.</p> <p>Last alternative: offer grants to help us purchase these new vehicles.</p>	<p>The Council are investing money in widening the network of charging locations within the Borough.</p> <p>Any switches to electric vehicles would need to be supported by Central Government</p>
<p>MG are concerned that the upper age limit is not practical, there is currently a shortage of used vehicles and given that many operators will have to change older vehicles there will not be sufficient vehicles available, also larger operators are disadvantaged financially in comparison with single p/h drivers this will put many larger operators out of business resulting in lost revenue for TBC</p>	<p>Unsupportive comment</p>
<p>Have no concerns about what is being proposed. Would only ask that when looking longer term around mandatory electric vehicles or vehicle supply issues that the council could consider a 'officer discretion' particularly for the chauffeur industry when a car aged 5yrs or less can mean an investment of over £60k per car and supply might not be there depending on industry restraints. Also there are no electric cars on the market that can provide the range for chauffeur work which is predominantly long distance and would require much more logistical restraints on customers.</p>	<p>For Committee discussion</p>
<p>No comments</p>	<p>N/A</p>
<p>approve</p>	<p>Supportive comment</p>
<p>Vehicle should not be very old it should be well kept and maintained.</p>	<p>Supportive comment</p>
<p>Emissions policy is good for global warming</p>	<p>Supportive comment</p>
<p>Regarding the age revised is okay by them will need to give time on this as cars are very expensive for short years cars but long notice will be okay for this changes</p>	<p>Supportive comment</p>
<p>We do not agree with proposal for Vehicle Renewal application - that being they would only be exempt from age limit until 31st December 2025. We strongly believe that this should be up to 5 years from implementation date which would allow operators of our size to upgrade and renew vehicles in our fleet to comply with the age policy. This proposal must be reconsidered as a matter of grave importance it will not only effect the operator but also the staff employed to drive the vehicles.</p>	<p>Unsupportive comment</p>
<p>As long as vehicles are safe and comfortable</p>	<p>Unsupportive comment</p>

Hybrid Cars only in next 5 Years	Unsupportive comment
we Uk citizen been hit hard by recession and all energy prices and cost of living it would be wise decision to at least have 8 years age policy . not five as cost of living is already too high .	Unsupportive comment
Don't agree with max age on vehicles as long as it comply with emissions when new vehicle some people can't afford new cars, if vehicle already in system should be able to go for as long as needed but kept safe and roadworthy and clean	Unsupportive comment
It should be a euro 6.	Supportive comment
10 years old or less no more than 10 years old	Unsupportive comment
The vehicle should be not more than 7 years old	Unsupportive comment
Agree	Supportive comment

ANY OTHER COMMENTS	
<p>I feel that with the additional testing, new demands in terms of how old the vehicle can be, emissions etc will put many of us PH drivers out of business. My insurance has already increased this year versus last year because insurers have put their fees up. There is already a shortage of drivers in this industry and it's clear to me why that is the case - it's financially very difficult as it is and with the proposed changes for some of us it will be impossible to continue. I have a good number of customers that require my 9 seater MPV for transfers but if your proposed time frames come to fruition I simply wont be able to offer that type of service to my customers as it's not financially viable for me to purchase a newer one for at least 2 more years from now - have you seen the cost of second hand diesel vehicles. All I can afford is one around 7 years old. There's no point of me buying one because I'll only be able to keep it for 3 years going by your new 10 year policy - it simply isn't financially viable to do that with the current cost of vehicles. Also - Electric 9 seater MPV's simply don't have a long have charge for me to even consider buying one - even if I could afford one.</p>	Not supportive
<p>On page 11 it is suggested that checks on refugees may be waived. We all read the news and are aware that not all refugees are who they say they are and their personal circumstances regarding age and country of origin are not clear. It is vital to protect the public from any risk from all applicants regardless of their background. I would suggest that a refugee should not be permitted to apply for a licence until they have a proven record in this country and a DBS report can be issued to reflect this.</p> <p>Regarding penalty points it is suggested that an existing licence may not be renewed if a driver has more than 3 penalty points on his/her licence. A member of the general public is permitted to drive with a maximum of 12 penalty points on their licence. A Hackney or private hire driver covers, on average at least 3 times the mileage of a private driver, often driving in unfamiliar areas at night where signage is unclear or speed restrictions have been recently changed. Whist drivers should at all times drive in a professional and responsible manner whether they have passengers in the car or not, they are ultimately human beings and, as such are prone to making mistakes and minor infractions. Taking a view that having more than 3 points on a licence in any four year period is placing all drivers under an incredible level of stress whilst trying to earn their living in an already stressful job. I wonder if any of the licensing team have ever tried driving at 3am in heavy rain in an unfamiliar area with a car full of drunk passengers behaving the way they do, often using flash photography in the back of the car or spilling chips and curry sauce over the seats and floor of the vehicle? The list of stress factors is enormous and licensing teams really need to factor this into their considerations rather than adding to them with threats of loss of livelihood.</p>	<p>This would be a licensing sub committee decision</p> <p>No changes to existing policy proposed. Gloucestershire common standards policy</p> <p>This has been clarified</p>

<p>A subject that isn't mentioned in the policy. Can a person licence a private hire vehicle if they don't hold a private hire driver's licence? I was approached by someone who wanted to rent private hire vehicles but does not want to drive them. Please can this be clarified.</p> <p>For operators, please can it be clarified in the policy how long bookings records are required to be kept. When enquiries have been made to licensing officers in the past I have been told anything from 3 months to 3 years.</p> <p>Insurance on vehicles. It was not made clear in the policy proposal what is acceptable when it comes to policy length. Some drivers insure their cars weekly or monthly but the vast majority annually. Short term policies are often helpful to drivers who don't have access to the funds for an annual policy but they put a burden on the operator to chase updated documents constantly and in some cases there are small gaps in cover where the policy holder isn't working but seems to be under the impression that it is ok to leave a car on a public road with no insurance for 12-24 or 48 hours. I would propose that the minimum policy length should be 30 days. It is commonly understood in the trade that updated insurance details can take up to 3 days to update on the national database so there is a grey area that may tempt drivers to take a risk. Minimising this with a minimum policy length of 30 or 90 days would be sensible.</p>	<p>DfT Statutory Standards suggest 6 months. Policy currently states not less than 12 months Insurance is valid regardless of length when licensing</p>
<p>all improvements are a good thing</p>	<p>Supportive comment</p>
<p>Euro 6 or less than 10 years old is ok but that 5 years or less would be extremely difficult for most of the drivers.</p>	<p>Unsupportive comment</p>
<p>Every one is struggling at present with living cost and high interest rates.</p>	<p>Unsupportive comment</p>
<p>Page 17 - Applying for a PHD Licence. We have noted that this section stipulated an Enhanced DBS is required. It does not state however that this must be "Other Workforce Category" which the council is currently stipulating. The current wording suggests any category of Enhanced DBS would be acceptable.</p>	<p>This has been checked and it clearly states workforce type</p>
<p>Transferring of plants from existing vehicle to a new acquired vehicle should be made more easier for drivers.</p>	<p>This process has been significantly reduced in time</p>
<p>General comment - it would be helpful if ALL Councils got their heads together to come up with a generic process , forms , medical certificates ,requirements to streamline and remove the need for people to jump through the hoops of all the different councils as it is now.</p>	<p>Gloucestershire common standards has achieved this for driver application requirements in the County. Difficult to achieve without a change to legislation</p>
<p>It it's good step be look after other circumstances thanks</p>	<p>N/A</p>
<p>Simple majority of drivers are using Tewkesbury system cause it's easier to pass and drive in Gloucester so this needs to STOP NOW !!!</p>	

We had made some comments previously about this area, but noted that we had not really provided you with any specific considerations to help improve so please find additional comments attached. We kindly request that plate exemption section of the policy is reviewed in its entirety.

Status of corporate accounts have absolutely no bearing of whether plate exemption is required. This wording is actually detrimental to the only aspect of the private hire industry in which plate exemption is a minimum expectation e.g. Chauffeurs.

Corporate contracts are on the whole won based on 2 factors...size of fleet and competitive price. Both these are indicative of private hire companies which the public associates to Taxi's such as Andy Cars, Starline etc. Neither of those factors provide any grounds for Plate Exemption unless a contract specifically outlines an exemption as a contingency of the contract. Chauffeurs rarely have large fleets because the cost of luxury vehicles and finding quality drivers meeting the standards mean it is not possible without significant external investment which you will rarely find outside of London and major cities.

Plate exemption should be judged necessary on 3 factors alone;

1. Where the work being conducted is indicative of "Chauffeuring" (e.g. bespoke services often wait & return services/day hires or long distance, whilst can include airport transfers; these are to customers who also use other chauffeur services or are requiring a specific chauffeur service above and beyond that of a taxi).
2. Security Aspect in which the customer needs to travel incognito or in unmarked vehicles for no traceability using publicly accessible systems (e.g. only traceable by law enforcement or other similar bodies)
3. Discretion for which a customer is willing to pay a higher price for services that afford them anonymity and discretion during their travel.

In reality the public see only two categories for private hire...Taxi (which covers hackney and plated private hire vehicles) and Chauffeur (plate exempt). Nothing else.

Chauffeuring is not just about having a fancy car. It is about the drivers persona, appearance, skills, etiquette and then yes about vehicle type, model and standard. A chauffeur meets all 3 factors for justification of plate exemption.

