

# **Waste & Street Scene Policy Committee**

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**Wednesday 23 November 2022 at 2.00  
pm**

**To be held in the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillor Joe Otten  
Councillor Mike Chaplin  
Councillor Alexi Dimond  
Councillor Tim Huggan  
Councillor Mark Jones  
Councillor Nabeela Mowlana  
Councillor Janet Ridler  
Councillor Paul Turpin  
Councillor Cliff Woodcraft

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## PUBLIC ACCESS TO THE MEETING

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The Waste and Street Scene Policy Committee discusses and takes decisions on:

- Street Scene and Regulations
- Parking
- Emergency Planning
- Highway maintenance and management
- City Centre management
- Waste management
- Markets
- Regulatory licensing policy
- Environmental Protection

Meetings are chaired by Councillor Joe Otten.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda. Members of the public have the right to ask questions or submit petitions to Policy Committee meetings and recording is allowed under the direction of the Chair. Please see the [Council's webpage](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Policy Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Policy Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times

within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**WASTE & STREET SCENE POLICY COMMITTEE AGENDA  
23 NOVEMBER 2022**

**Order of Business**

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- 1. Welcome and Housekeeping**  
The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.
- 2. Apologies for Absence**
- 3. Exclusion of Press and Public**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 7 - 10)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 11 - 16)  
To approve the minutes of the last meeting of the Committee held on
- 6. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 7. Work Programme** (Pages 17 - 30)  
Report of Director of Legal and Governance

**Formal Decisions**

- 8. Future for the Provision of Kennelling Services** (Pages 31 - 62)  
Report of Director, Street Scene and Regulation
- 9. Private Hirer Operator and Vehicle Licence Policy** (Pages 63 - 244)  
Report of Executive Director, Operational Services
- 10. Budget Position 2023/2024** (Pages 245 - 258)  
Report of Director, Finance and Commercial Service and Executive Director, Operational Services
- 11. Street Trading Resolution** (Pages 259 - 266)  
Report of Executive Director, Operational Services
- 12. Revenue Budget Monitoring Report - Month 6** (Pages 267 - 276)

Report of Director, Finance and Commercial Services

**NOTE: The next meeting of Waste & Street Scene Policy Committee will be held on Wednesday 21 December 2022 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.



Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk).

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### Waste & Street Scene Policy Committee

#### Meeting held 28 September 2022

**PRESENT:** Councillors Joe Otten (Chair), Mike Chaplin (Deputy Chair), Alexi Dimond (Group Spokesperson), Tim Huggan, Mark Jones, Janet Ridler, Paul Turpin, Cliff Woodcraft and David Barker (Substitute Member)

#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies were received from Councillor Nabeela Mowlana.

#### **2. EXCLUSION OF PRESS AND PUBLIC**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on part 2 of agenda item 10 (item 9 of the minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 3 and 5 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no formal declarations of interest made at the meeting

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 22nd June 2022 were approved as a correct record.

#### Matters Arising

Noted that answers to question from Bridget Ingle to be published on the website.

#### **5. WORK PROGRAMME**

5.1 The Chair introduced the item. Some discussion took place about additional items to be added to the Work Programme.

#### **5.1 RESOLVED UNANIMOUSLY:**

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or

adjustments to the work programme presented at Part 2 of Appendix 1; and

3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

With the addition of these items to be included in the Work Programme:

1. Amey Contract Performance – Amey to be asked to present on the performance of the contract – 21 December 2022
2. Moor Markets – Uptake of Stalls – TBD which meeting
3. Savings – consider reports in year on budget savings for Waste and Street Scene portfolio – TBD which meeting/s
4. Parking Enforcement – 15 February 2023
5. Veolia Contract Performance – TBD which meeting

## **6. PUBLIC QUESTIONS AND PETITIONS**

- 5.1 The Chair noted 34 submissions from licensed taxi drivers objecting to Section G, point 10-a in the proposed Private Hire and Hackney Carriage Driver Policy, with regard working on Multiple Platforms simultaneously, the submissions are asking for this section to be immediately amended so that it allows a driver to be able to have both systems switched on at the same time, (as they are the essential tools of our trade, and furthermore it's much safer and practical).

- 5.2 Ibrar Hussain attended the Committee and presented the following petition:

- 5.2.1 "More Additional INDEPENDENT Approved TEST CENTRES in Sheffield for Taxi/PHV" <https://chng.it/HtJCKLgj>

Response: The Chair apologised for previous attempts at the petition and advised that this is no longer the case and that the issue of test centres will now be considered after the vehicle policy.

- 5.3 Ibrar Hussain attended the Committee and asked the following questions:

- 5.3.1
  1. Why is it taking so long to process renewal of taxi badges when we have an online process, this matter needs an urgent review and new full process put in place to address this issue?
  2. Implementation of the new proposed policy of hackney carriage and private hire drivers policy is proposed for 1st November 2022, can the officers confirm are all staff and resources in place to implement this policy, and refresher courses who will carry them out for Existing licensees inhouse or sourced out, and will they be free of charge?
  3. When will the licensing service open to public at Staniforth Road Depot Sheffield to serve taxi driver's, a timeline will be

welcomed?

4. IT in licensing service- when will the licensing service get this sorted and drivers portal if any what progress, we need timeline and forward plan on this?
5. Licensing Service does not publish to taxi trade enforcement actions and information and its costs to evaluate what We the licensee pay for annually through our fees, I want to know this information?
6. How many staff members are in the licensing service and