Evidence to determine if an operator/driver is a chauffeur are things like what vehicle (e.g. Long

<p>Wheelbase Saloon or MPV), cost of services, services offered, customer base etc.</p> <p>Chauffeurs maintain the highest level of standards and regulation compliance. Not just because of council policy, but because when dealing with high-net worth customers or people booking for special occasions they will not tolerate anything less. Because of this the chauffeur needs plate exemption.</p> <p>By judging plate exemption solely on the existence of contract work you are flooding the chauffeur industry with taxi drivers who have an executive car, but do not have any other attributes of a chauffeur. This is of greatest detriment to the chauffeur industry and is undermining the safety and security the public's association with a chauffeur service. In the current policy you are making it difficult for the actual chauffeurs to carry out their work even though they are the only ones who can justify the necessity for exemption.</p> <p>Many thanks in advance for taking the time to consider our comments and feedback for your policy review.</p>	
<p>PH Drivers should be able to form a committee to be held monthly/quarterly to represent PH drivers/Operators concerns</p>	<p>Agree – nothing to stop this happening</p>
<p>P57. PH Plate Exemption;</p> <p>3.3.a Please can it be updated to cover Mercedes V-Class MPV's as they are the number 1 used vehicle for the chauffeur industry of which discretion is highest priority. Also remove E-Class and Lexus as these are not luxury vehicle consistent with industry standard where the need for plate exemption exists. These vehicles have become an industry standard for taxi/standard private hire. Maybe remove vehicle makes/models and say Executive MPV's (which would cover V-Class), Luxury Long Wheelbase saloons (which would cover Mercedes S-Class, Jaguar XJL, Audi A8L and BMW 7L), and Luxury SUV (Would cover any Range Rover etc) and then maybe say any other luxury brand vehicle council feels suitable for exemption. That would mean less need to keep updating policy wording with manufacture model releases.</p> <p>3.3.d The use of contracts is not something that is consistent with the chauffeur industry which require exemption. Corporate contracts drive down the price and restrict the flexibility of a service so are really only applicable for standard private hire companies who would not necessarily be applicable for plate exemption needs. Could wording be updated to say something like 'luxury services in nature' consistent with the chauffeuring industry and can demonstrate based on their customer requirements that exemption is a necessity for their business model. We then demonstrate to you and provide you evidence to support the need - again putting the onus on us as the operator rather than the council having to rely on general assumptions based mainly on corporate account status.</p>	

<p>1. You make no distinction between taxis that are in the road all the time, and tour guides that are seasonal and part time and I'm a Tour Guide.</p> <p>2. I drive for Rosehill Travel, but I'd like to also receive a private hire licence in my own name as well but I can't as live in Cheltenham and don't have a Tewkesbury address. This rule seems strange as I wouldn't just be driving in Tewkesbury. I already am affiliated with you. I can't seem to get around it. I don't want to have to hire an office in Tewkesbury as I'm not driving every day and tour driving is seasonal. It makes it too expensive. I wish you would consider this. Why do I have to live in an area with a Tewkesbury post code when I know others that don't? Could you please be more flexible on this?</p> <p>3. Why aren't private hire and taxi rules the same throughout the UK and why don't they cost the same? No-one is just going to drive only in the area where they actually live after all.</p> <p>4. I genuinely need your help with getting my private hire licence. Thanks.</p>	<p>We are not able to grant private hire licences to operators without an address in the Tewkesbury Borough by law.</p> <p>Legislation is outdated and every Council sets its own policies. Several bodies have been lobbying for legislation to be updated for years</p>
<p>I think language and communication skills will be very helpful</p>	<p>English Proficiency is in place</p>
<p>Whatever the licensing officer going to decide is okay so long the notice is long so people can prepare for this not short time which will affect a lot of people using the Tewkesbury as we need time to cop with The changes that is all I can say for now thanks for asking for our opinion before the law is pass.</p>	<p>There will be a 2 year transition period to comply with Euro 6 requirements</p>
<p>Yes - see below also note with reference to above comments, we seriously urge the council to consider the impact on operators of proposed changes as they will have serious impact on ability to provide transport for SENT pupils who need to attend school Age & Experience - page 12, we disagree with proposed change. Accidents - page 23, 48hr reporting time is unworkable and needs to be reconsidered Appendix F. item 5 & 6 - 48hr timescale is unworkable Appendix F. item 7, if this proposal is implemented the timescale for submitting driver list should be minimum 3 monthly</p>	<p>Unsupportive comment</p>
<p>New Vehicle licensing application needs to be changed. It takes too long and is costly to wait 1 month (with insurance) for the process to be completed. In line with moving to a carbon neutral council, application forms could be completed (and signed) online, rather than printed, completed by hand, scanned, then emailed.</p>	<p>There have been significant improvements to service delivery since 2021.</p> <p>Agree – online forms have been delayed</p>
<p>I think if the plate renew each 3 years better than yearly The prices are so high</p>	<p>Cannot grant a vehicle licence for more than 1 year by law. Fees are cost recovery</p>

take the decision of changes in 2025 not 2024 as taxi drivers are well prepared to costs they going to bear thanks	Unsupportive comment
Please don't do what Cheltenham did, max age of vehicle or certain colour, I'm independent and many others are and can't afford or get newer vehicles, could have a mot and or inspection every 6 months.	Unsupportive comment
No need for 2 MOT a year.	This will not be required once Council inspection is in place
Some vehicles are really bad especially the company I use to work for which is Bishop's Cleeve private hire the drivers cars are 17 years old or more it's shameful that's why I left them and move on because customers were complaining about the cleanliness of the cars	Supportive comment should changes be implemented
I would suggest there should be a standard to become a taxi driver, the driver should have go through all the test such as knowledge test , drivers assessment test , English test , and the vehicles should be also checked and should be new as at least 7 years old	Supportive comment

<p>MEMBERS OF THE LICENSING COMMITTEE WERE KEEN TO PROMOTE ANY LICENCE HOLDERS THAT HAVE CCTV INSTALLED IN THEIR VEHICLE. IF YOU DO, AND YOU ARE HAPPY FOR YOUR DETAILS TO BE PUBLISHED ON A LIST, PLEASE GIVE DETAILS ABOUT YOUR SYSTEM HERE ALONG WITH CONFIRMATION THAT THIS COMPLIES WITH THE ICO REQUIREMENTS</p>	
<p>I don't currently have CCTV installed. My higher end customers, sports professionals etc have expressed an opinion that this isn't something they would want because they have high profile conversations on the phone with agents etc and feel this is an intrusion of their private phone calls.</p>	
<p>I don't know yet</p>	
<p>no cctv in my vehicle</p>	
<p>Don't have a cctv installed.</p>	
<p>I don't</p>	
<p>CCTV is good idea. Resolves many issues.</p>	
<p>Me myself I'm very happy for my CCTV because it's my safety</p>	
<p>I have the camera in my vehicle.</p>	
<p>Okay</p>	
<p>We do have CCTV</p>	
<p>I have cctv installed</p>	
<p>No I don t have such a things to publish</p>	
<p>I have cctv fitted, have done for 5/6 years now I think, it's an NG2 system.</p>	
<p>Not sure about this one due to passengers privacy etc</p>	
<p>no</p>	
<p>Okey</p>	
<p>not happy to share</p>	
<p>See previous submission - support Dashcams, but think CCTV should be exempt for chauffeurs due to privacy and intellectual property concerns</p>	
<p>As per previous comments - consideration for CCTV exemptions for Chauffeurs due to the level of impact on customers privacy and risk of being in possession of intellectual property such as board meetings and other meeting contents, personal discussions etc. However, support Dash Cams across the board.</p>	
<p>We agree that CCTV has a place in Hackney and/or standard Private hire. But not for the Chauffeur industry. If CCTV was to be made mandatory for the chauffeur industry it would have a significant negative impact on the trade. We specialise in transporting people for longer journeys, wait & return services and similar. Customers book these services for discretion and often use the time in the vehicle to hold board meetings, project planning and discussion of other sensitive topics. If CCTV was to be</p>	

installed not only would it be a discretion breach, but we would then potentially be in possession of confidential material that depending on what is covered in the customers travel could also be classified legally as intellectual property. Should CCTV be considered at any point to be mandatory I would kindly request an opportunity to come and discuss with the board for potential exemption requirements for the chauffeuring industry of the PH trade. However, can see a place for mandatory dash cams and do not believe they would impact on any discretion for customers.	
No comments	
I happy to install it	
Yes cctv came are most affected way to prevent the misconfusion between the tow drivers so it should be installed and I am happy to have my name for that	
I have a venture CCTV in my car and is very helpful	
I don't have	
We have a number of different types of CCTV cameras that are all ICO compliant	
N/A	
no cctv in car as not an insurance requirement this year.	
I am waiting for my cctv any moment	
I currently on have outward facing Road angel but records sound, will shortly have inward facing to trying to find right one	
I do agree with all this but I don't want my details to be in the list	
No	
N/A with present car Happy to be on list if future car has ctv Installed	

OTHER RESPONSES:**GLOUCESTERSHIRE COUNTY COUNCIL INTEGRATED TRANSPORT UNIT****Driver assessment:**

Having read the TBC Hackney Carriage (Taxi) and Private Hire Policy the assessments carried out by TBC are robust. The 6 monthly requirement to have a DBS check is very reassuring, plus maintaining the update service.

When we inspect contracted transport we do come across some drivers who struggle to have a conversation with us. The language proficiency introduced by TBC is very welcome and we believe this will have a very positive impact.

Vehicle Test:

The only comment we would make is that we inspected a TBC licensed vehicle several months ago and the condition of it was 'very battered', we reported this to TBC and were surprised to receive a reply that said it was satisfactory. The vehicle was not a positive reflection on TBC Licencing.

Emissions/Age policy:

GCC welcome the revisions on licensed vehicles being 5 years and under.

What is the maximum age for a WAV ?

Any other comments:

GCC would like to ask what is the minimum amount of cover period for vehicle insurance is, when we've inspected vehicles we have encountered insurance that has a weeks cover note, and its been week on week. GCC would be interested to know if there is a minimum requirement for cover.

CCTV:

No comment

NATIONAL PRIVATE HIRE AND TAXI ASSOCIATION

Driver assessment:

There are actually some local authorities that are removing this requirement on the basis that any new applicant must already have held their full driving license for a minimum period of XXX (the period varies for some) which means that the driver has already passed this assessment in order to obtain that license, however, we do support the idea of a "refresher" performed by any approved local driving instructor.

Vehicle Inspection:

This section is clear enough, sets out in simple language the requirements and is in line with most other local authority requirements, it is not too burdensome, and overcomes any issues with not having the national MOT certificate as we highlighted in recent articles. We do recognise and appreciate the requirement only applying to vehicles after their first birthday.

Age and emissions:

As much as we recognise and appreciate the desire to be carbon neutral, we would actually recommend reverting back to the original stance on this.

However, if the new approach is to be adopted, then we would have some comments

New vehicle applications and change of vehicle applications from 1 January 2024

A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.

remove ""must be euro 6 compliant"" since euro 6 was adopted in 2015, and we are not towards the end of 2023, any vehicle less that 5 years old will automatically be euro 6 anyway, rendering this requirement meaningless.

An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.

EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.

New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV

whilst we recognise and accept that these vehicles are inherently more expensive to purchase, and would therefore fully support an extended age limit on such vehicles, it has to be considered that such vehicles are still made from the same materials, with invariably the same component parts, Chassis, Suspension, Braking systems, etc. As such, the vehicle will still deteriorate over time, with this in mind, may we suggest a 50% longer age limit, as opposed to no age limit at all.

The other issue of course with having no age limit to some vehicles, but an age limit on others, is the fact that this runs the risk of allegations or complaints of preferential treatment or favouritism towards those that may be in a better position to afford such vehicles to begin with, and of course the risk of older vehicles of such type actually being far less roadworthy than those vehicles that were actually taken out of service due to the restrictions.

Other comments:

We welcome the change to the converted vehicle section, much clearer and more achievable.

Security and CCTV section would benefit from a little more clarity, for example there is nothing to suggest what being fully compliant means, no links to the ICO code of conduct for the use of recording equipment, no mention of data controller at all, nothing that makes it clear that dashcams may not be used to record internally, not even audio, nothing to suggest any kind of minimum criteria; the only thing it says is "to ensure compliance".

CCTV:

We would have liked to see some mention for clarity here, that a dashcam is not CCTV, should not be used at all, and will not be promoted, since again, the mention of "complies with ICO requirements" is not enough to suggest any kind of regulation here.

TEWKESBURY TOWN COUNCIL

The Town Council is content with the content and wording of this policy.

Response to consultation Taxi and Private Hire Licensing Consultation

The proposed policies in this consultation (particularly around vehicle age and emissions), will have a significantly damaging impact on the essential public service for transporting children and adults within the Home to School Transport Sector, and Adult Centre settings. It will make hundreds of dedicated H2S transport vehicles redundant, force many local SME's to incur severe financial hardship and many will close, and this proposal will severely restrict the service provision in this essential area.

These policy proposals will also have significant cost implications for GCC providing H2S transport across the County. At a time when GCC is terminating all school contracts in an attempt to save money, this proposal will not just reverse any perceived savings, it will in fact add millions of pounds of capital investment requirements to this sector, which is simply not commercially possible or viable.

As an example, GO Accessible Transport operates 30 such (dedicated H2S) transport routes, employing over 65 staff and transporting hundreds of children and adults, with a wide range of disabilities and special needs. 100% of our private hire vehicles work on a dedicated basis for Gloucestershire County Council. They are very expensive and specialised vehicles, converted to transport passengers in wheelchairs and with severe mobility challenges, and work **exclusively** for GCC. These are NOT public facing, they are not fare paying vehicles and they do not undertake any other work. The vehicles are specified, procured and contracted by GCC for dedicated specialist transport.

Our consultation response has two clear options and proposals that we urge Tewkesbury Borough Council to consider and adopt.

1. An amendment to the Age and Euro Emissions proposed policy for Wheelchair Accessible Vehicles (WAV's)

And/or

2. The creation of separate 'Dedicated H2S' Vehicle Category for the sole provision of dedicated vehicles contract by Gloucestershire Country Council

1. An amendment to the Age and Euro Emissions proposed policy for Wheelchair Accessible Vehicles (WAV's)

We understand the desire to improve vehicle emissions and improve air quality, but this proposal is too far reaching and too quick. It puts Tewkesbury Borough Council out of sync with the rules imposed on public transport and bus companies, and places an unfair and unnecessary burden on operators, who are providing an essential community service.

There are three very clear risks and unfair impacts on this proposal

1. This proposal will make hundreds of perfectly good, safe and approved vehicles redundant, operators (SME's) will lose hundreds of thousands of pounds of existing fleet, and then need to invest millions in new fleet.
2. This will significantly reduce supply and significantly increase public service costs.
3. Even if operators do scrap perfectly good current vehicles, and invest millions in new Euro 6 vehicles, drastically increasing public services costs – it is then likely that and possible that only a few years later, they will then be forced to replace them all again with HEV and EV vehicles.

We therefore propose the following amendment to the age and Emissions Policy, for vehicles used exclusively on GCC contracts / Wheelchair Accessible Vehicles (WAV's)

That the proposed **Euro 6 requirement for RENEWAL WAV's is postponed and not adopted.**

We propose that only an upper age limit of 15 years old only is adopted for **RENEWAL WAV's** with no Euro 6 requirement (only Euro 5) This will have the same desired result, as vehicles that are currently 8 years old and newer will be Euro 6 by default (registered after Sep 2015), meaning that in only a further 7 years' time all renewals for Private Hire WAV's will then automatically become Euro 6.

This also means that operators would have much greater clarity on EV and HEV policy standard's and can work towards the true long term sustainable solutions rather than having to invest millions now, and then needing to invest millions again in just a few more years.

For extremely expensive (adapted and dedicated vehicles) such short fleet lifespans (and investment levels) is not commercially viable, fair or sustainable for operators or service users.

Enforcing what will be TWO major and full fleet replacements in this sector within a five- or six-year window is not practical, affordable or appropriate.

If Electric (EV) is the chosen long term future route, then this incredibly expensive, short term total fleet change to Euro 6 (for just a few years) makes no sense, and should not be implemented.

2. The creation of separate ‘Dedicated H2S’ Vehicle Category for the sole provision of dedicated vehicles contract by Gloucestershire Country Council

In a number of Local Authorities, it is now being recognised that the fleets that work on a dedicated and contracted Home To School Transport Service sits only within Private Hire Licensing as it needs to sit within some formal framework. It is the case that in reality these dedicated vehicles are not public facing, they are not open to the public to book or travel in and are in fact dedicated outsourced vehicles of the County Council, who if they operated themselves would not sit within any licensed setting.

It is therefore welcomed that a growing number of forward-thinking Local Authorities are now considering or creating a new Private Hire Vehicle Category **DEDICATED H2S VEHICLE**.

This enables Local Authorities to recognise the sector specific needs, the varying vehicle and fleet requirements, and legislate an appropriate set of policies for this sector. This in no way dilutes or changes the policies for the 90% of licensed vehicles that serve the general public as well as H2S, as these policies can be fully implemented, but it does create the right and appropriate framework for a dedicated H2S transport sector.

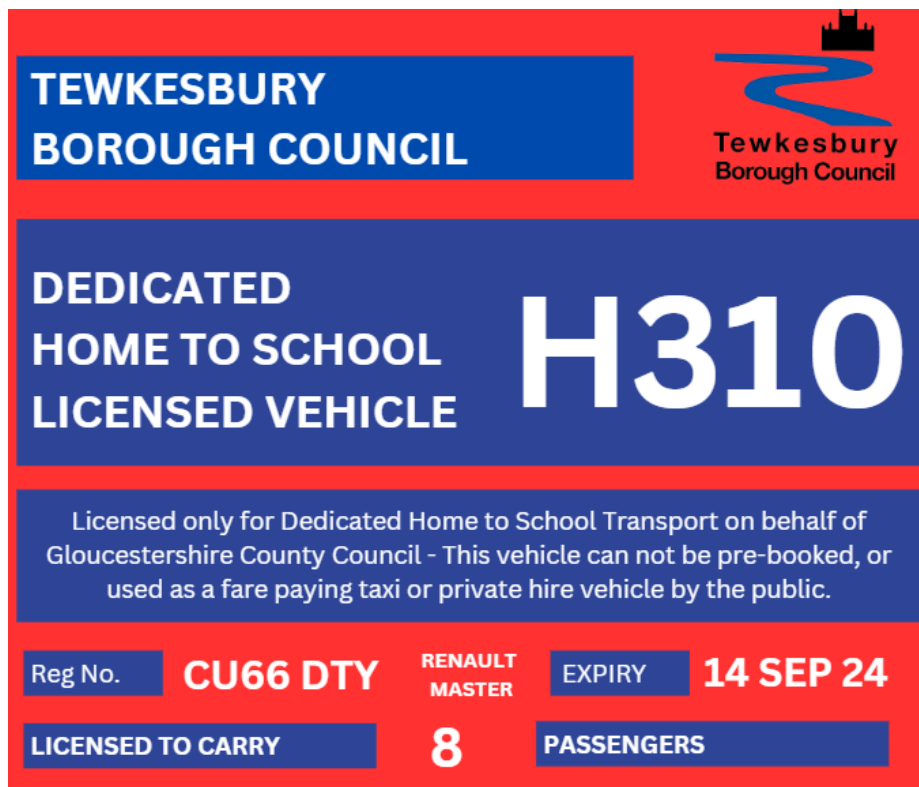
The benefits of such a category – DEDICATED H2S VEHICLE

1. Enables flexibility and a pragmatic approach to the essential and dedicated H2S service and will allow the County Council and Local Authority to work in partnership to set out affordable standards through tender specifications and procurement.
2. Enables GCC and TBC to adopt a set of appropriate standards and policies that deliver safety, cost appropriateness, supply of service, and also a clear direction of travel and long term aims for vehicle ages and emissions, whilst being realist with what the service and sector can afford and achieve.
3. This approach would not impact on the desired standards and policies for regular public fare paying taxi's and private hire vehicles as these can be continue to be implemented in line with the authorities desired proposals.
4. Adopting a cost appropriate and realistic set of policies for the H2S Dedicated Vehicles will ultimately save millions of pounds a year for the essential public funded transport service.
5. It will also enable GCC and TBC to develop an appropriate framework that could bring more much needed employees into the sector, increase overall supply and make the sector more reliable and sustainable.

Managing a Dedicated H2S Vehicle Category

The management and enforcement of this new category would be relatively simple. We would propose the following;

1. An operator must be approved for this category (Dedicated H2S Vehicle) by both GCC and TBC – demonstrating they operate within the dedicated H2S sector and confirming such vehicles only operate on a dedicated basis.
2. GCC would advise how many contracts an operator has, and a tolerance level for spare vehicles and contingencies be applied to arrive at their maximum number of vehicles.
3. An operator would sign a legally binding agreement and operators licence stating the specific conditions of a DEDICATED H2S VEHICLE licence. This would primarily guarantee and ensure that the vehicle would only ever be used on a dedicated GCC contracted H2S route, and would never operate outside of this scope.
4. Once a vehicle is licensed as a DEDICATED H2S VEHICLE it would be issued with a clearly identifiable PH licence Plate, and vehicle stickers which must be displayed. This would ensure it is easily identifiable as dedicated contracted service vehicle i.e. Dedicated H2S VEHICLE and not for public fare carrying work.



Summary

We completely understand the desire to reduce vehicle age and emissions, but we strongly suggest that now is not the right time to push dedicated and expensive Wheelchair Accessible Vehicles off the road, spend millions upgrading to Euro 6 (which no operator can afford to do) only to then upgrade again to HEV or EV within a few more years. The sector and GCC simply can not afford this approach.

It is right to understand the differences of a dedicated H2S WAV fleet and support this sector to achieve a longer term, more sustainable pace of change to towards a fully electric solution from 2030/3 onwards.

This sector is under huge downward cost pressure from GCC, and implementing this policy will have the polar opposite effect, increasing operational costs by millions per annum, significantly reducing supply and having a huge financial impact on dozens of SME's.

We urge Tewkesbury Borough Council to adopt our proposals, and engage with us and other operators to discuss a sustainable and affordable road map for the future.

Richard Caine

Managing Director

GO Accessible Transport

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Review of Street Trading Licensing Policy
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

Executive Summary:	To adopt the draft Street Trading Licensing Policy agreed by the Licensing Committee at its meeting on 9 November 2023.
Recommendation:	To ADOPT the revised Street Trading Licensing Policy, attached at Appendix A.

Financial Implications:	None arising directly from this report.
Legal Implications:	There are no significant implications within this category. Should the suggested policy changes be approved for implementation, further legal implications shall be provided at that time. Consultation has been carried out in accordance with applicable legislation and public law principles, including but not limited to publication and notification to relevant parties and allowing adequate time for parties to respond.
Environmental and Sustainability Implications:	There are no significant implications within this category.
Resource Implications (including impact on equalities):	No resource implications. A proposal has been included to include a condition for markets and any stalls on a footpath, or an area that is used by pedestrians, to fully assess accessibility to all users as set out in Section 3.1 of Inclusive Mobility
Safeguarding Implications:	None arising directly from this report.

Impact on the Customer:

None arising directly from this report.

1.0 INTRODUCTION

- 1.1** Street trading is the selling or exposing or offering for sale any article in a street.
- 1.2** It is regulated under The Local Government (Miscellaneous Provisions) Act 1982 which states that a 'street' includes any road, footway, beach, or other area to which the public have access without payment.
- 1.3** Tewkesbury Borough Council has for many years designated that all land within Tewkesbury Borough, that falls within the above definition of 'street', are consent streets. This means that any person who wishes to trade on any street or land, that the public have free access to, must apply for street trading consent from Tewkesbury Borough Council.
- 1.4** Tewkesbury Borough Council has a street trading policy which lays out the application criteria, procedures, and conditions for street trading consents. This was last reviewed in 2019.
- 1.5** The numbers of Consents currently issued are:
- 1 market
 - 3 mobile traders (Ice cream)
 - 16 static traders

2.0 BACKGROUND

- 2.1** A draft policy was approved by the Licensing Committee on 15 June 2023 for consultation.
- 2.2** The Licensing Committee approved the final draft policy attached at **Appendix A** and recommended the document to be presented to Executive Committee for adoption.
- 2.1** The main changes to the current policy are:
- Removal of the DBS requirement – this is in-line with Cotswold, Gloucester, Forest of Dean and Cheltenham as Gloucestershire Police undertake PNC (Police National Computer checks on all applicants)
 - Specified Consents and durations that can be applied for
 - Inclusion of Inclusive Mobility requirements
 - Standard conditions for markets

3.0 CONSULTATION

- 3.1** A 12-week consultation was carried out with all licence holders and stakeholders. This ran from 3 July – 24 September 2023.

3.2 Stakeholders included:

- All Consent holders
- Gloucestershire Constabulary
- Gloucestershire Highways
- Town/Parish Council(s)
- The Borough Councillors for all Wards
- Environmental Health Officers at Tewkesbury Borough Council
- The Planning Authority
- Gloucestershire and Bristol Sight Loss Council
- Website

3.3 A table showing consultation comments and an assessment is attached at **Appendix B**.

3.4 There were no significant comments made during the consultation.

4.0 ASSOCIATED RISKS

4.1 None at present.

5.0 MONITORING

5.1 The revised policy will come into effect from 1 January 2024.

5.2 All licence holders will be written to regarding any amendments.

5.3 The Council's website will be updated with the revised policy document and information.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Street Trading Policy – March 2019

Background Papers: Tewkesbury Borough Council's Street Trading Policy – March 2019

Local Government (Miscellaneous Provisions) Act 1982

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Appendices: Appendix A – Draft Street Trading Licensing policy for adoption
Appendix B – Consultation comments



Street Trading Licensing Policy

Implementation Date: 1 January 2024

Contents

1.0	INTRODUCTION.....	3
2.0	THE LAW.....	3
4.0	APPLICATIONS FOR A STREET TRADING CONSENT	6
5.0	DURATION OF STREET TRADING CONSENTS	10
6.0	CONSENTS	11
7.0	CONDITIONS ATTACHED TO CONSENTS	12
8.0	APPEALS.....	12
9.0	COMPLAINTS AND ENFORCEMENT	12
10.0	AMENDMENTS TO THIS POLICY.....	14
11.0	FEES AND CHARGES.....	14
12.0	DEFINITIONS	15
	ANNEX A- notice of application for grant of a street trading consent.....	17
	ANNEX B- Hearings procedure.....	18
	ANNEX C- Street trading consent standard conditions.....	19
	ANNEX D- Guidelines on the suitability of applicants	25

1.0 INTRODUCTION

1.1 The Policy

- 1.1.1. This document states Tewkesbury Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.1.2. In exercising its discretion in carrying out its regulatory functions, Tewkesbury Borough Council will have regard to this Policy document and the principles set out therein.
- 1.1.3. Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.2 The Objectives of this Policy

- 1.2.1. This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.2.2. The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.2.3. The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.2.4. This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.2.5. The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Council's Corporate Enforcement Policy.

2.0 THE LAW

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 2.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:
 - Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without Local

Authority consent

- Licence Streets: where trading is prohibited without a Local Authority licence

2.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

2.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

2.5 Licensing Act 2003

2.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

2.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

2.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

3.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

3.1 Prohibited Streets

3.1.1 Listed below are the streets that have been designated by the Council as prohibited streets. These are streets in which street trading is prohibited:-

- The A438 / A46 from its easterly junction with Barton Street and Chance Street, Tewkesbury to the Teddington Hands Roundabout.
- Evesham Road / Cheltenham Road at Bishops Cleeve from the boundary with Cheltenham Borough Council to Anchor Cottage Bend, Bishops Cleeve.
- The A46 from the Teddington Hands roundabout to the County boundary with Worcestershire.
- The A4019 from the boundary with Cheltenham Borough Council at Swindon to the junction with the M5 motorway but to exclude the lay-by at the southern side of this road at Uckington.
- The A40 from the boundary with the Cheltenham Borough Council at Badgeworth Parish Council to Gloucester City Council at Innsworth Parish (i.e. the Golden Valley By-Pass).
- The A40 from the junction with the A48 at Highnam to the boundary with Gloucester City Council.

- The A46 from the boundary with Cheltenham Borough Council to the junction with Ermin Street and Cirencester Road at Brockworth.
- Hucclecote Road / Ermin Street / Cirencester Road, Brockworth from the boundary with Gloucester City Council to the junction between Cirencester Road and Green Lane
- The lay-by at the side of the B4632 at Postlip, Winchcombe.
- The B4063 from its junction with the A40 at the Golden Valley roundabout to the eastern edge of the Churchdown urban areas.
- The B4632 in Winchcombe from its junction with Corndean Lane to its junction with Silk Mill Lane.
- North Street, Winchcombe from its junction with High Street to its junction with Back Lane and Greet Road.
- The A38 Tewkesbury from the High Street and Bredon Road junction to the junction with the A438 at the Mythe.
- High Street, Barton Street, and Church Street, Tewkesbury.
- Oldbury Road, Tewkesbury from its southerly junction with Nelson Street to its northerly junction with Bredon Road.

3.2 Consent Streets

- 3.2.1 All other streets in the Borough have been designated by the Council as “consent streets”. This means that street trading can only take place in these streets with the consent of the Council.

3.3 Prime Streets

- 3.3.1 A “Prime Site” category is considered as one where an applicant seeks consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed below.

- Lee Road and Northway Lane Shopping Centre, Ashchurch
- Church Road, The Green and Tobyfield Road, Bishops Cleeve
- Abbottswood Road, Court Road, The Parade, Usk Way, Ermin Park and Ermin Parade, Brockworth
- Blacksmith Lane, Brookfield Road, Chosen Drive and St Johns Avenue, Churchdown
- Kestrel Parade and Salvia Close, Innsworth
- Barton Street, Church Street, High Street, Mitton Way, Oldbury Road and Queens Road, Tewkesbury

- High Street, North Street and Station Road, Winchcombe

4.0 APPLICATIONS FOR A STREET TRADING CONSENT

4.1 Advice for new applicants.

- 4.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 4.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

4.2 Suitability of applicant.

- 4.2.1 The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a consent unless satisfied that the applicant is suitable. In determining this, the Council may have regard to any information, which it considers relevant including:-
- Whether the applicant has been convicted of a relevant offence; all new and renewal applications will be subject to a PNC check carried out by Gloucestershire Constabulary
 - Refusal or neglect in paying fees due to the Council for a street trading consent, or for any other charges due for services rendered by the Council to the applicant in his capacity as the holder of a street trading consent;
 - Previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent;
 - Any previous enforcement action;
 - Any previous refusal of an application for the grant or renewal of a Street Trading Consent;
 - Any previous revocation of a Street Trading Consent.
- 4.2.2 Identification badges will be issued by the Council to demonstrate the suitability of the consent holder and any assistants who may be trading on their behalf. Other employees may not need to apply for DBS check and an identification badge as long as they are supervised at all times by a badge holder.
- 4.2.3 Identification badges do not reflect the street trading consent. Consent holders are still required to display their consent on their unit. Each applicant or assistant will only require one badge per person; this applies if they trade under more than one street trading consent.

4.3 Applications

- 4.3.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form. A copy of the prescribed form can be found on the Council’s website.

4.3.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

4.3.3 The following will also be required to be submitted with the application:-

- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
- Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
- Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.
- Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
- Where trading is to take place on Tewkesbury Borough Council owned land a copy of, or proof that an application has been submitted for, a land licence
- Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.

4.3.4 Applications cannot be considered from anyone under the age of 17.

4.4 Processing an application

4.3.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- Gloucestershire Constabulary.
- Gloucestershire Highways.
- The relevant Town/Parish Council(s).
- The Borough Councillor(s) for the Ward(s) concerned.
- Environmental Health Officers at Tewkesbury Borough Council.
- The Planning Authority.
- Tewkesbury Borough Council's Community Safety Team.

4.3.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less

than 14 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required can be found at **Annex A** of this policy.

4.3.3 The Council will allow 28 days from the date that the application is received for people to make representations or objections in relation to the application.

4.3.4 Representations or objections will be accepted from any of the bodies listed at 4.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

4.5 Determining applications with no representations or objections.

4.5.1 Where no representations or objections are received within 28 days of the application being received, and the application complies with the council's policy in terms of the suitability of the trading location, applicant and type of goods, officers will grant Consent to the applicant in the terms that it was applied for.

4.6 Determining applications through mediation.

4.6.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

4.6.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

4.6.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

4.7 Determining applications where mediation is not possible.

4.7.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to a Licensing Sub-Committee for determination.

4.7.2 The Licensing Sub-Committee will be conducted in accordance with the procedure attached at **Annex B** of this Policy.

4.8 Key considerations

4.8.1 Each application will be considered on its own merits.

4.8.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,-

- a significant effect on road safety would arise either from the siting

of the trading activity itself, or from customers visiting or leaving the site; or

- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.

4.9 Options available to Licensing Sub-committee.

4.9.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;

- (iii) the location(s) where trading can take place;
- (iv) the articles that can be traded;
- (v) the conditions attached to the Consent;
- (vi) the duration of the Consent.

(c) refuse to grant Consent.

4.9.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

5.0 DURATION OF STREET TRADING CONSENTS

5.1 Duration

5.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

5.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid.

5.1.3 Applicants can apply for any of the following Consents:

- Mobile trader – 12, 6 or 2 month Consent
- Static trader – 12, 6 or 3 month Consent
- Day Consent
- Rota Consent
- Market Consent – annual, 7 days or day

The fees and charges for these are published on the Council's website.

5.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 4.6 or by a Licensing Sub-Committee. Consents lasting less than 6 months may be granted to provide a "trial period" during which any adverse impact of the trading can be assessed.

5.2 Renewal

5.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.

5.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

6.0 CONSENTS

The Council issues the following three types of street trading consent:

6.1 Static consent

- 6.1.1 Static consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period.
- 6.1.2 These can be issued for 12, 6 or 3 months and for one day Consents.
- 6.1.3 There is also an option to apply for a 'rota' Consent. For example, a fish and chip van that may travel to different villages. If an applicant wishes to apply for this, they must submit landowners Consent for each location and also days/times that they will to trade. A site notice must be displayed at each site in accordance with the advertising requirements.

6.2 Mobile consent

- 6.2.1 Mobile Street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice cream van.
- 6.2.2 A mobile street trading consent only permits trading within Tewkesbury Borough Council's area. If the unit goes into areas outside of Tewkesbury Borough, it will also need consent from the relevant authority.
- 6.2.3 These can be issued for 12, 6 or 3 months.

6.3 Market consent

- 6.3.1 Market street trading consents are issued to markets that do not operate under a Market Charter or Order.
- 6.3.2 A market consent will cover a number of stalls.
- 6.3.3 The market must meet the criteria set below.
- It has a nominated organiser.
 - It has the approval of the local town or parish council and the chamber of trade.
 - It adds value to the town's trade through the provision of specialist products or as a special event, for example a Christmas market.
 - It does not operate in detriment to the local community.
- 6.3.4 If the application is made by an organisation, they must nominate a named individual who will be responsible for managing use of the consent.
- 6.3.5 The market consent applicant will provide a management plan as part of the application process, and it will be expected that the market will operate within the terms of the management plan. Where there are changes to the operation of the market the management plan should be updated and submitted to the Licensing team.
- 6.3.6 The consent holder will be responsible for ensuring compliance with times and

location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant byelaws.

- 6.3.7 The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the informal market and that all emergency exits to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly if access is needed for emergency vehicles.
- 6.3.8 The consent holder will be required to keep records of all traders that trade under the consent including date, location, name or company name, address, vehicle registration if relevant and contact details. If there are food traders, they will also be responsible for obtaining food registration information.
- 6.3.9 These can be issued for 12 months, 7 days or one day.

7.0 CONDITIONS ATTACHED TO CONSENTS

7.1 Standard conditions

- 7.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 7.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex C** to this Policy.

7.2 Additional conditions

- 7.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described **at Paragraph 3.5 or** by a Licensing Sub-Committee when granting Consent.

8.0 APPEALS

8.1 Refusals/ attached conditions.

- 8.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

9.0 COMPLAINTS AND ENFORCEMENT

9.1 General principles

- 9.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 9.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

9.2 Offences

9.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a prohibited street;
- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

9.3 Complaints

9.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

9.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-

- verbal warning;
- written warning;
- simple caution;
- prosecution; or
- referral of the Consent Holder to a Licensing Sub-Committee.

9.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-

- take no further action;
- give a warning to the Consent Holder;
- amend the days on which trading can take place;
- amend the times during which trading can take place;
- amend the location(s) where trading can take place;
- amend the articles that can be traded;
- amend the conditions attached to the Consent;
- amend the duration of the Consent; or
- revoke the Consent.

10.0 AMENDMENTS TO THIS POLICY

10.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a. is likely to have a significant financial effect on licence holders;
- b. is likely to have a significant procedural effect on licence holders; or
- c. is likely to have a significant effect on the community.

11.0 FEES AND CHARGES

11.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.

11.2 The fees will be reviewed at least on an annual basis and published on the Council's website.

11.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.

11.4 Street trading fees may be waived at the discretion of the relevant Director of Services acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

12.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Tewkesbury Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Prime Site	A "Prime Site" category is one where an applicant seeks consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed.
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none">• a pedlar with a Pedlar's Certificate;• anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order;• trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;• trading as a news vendor selling only newspapers/magazines;

- trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop;
- selling things, or offering or exposing them for sale, as a rounds man;
- the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading
Assistant

A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

ANNEX A- notice of application for grant of a street trading consent

**NOTICE OF APPLICATION FOR GRANT
OF A STREET TRADING CONSENT**

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Tewkesbury Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury, GL20 5TT between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>(28 days after the date of the application)</p>	

ANNEX B- Hearings procedure

TEWKESBURY BOROUGH COUNCIL

Licensing Sub-Committee (Street Trading)

Procedure

1. The Chairman will ask everyone present to introduce themselves.
2. The Chairman will briefly explain the procedure to members of the public.
3. The Licensing Officer will open the hearing with an outline of the relevant details of the application.
4. The applicant or his/her representative will be invited to present his/her case, at the conclusion of which he/she, together with any witnesses he/she may have called, may be questioned by Members of the Sub-Committee.
5. The Sub-Committee may then invite comments from Officers and, if appropriate, representatives of such bodies as the Police and Fire Authority, following which any objectors, and others wishing to make representations in respect of the application, will be invited to make their submissions. Members of the Sub-Committee may ask questions of all those present.
6. The applicant will then be allowed to make a final statement in response to any objections that have been raised.
7. At the conclusion of the hearing, the stage at which the Sub-Committee will wish to deliberate upon the application, the applicant will be asked to withdraw together with all other parties present. If it is necessary to recall any party to provide further information or clarification all parties at the hearing must be invited to return.
8. When the Sub-Committee has reached its conclusions the parties will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a Licence/Consent.

ANNEX C- Street trading consent standard conditions

STREET TRADING CONSENT **STANDARD CONDITIONS**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide the name, address and date of birth of any person assisting them with their trading on a regular basis.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.
- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.

- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 50 metres from the trading unit.
- Any trader that is sited on a footpath, or an area that is used by pedestrians, will ensure that the site can be fully accessed and navigated at all times. The trader will take into account [Section 3.1 of the Inclusive Mobility Guidance](#).

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police and Highway Authorities as to its construction, safety and appearance.
- The Consent Holder shall, at all times, maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Tewkesbury Borough Council.

ADDITIONAL CONDITIONS APPLICABLE TO MOBILE FOOD VENDORS

USE OF LOUDSPEAKERS TO ATTRACT BUSINESS¹

Chimes should not be sounded:

1. For longer than 4 SECONDS at a time.
2. More often than ONCE every 3 MINUTES.
3. When the vehicle is stationary.
4. Except on approach to a selling point.
5. When in sight of another ice-cream van which is trading.
6. When within 50m of schools (during school hours), hospitals, and places of worship (on Sundays and any other recognised days of worship).
7. More often than ONCE every 2 HOURS in the same street.
8. Louder than 80 dB(A) at 7.5m (Contact your Local Authority for advice).
9. As loudly in quiet areas or narrow streets as elsewhere

REMEMBER - IT IS AN OFFENCE TO SOUND YOUR CHIMES

1. Before 12 noon and after 1900 hours.
2. At any time in a way which gives reasonable cause of annoyance

¹ Based on the Control of Noise (Code of Practice on Noise From Ice-Cream Van Chimes etc.) Order 1982

ADDITIONAL CONDITIONS APPLICABLE TO MOBILE FOOD VENDORS

USE OF LOUDSPEAKERS TO ATTRACT BUSINESS¹

Chimes should not be sounded:

10. For longer than 4 SECONDS at a time.
11. More often than ONCE every 3 MINUTES.
12. When the vehicle is stationary.
13. Except on approach to a selling point.
14. When in sight of another ice-cream van which is trading.
15. When within 50m of schools (during school hours), hospitals, and places of worship (on Sundays and any other recognised days of worship).
16. More often than ONCE every 2 HOURS in the same street.
17. Louder than 80 dB(A) at 7.5m (Contact your Local Authority for advice).
18. As loudly in quiet areas or narrow streets as elsewhere.

REMEMBER - IT IS AN OFFENCE TO SOUND YOUR CHIMES

3. Before 12 noon and after 1900 hours.
4. At any time in a way which gives reasonable cause of annoyance.

¹ Based on the Control of Noise (Code of Practice on Noise From Ice-Cream Van Chimes etc.) Order 1982

STANDARD CONDITIONS APPLICABLE TO HOLDERS OF MARKET STREET TRADING CONSENTS

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. The market can only operate in accordance with the times and permissions of this consent.
2. The market consent holder will be permitted 90 minutes preparation time prior to the start of their trading hours in order to set up the market and there will be 90 minutes to close down and pack up. Market units are not permitted to trade during set up and closing times.
3. A market consent may be revoked at any time by the Council and the Council shall not be in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
4. The market consent holder has responsibility to ensure that all persons operating stalls under the market consent have the right to work in the UK. Failure to ensure this may lead to revocation of the consent.
5. The market consent holder shall at all times maintain a valid third-party public liability insurance policy covering the market to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
6. The market consent holder will have market management plan that will be kept up to date and provided to the Council on request. The market should be operated in accordance with the market management plan.
7. The market management plan will include a plan of the market and will include a full assessment of walkways so that all road users can fully access the market. [Section 3.1 Of Inclusive Mobility Guidance](#) will be taken into account.
8. The market consent holder shall ensure that the market traders keep the market trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent. (NB: for these purposes the term 'surrounding area' refers to all public land that is open to the air, within a 50 metres radius from the trading location over which the public have access).
9. No waste matter shall be discharged into or allowed to enter any highway drain or water course.
10. The market consent holder shall not operate market units, or cause or permit to be so operated, on any privately-owned land unless there has been obtained the owner's written permission to do so.
11. No market units shall be located, and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance by reason of the street trading activities.
12. Every market unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The units must not be left on site when not in use.

13. The market consent relates only to the market units described in the application or as defined on the certificate of consent. The units may not be replaced or altered without the written permission of Tewkesbury Borough Council's Director of Communities.
14. The display of advertising signs, other than on the market units themselves, is prohibited unless the appropriate permission has been given.
15. The market units shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.
16. The market consent holder so ensure that any disabled person (including visually impaired) can navigate safely around the stalls or on any footpath that runs alongside the market stalls.
17. The market consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the market units have the means and opportunity to visit suitable toilet facilities when necessary. The Market Consent Holder shall ensure that the facilities available are made use of.
18. The market consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from the market trading. The Consent Holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.
19. If and when required, the market consent holder shall permit an officer of the Council to inspect the market.
20. The Council reserves the right to refuse to renew a market street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.
21. Street trading shall not be carried on at any time unless the appropriate fee for market consent has been duly paid to the Council.
22. The Consent Holder shall ensure that the market traders at all times conduct business in a clean, honest, civil and business-like manner without interfering with the business of other traders and consent holders.
23. The market consent holder shall ensure that the operators of the market units behave in a professional, honest, polite and courteous manner. In the event of a complaint the market consent holder shall record the complaint and take appropriate action. The market consent holder shall ensure that the operators of the market units do not behave or carry on street trading activities in such a way as to cause annoyance or upset to the customer, other traders, the occupier or person in charge of any shop or business in the vicinity, any resident in the vicinity , or any other person using the street.
24. Nothing contained in these conditions shall relieve the market consent holder or his employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

ANNEX D- Guidelines on the suitability of applicants

General Principles

The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, where ever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence;
- Whether the applicant has been the subject of any relevant enforcement action;
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal);
- Any previous revocation of a street trading consent (and the reasons for the revocation)

For the purposes of this policy, relevant offences include unspent convictions and cautions, for offences involving dishonesty, the use and supply of controlled drugs, violence and offences of a sexual nature, which are less than 3 years old from the date of application, will be included in the consideration of whether the applicant is a suitable person to hold a licence.

A person with a conviction for a relevant offence will be expected to have remained free of conviction for a period of time, before an application is granted. Some discretion may be exercised if the offence is isolated, minor in nature and there are mitigating circumstances. However, the overriding consideration will always be the protection of the public.

Notwithstanding the above, the Council is aware of its duty not to restrict its discretion and it shall permit representations from the applicant explaining why it may nevertheless, be appropriate to receive consent.

Guidelines on the relevance of convictions

Each case will be decided on its own merits.

- (1) The Council will assess whether:
 - a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,
 - b) a person who wishes to be registered as an assistant to a street

trading consent holder or to continue to be registered as an assistant to a street trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

- (2) In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:-
- a) whether the conviction is relevant;
 - b) the seriousness of the offence;
 - c) the length of time since the offence occurred;
 - d) whether there is a pattern of offending behaviour;
 - e) whether that person's circumstances have changed since the offence occurred;
 - f) the circumstances surrounding the offence and the explanation offered by that person.

(a) Offences involving Violence

Applicant with convictions for offences involving violence will be considered carefully. Depending on the nature and seriousness of the offence, when applicants have convictions for causing grievous bodily harm, wounding, assault, or even more serious offences involving violence. In general, a period of three to ten years free of convictions should elapse before an application will be granted.

(b) Drug related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, will not necessarily prevent an applicant from obtaining a street trading consent, provided the applicant has at least three years free of convictions.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

(c) Sexual offences

Applicants with any unspent sexual related offences will not normally be granted a street trading consent.

(d) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty.

Convictions for isolated minor offences will not necessarily prevent an applicant

from obtaining a street trading consent but in cases involving serious theft or fraud, at least three years should elapse before an application is granted.

When offences of dishonesty have been accompanied by violence, at least five years free of conviction should elapse before an application will be granted.

(e) Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicants would be expected to show a period of at least 3 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

(f) Formal Cautions and fixed penalty notices.

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

In all cases, each individual application will be decided on its own merits.

Consultation Question	Assessment by Licensing Team Leader
Comments on the removal of DBS requirement	
As stated, a police check is run when an application is made, which is potentially more valid than a DBS that could be 3 years old. I personally have a enhanced DBS check, but it expires next year, so the Police check will satisfy that part of the application to the council.	No change required
Interesting and possibly misunderstood? If the DBS requirement is being removed due to administrative burden/efficiency, has TBC given any consideration for supporting traders to use the DBS live update service which has an annual charge of £13? Checks can be renewed on a basis to be determined by TBC based on risk.	Not required – the Police will be consulted and will check the PNC for the individuals criminal history but also any incident history for the site
N/A	No change required
I don't think this is necessary	No change required
Comments on the draft market conditions	
All seem reasonable to me. Alongside my personal static street trading license, I am the organiser of the Christmas Light Market, in charge of the market traders, so i shall make sure we adhere to the conditions when planning.	No change required
No Comment	No change required
N/A	No change required
Not applicable to me	No change required

Consultation Question	Assessment by Licensing Team Leader
Comments on the removal of DBS requirement	
Comments on the requirement to assess inclusive mobility	
I could not find a section about this in the new document?	Have met with Mr Jones and he is happy
No comment	No change required
N/A	No change required
Not applicable to me	No change required
Any other comments	
Happy to discuss, learn and support any new policies, and hope our trading license can be renewed long term at Back of Avon :)	No change required
No further comment	No change required
N/A	No change required
Maybe a reminder to review	Renewal reminders are now being sent to all licence holders for all types of licences
The Town Council is content with the content and wording of this policy.	No change required
Could community safety be consulted during the consultation process for street trading licences.	Have updated list of consultees in final proposed document

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 November 2023
Subject:	Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy
Report of:	Head of Service: Counter Fraud and Enforcement Unit
Head of Service/Director:	Executive Director: Resources
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	1

Executive Summary:

To present Executive Committee with an updated Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy for approval.

The Policy has been reviewed to ensure the content reflects current legislation and the Council's Policies and Procedures. The Policy will replace the existing Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.

Recommendation:

1. **To ADOPT the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.**
2. **To delegate authority to the Executive Director: Resources, in consultation with the Head of Service: Revenues and Benefits and the Head of Service: Counter Fraud and Enforcement Unit, to approve future minor amendments to the policy.**

Financial Implications:

The policy provides Officers with a framework that can be followed when dealing with matters arising from cases of fraud and error. This allows for financial penalties to be charged; however, the intention of the policy is not primarily for revenue raising purposes but to ensure the proper use and protection of public funds.

Legal Implications:

In general terms, the existence and application of an effective fraud risk management regime assists the Council in effective financial governance which is less susceptible to legal challenge.

The legislation utilised by the Counter Fraud and Enforcement Unit and other service areas within the Council is identified within the policy and the Council must comply with all legislative requirements.

Environmental and Sustainability Implications:

Not applicable.

Resource Implications (including impact on equalities):

The Counter Fraud and Enforcement Unit seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

Safeguarding Implications:

Where any safeguarding concerns are identified during the course of the Counter Fraud and Enforcement Unit duties, appropriate referrals will be made.

Impact on the Customer:

Prosecutions will only be considered where the evidential and public interest tests are met with due consideration to the welfare of individuals.

The local authority will only take enforcement action where appropriate to do so with due consideration to older offenders, offenders with disabilities and where the offender lacks mental capacity.

1.0 INTRODUCTION

1.1 The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy. It is recommended good practice that the policy is updated and reviewed at least every few years in line with any legislative changes.

1.2 In administering its responsibilities, this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor.

2.0 COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY

2.1 The policy, attached at Appendix 1, has been updated in accordance with the review period. Review frequency is as required by legislative changes or every three years. This has been delayed due to events over the last three years.

2.2 The policy and fines set out therein are legislative and have not been altered since the policy was originally drafted several years ago.

2.3 The Council's existing Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy was developed to reflect (i) latest legislation and (ii) the changes following the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.

2.4 The Council Tax Support Scheme was introduced in 2013 and replaced Council Tax Benefit. The scheme is locally agreed with some set parameters and the responsibility to enforce any fraud or abuse of the scheme rests with the Council.

- 2.5** The Council has a responsibility to ensure that Council Tax is billed correctly and that there is no abuse of exemptions and discounts. The policy seeks to set out the action that the Council may take in relation to fraud and misinformation in relation to this.
- 2.6** It should be noted that legislation outlines that, to incur a Civil Penalty for a Housing Benefit overpayment, the value of the overpayment needs to exceed £250; however, the policy details that, for decisions across the Counter Fraud and Enforcement Unit Partnership, this figure will be £500. When setting this figure, consideration was given to current cost of living pressures and the vulnerabilities of the demographic this particular policy impacts.
- 2.7** The policy has been reviewed and drafted for the participants within the Counter Fraud and Enforcement Unit Partnership and will provide consistency to the application of penalties and legal action across Gloucestershire and West Oxfordshire.
- 2.8** Executive Committee last considered the Policy in August 2017.
- 2.9** The changes are minor, to reflect changes to departmental names within the Councils and duties and responsibilities within the Department for Work and Pensions. Amendments also ensure continuity across the Counter Fraud and Enforcement Partnership as the Counter Fraud and Enforcement Unit is charged with investigation in this area for six Councils.
- 2.10** Awareness will be raised with all staff following the approval of the policy.

3.0 CONSULTATION

- 3.1** Any policies drafted or revised by the Counter Fraud and Enforcement Unit have been reviewed by One Legal and issued to the relevant Senior Officers, Management and Governance Officers for comment.
- 3.2** As part of the consultation process, the policy has been reviewed by the Head of Service: Revenues and Benefits and One Legal.

4.0 ASSOCIATED RISKS

- 4.1** The Council is required to proactively tackle fraudulent activity in relation to the abuse of public funds. The Counter Fraud and Enforcement Unit provides assurance in this area.
- 4.2** Failure to undertake such activity would accordingly not be compliant and expose the authority to greater risk of fraud and/or corruption. If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

5.0 MONITORING

- 5.1** Any activities within the scope of this Policy are overseen by Officers of Revenues and Benefits, the Counter Fraud and Enforcement Unit and One Legal as appropriate.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 Counter Fraud and Anti-Corruption Policy

Whistle Blowing Policy

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

Corporate Enforcement Policy

Regulation of Investigatory Powers Act 2000 (Surveillance and CHIS) Policy

Investigatory Powers Act 2016 (Acquisition of Communication Data) Policy

Use of the Internet and Social Media in Investigations and Enforcement Policy

Background Papers: None

Contact Officer: Counter Fraud and Enforcement Unit Head of Service
Emma.Cathcart@cotswold.gov.uk

Appendices: Appendix 1 – Council Tax, Housing Benefit and Council Tax Support
Penalty and Prosecution Policy

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy



Version Control:	
Document Name:	Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy
Version:	2.0
Responsible Officer:	Emma Cathcart, Head of Service, Counter Fraud and Enforcement Unit
Approved by:	Cabinet / Executive / Strategy & Resources Committee
Next Review Date	July 2026
Retention Period:	N/A

Revision History

Revision date	Version	Description
July 2023	2	Overall review and update. Adapted to ensure the same Policy applies to all partner Councils

Consultees

Internal	External
Service Area Lead Officer – Revenues and Benefits	
One Legal / Legal Services	
Audit Committee / Audit and Governance Committee / Audit, Compliance and Governance Committee	

Distribution

Name	
Revenues and Benefits Enforcement Staff	

CONTENTS

1.	INTRODUCTION.....	3
2.	BACKGROUND.....	3
3.	PURPOSE.....	3
4.	AREAS OF RESPONSIBILITY	3
5.	GENERAL PRINCIPLES	4
6.	SANCTIONS AVAILABLE FOR OFFENCES RELATING TO COUNCIL TAX SUPPORT	5
6.3	LOCAL AUTHORITY CAUTION	5
6.9	PENALTY	5
6.15	PROSECUTION	6
6.19	SANCTION RECOMMENDATIONS	6
6.23	CIVIL PENALTIES.....	6
6.25	CIVIL PENALTIES APPEAL PROCESS.....	7
7.	STRATEGY AND POLICY REVIEW.....	8

1. INTRODUCTION

- 1.1. The Council is committed to the detection of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly. Council Tax Support is also referred to as the Council Tax Reduction Scheme or Local Council Tax Support Scheme. For the purpose of this Policy, it is referred to as Council Tax Support only. Council Tax Support replaced Council Tax Benefit from 1 April 2013.
- 1.2. The Council is also charged with ensuring that Council Tax is billed correctly and that discounts and exemptions are not claimed incorrectly.
- 1.3. This Policy sets out the Council's approach to prosecution and other sanctions in cases of fraud or misinformation in respect of Council Tax Support, Council Tax and Housing Benefit.
- 1.4. It has been revised in the light of the transfer of Housing Benefit fraud investigation to the Department of Work and Pensions (DWP) in 2015.
- 1.5. This Policy does not include specific reference to National Non-Domestic Rates (NNDR) although the Local Authority has the power to obtain particulars of persons interested in land as set out under Section 16 of the Local Government Act 1976. Pursuant to Section 16(2), if a person fails to comply with such requests, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level five on the standard scale.

2. BACKGROUND

- 2.1 This Policy is governed by legislation and DWP guidance including The Local Government Act 1972, The Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992 and The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.
- 2.2 This Policy has been agreed by the Council and will be reviewed as required in response to changes in legislation or government guidance.

3. PURPOSE

- 3.1 The purpose of the Penalty and Prosecution Policy is to set out the action which the Council may take in cases of fraud or misinformation in relation to;
 - a) Claims, or attempted claims, for Housing Benefit.
 - b) Claims, or attempted claims, for Council Tax Support.
 - c) Council Tax Discounts and Exemptions.
- 3.2 The Policy provides guidelines that will be followed where applicable and clarifies which areas are the responsibilities of the Council and those, which are the responsibility of the DWP.

4. AREAS OF RESPONSIBILITY

- 4.1 Responsibility for investigation and the application of sanctions lies as follows:

4.2 Housing Benefit (and Council Tax Benefit for offences relating to the period prior to April 2013) where there is evidence of fraud:

- a) Investigation is the responsibility of the DWP's Operational Excellence Directorate and cases will be referred to the DWP in accordance with DWP guidance accordingly.
- b) Cautions no longer apply to these cases.
- c) The Council has retained the delegated power to offer an Administrative Penalty following a recommendation from the DWP.
- d) Prosecution of cases is the responsibility of the DWP.

4.3 Housing Benefit where there is no evidence of fraud:

- a) The Council will make enquiries in respect of cases of misinformation or error made by the customer where the overpayment is incurred wholly after 1 October 2012 and the value of any overpayment exceeds £500.
- b) A civil penalty of £50 may be applied by the Council in line with regulations.

4.4 Council Tax Support:

- a) The Council has retained the responsibility to investigate and sanction allegations of fraud and abuse in relation to Council Tax Support claims.
- b) A Caution, Penalty or Prosecution may be considered where there is evidence of fraud.
- c) A civil penalty of £70 may be applied where there is no evidence of fraud.
- d) An Authorised Officer within the Council has the power to obtain information as set out under Regulations 4 and 5 of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. Pursuant to Regulation 6, if a person refuses or neglects to produce any documentation when required to do so, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.
Where a person is convicted of an offence and the refusal or failure continues after conviction, the person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

4.5 Council Tax:

- a) The Council has responsibility for investigating incorrectly claimed Council Tax exemptions and discounts.
- b) A civil penalty of £70 and an additional civil penalty of £280 may be applied where appropriate – see Table of Civil Penalties on page 7.

5. GENERAL PRINCIPLES

5.1 In deciding what action to take, designated Officers within the Council will consider the following:

- Each case will be considered on its own merits;
- There must be sufficient, reliable evidence to justify the action taken;
- The action taken must be in the public interest;
- Any mitigating circumstances;
- The decision to prosecute an individual is a serious step and has implications for all involved. Decisions to prosecute should always be fair, proportionate, consistent and equitable;
- In exceptional circumstances, an alternative to prosecution (Caution or Penalty) may be considered without regard to the amount of the overpayment.

6. SANCTIONS AVAILABLE FOR OFFENCES RELATING TO COUNCIL TAX SUPPORT

6.1 The three sanctions available where a criminal investigation has been undertaken are a Caution, a Penalty or Prosecution.

6.2 In cases of error or misinformation, a Civil Penalty may be applied.

6.3 LOCAL AUTHORITY CAUTION

6.4 A Caution is an oral warning given in certain, less serious circumstances as an alternative to prosecution to a person who has committed an offence. It is intended to be a meaningful penalty and deterrent where other actions are not appropriate. The Caution may be a verbal warning but both parties sign the Caution Certificate and a record is kept by the Council.

6.5 If a person declines the offer of a Caution the case will be recommended for prosecution.

6.6 A Caution will usually be considered where the amount of the recoverable Council Tax Support is of a low value where the evidence indicates that:

- a) It was a first offence, or
- b) There was no planning involved, or
- c) There was no other person involved in the fraud, and
- d) The person's circumstances and demeanour towards the offence indicates that a Caution would be the most appropriate action and
- e) The person has admitted the offence in an Interview under Caution.

6.7 In these circumstances, the Council will issue an official Local Authority Caution and require full repayment of the recoverable Council Tax Support.

6.8 A Caution is not applicable where the offence is an attempt and there is therefore no financial loss to the Council or gain to an individual.

6.9 PENALTY

6.10 A Penalty is a financial penalty offered as an alternative to prosecution, usually in circumstances not deemed serious enough to warrant prosecution.

6.11 If a person refuses a Penalty, the case will be recommended for prosecution.

6.12 A Penalty will be considered where the evidence indicates that:

- a) It was a first offence, or
- b) The person failed to attend an interview under caution, or
- c) The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- d) There was no planning involved, or
- e) The person has not admitted the offence at an Interview under Caution, and
- f) There was no other person involved, and
- g) The person's circumstances and demeanour towards the offence indicates that a Penalty would be the most appropriate action.

- 6.13 In such circumstances, the Council will make an offer of a Penalty in addition to requiring full repayment of the recoverable Council Tax Support.
- 6.14 The penalty will be a minimum of £100, or 50% of the recoverable amount of Council Tax Support up to a maximum of £1,000.
- 6.15 **PROSECUTION**
- 6.16 Prosecution proceedings will usually be instigated only after the evidential and public interest tests as detailed in the Code for Crown Prosecutors are satisfied, and in line with the Council's own Corporate Enforcement Policy. Prosecution will be considered where:
- a) It was not a first offence, or
 - b) The fraud has been deliberate and calculated, or
 - c) The fraud had continued over a long period; or
 - d) The value of the overpayment or financial gain is significant; or
 - e) The person has failed to attend an interview under caution; or
 - f) There were other persons involved in the fraud and collusion has been investigated, or
 - g) The person has declined the offer of a Penalty or withdrawn agreement to pay and Penalty; or
 - h) The person has declined the offer of a Caution
- 6.17 The decision to prosecute is a serious step and has implications for all concerned. The Council will ensure that decisions to prosecute are made in a fair, proportionate, consistent and equitable-manner.
- 6.18 The Council will also consider the following:
- a) Offender's physical conditions such as illness, disability, age etc and mental capacity.
 - b) Social factors such as domestic violence, coercive control, career or employment impact, childcare etc.
 - c) Voluntary disclosure where the individual makes a full and frank admission without prompting.
 - d) Procedural difficulties, delays, failures in the investigation or administrative process.
- 6.19 **SANCTION RECOMMENDATIONS**
- 6.20 The recommendation to apply any sanction will be made in the first instance by the Counter Fraud and Enforcement Unit (CFEU) Investigating Officer, after consultation with an appropriate CFEU Senior Officer, to the appropriate Revenues and Benefits Department for approval.
- 6.21 Recommendations for criminal sanctions will be referred to the appropriate Legal Department.
- 6.22 An appropriate CFEU Senior Officer will administer Cautions and Criminal Penalties on behalf of the Revenues or Benefits Department.
- 6.23 **CIVIL PENALTIES**
- 6.24 A civil penalty is a financial penalty that that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects;

- a) The amount of Housing Benefit or Council Tax Support they have been paid or would have been paid or,
- b) The amount of Council Tax they have been billed or would have been billed.

6.25 CIVIL PENALTIES APPEAL PROCESS

- 6.26 If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The customer will need to state and provide evidence, where appropriate, why they feel the decision is wrong. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. The outcome of the reconsideration is final and there is no further appeal process.
- 6.27 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax Support, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. In both instances, the customer will need to state and provide evidence, where appropriate, why they feel the decision is wrong.
- 6.28 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax, they can write to the Council’s Revenues and Benefits Department within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. An appropriate Senior Officer within the Revenues and Benefits Department will carry out the reconsideration. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. In both instances, the customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.

TABLE OF CIVIL PENALTIES			
Service	Amount of penalty	Criteria	Appeal method
Housing Benefit	£50	1. Negligently or carelessly giving incorrect information, or 2. Failing to provide without reasonable excuse, information in respect of a claim or payment of benefit, or 3. Failing to notify, without reasonable excuse, a relevant change in circumstances (reasonable excuse = ill health, significant stress)	The Council
Council Tax Support	£70		The Council and then the Valuation Tribunal
Council Tax	£70	1. Failing to supply information following a request from the Council, or 2. Supplied information about a liable person that is materially inaccurate, or 3. Failing, without reasonable excuse, to notify the Council that a dwelling is no longer exempt, or	The Council and then the Valuation Tribunal

		4. Failing, without reasonable excuse, to notify the Council that a level of discount no longer applies (reasonable excuse = ill health, significant stress)	
Council Tax	£280	1. Where a penalty has been imposed and a further request to supply the same information is made again and is not properly complied with, and may do so each time it repeats the request and the person concerned does not properly comply with it. There is no limit to the number of times this penalty can be imposed.	The Council and then the Valuation Tribunal

7. STRATEGY AND POLICY REVIEW

7.1 The appropriate department will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the S151 Officer, the Legal Department and Members.

Responsible Department: Revenues and Housing Support Services

Policy Author: Counter Fraud and Enforcement Unit

Date: July 2023

Review frequency as required by legislative changes / every three years.

EXECUTIVE COMMITTEE FORWARD PLAN

STANDING ITEMS:

- Executive Committee Forward Plan – To consider forthcoming items.
- Feedback from Chair of Overview & Scrutiny Committee.
- Feedback from Chair of Audit & Governance Committee – following Audit & Governance Committee meetings.

Additions to 29 November 2023

- **Tewkesbury Garden Town Programme Delegations**
- **Medium Term Financial Strategy – brought forward from 10 January 2024**
- **CIL Infrastructure Funding Statement**

Deletions from 29 November 2023

- **Council Tax, Business Rates and Housing Benefits Overpayments Debt Recovery Policy – moved to 20 January 2024**
- **Discretionary Support Policy – moved to 10 January 2024**

Committee Date: 10 January 2024

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Treasury and Capital Management (Annual)	To recommend approval to Council a range of statutory required policies and strategies relating to treasury and capital management. <i>(Requirement of CIPFA Prudential Code)</i>	Executive Director: Resources and S151	Lead Member for Finance and Asset Management	Annual strategies for 2022/23 approved by Council 25 January 2022. Agenda for Council on Tuesday, 25 January 2022, 6:00 pm - Tewkesbury Borough Council	No.

NB – Items in bold are changes from the previous plan

Committee Date: 10 January 2024

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
ICT Strategy.	<p>To deliver the Council's priorities and to support day to day operational activities it is essential the Council's ICT infrastructure is as effective and secure as possible. The new strategy (2024/28) will build upon existing arrangements and identify key work streams and actions, particularly around cyber security.</p> <p><i>(Fundamental to service objectives and good corporate governance)</i></p>	Associate Director: IT and Cyber	Lead Member for Corporate Governance	<p>ICT Strategy 2020-24 approved by Executive Committee 5 February 2020.</p> <p>Agenda for Executive on Wednesday, 5 February 2020, 2:00 pm - Tewkesbury Borough Council</p>	Removed from January 2023 to go into January 2024.

267

NB – Items in bold are changes from the previous plan

Committee Date: 10 January 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Asset Management Plan	To provide a framework which can secure the operational and financial benefits of the corporate estate. <i>(Action within the Council Plan 2020/24)</i>	Head of Service: Asset Management	Lead Member for Finance and Asset Management	None.	Yes – moved from 29 November 2023 due to other work taking priority e.g. heating replacement system, webcasting.
CIL Governance Joint Committee	To recommend approval to Council of the establishment of a CIL Joint Committee with Cheltenham and Gloucester, it's terms of reference and the pooling of strategic 'Infrastructure' CIL monies by the three partner Councils.	Associate Director: Planning	Lead Member for Built Environment	Tewkesbury Borough Council Infrastructure Funding Statement December 2022	No.

NB – Items in bold are changes from the previous plan

Committee Date: 10 January 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Statement of Common Ground	To recommend to Council to fully adopt the agreed Statement of Common Ground.	Director: Communities	Lead Member for Built Environment / Lead Member for Clean & Green Environment	Report to: (tewkesbury.gov.uk)	No.
Purchase of additional temporary accommodation	To agree the allocation of up to £1,000,000 to allow officers to purchase additional temporary accommodation in order to reduce the use of Bed & Breakfast accommodation.	Director: Communities	Lead Member for Housing, Health & Wellbeing / Lead Member for Finance and Asset Management	None	No
Council Tax, Business Rates and Housing Benefits Overpayments Debt Recovery Policy	To approve the policy. (Service related policy)	Head of Service: Revenues and Benefits	Lead Member for Finance and Asset Management	None.	Yes – moved from 29 November 2023 for further Member engagement.

NB – Items in bold are changes from the previous plan

Committee Date: 10 January 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Discretionary Support Policy	To approve the policy. (Service related policy)	Head of Service: Revenues and Benefits	Lead Member for Finance and Asset Management	None.	Yes – moved from 29 November 2023 for further Member engagement.

Committee Date: 7 February 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Budget 2024/25 (Annual).	Section 32 of the Local Government Finance Act 1992 requires a balanced budget to be set on a timely basis and resultant Council tax setting. <i>(Statutory report)</i>	Executive Director: Resources and S151.	Lead Member for Finance and Asset Management	<p>Previous budget (2023/24) approved by Council 21 February 2023.</p> <p>Agenda for Council on Tuesday, 21 February 2023, 6:00 pm - Tewkesbury Borough Council</p> <p>NB: Transform Working Group will meet from September onwards to consider the budget formulation.</p>	No.

271

NB – Items in bold are changes from the previous plan

Committee Date: 20 March 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
272 Council Plan Performance Tracker – Quarter Three 2023/24.	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter three performance management information. <i>(Council Plan is the strategic document which sets out the priorities of the Council)</i>	Director: Corporate Resources	Leader of the Council	None - will be presented to Overview and Scrutiny Committee on 13 February 2024.	No.
New Council Plan 2024-2029	To make a recommendation to Council which sets out the new strategic priorities and ambition for the Council. <i>(Council Plan is the strategic document which sets out the priorities of the Council)</i>	Director: Corporate Resources	Leader of the Council	None – new plan to be developed from September onwards.	No.

NB – Items in bold are changes from the previous plan

Committee Date: 20 March 2024					
Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Background Papers	Has agenda item previously been deferred? Details and date of deferment required
Financial Update - Quarter Three 2023/24.	<p>Third quarterly monitoring report on the outturn position of the Council's revenue budget. The report also details the expenditure to date against both the capital programme and approved reserves.</p> <p><i>(Finance and Resources is a priority within the Council Plan 2020-24)</i></p>	Executive Director: Resources and S151	Lead Member for Finance and Asset Management	<p>2023/24 budget approved by Council 21 February 2023.</p> <p>Agenda for Council on Tuesday, 21 February 2023, 6:00 pm - Tewkesbury Borough Council</p>	No.

273

NB – Items in bold are changes from the previous plan

PENDING ITEMS

274

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Has agenda item previously been deferred? Details and date of deferment required
First Floor Refurbishment Project.	To approve the project.	Head of Service: Asset Management.	Lead Member for Finance and Asset Management	Moved from 6 September 2023 as this will not be delivered until the new heating system is in place.
CIL Review of Charging Schedule(s) with the new 'draft' Charging Schedule submitted for approval to go out to formal public consultation.	To consider and make a recommendation to Council.	Associate Director: Planning	Lead Member for Built Environment	January 2022. JSP partners to undertake the review at the same time.
Equalities and Diversity Policy.	To approve the Equalities and Diversity Policy.	Associate Director: People, Culture and Performance	Lead Member for Staff and Culture	Removed from 5 October 2022 and added to pending on 21 September 2022.
To approve the 'Health in All Policies' policy.	To approve a policy to better consider the Council's approach to health and wellbeing in the community.	Director: Communities.	Lead Member for Housing, Health and Wellbeing	Removed from 1 February 2023 until the policy has been considered by Management Team.

NB – Items in bold are changes from the previous plan

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Has agenda item previously been deferred? Details and date of deferment required
Volunteering Policy.	To approve the Volunteering Policy.	Associate Director: People, Culture and Performance	Lead Member for Staff and Culture	Removed from 1 March 2023 until the new Council is in place.
Economic Development and Tourism Strategy.	The strategy outlines how the Council will help promote a strong and diverse local economy, support business growth, inform spatial planning strategy, support regeneration, encourage inward investment and maximise visitor numbers to the area. <i>(Council priority)</i>	Head of Service: Community and Economic Development	Lead Member for Economic Development/ Promotion	Deferred from October 2023 pending the outcome of Gloucestershire County Council's strategy.

NB – Items in bold are changes from the previous plan

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Has agenda item previously been deferred? Details and date of deferment required
Housing Strategy Monitoring Report (Annual).	To approve the annual action plan to deliver the priorities within the strategy.	Head of Service: Housing	Lead Member for Housing Health and Wellbeing	Yes – due to be considered at the meeting on 10 January 2024, moved pending a review of the strategy.
New Waste Depot	To approve the project approach and principles for a new waste depot with partner council(s). <i>(Fundamental to service delivery)</i>	Director: Communities	Lead Member for Clean and Green Environment	Yes – due to be considered at the meeting on 29 November 2023. Delayed due to a key member of staff from one of the partner Councils moving jobs – awaiting notification of a lead Officer for that Council to be able to start to develop a high level project plan. Moved to pending items until timescales are clear.

NB – Items in bold are changes from the previous plan

ITEMS FOR 2024/25

Agenda Item	Overview of Agenda Item	Lead Officer	Lead Member	Has agenda item previously been deferred? Details and date of deferment required
Parking Strategy Review	To approve the revised Parking Strategy.	Executive Director: Place	Lead Member for Economic Development/Promotion	Agreed with Lead Member in August 2023 to defer the previous review and for a new review to be carried out in 2024/25.
Pavement Licensing Policy	To approve the policy.	Licensing Team Leader	Lead Member for Clean and Green Environment	Due to be considered in September 2023 but moved to 2024/25 due to delay with legislation.

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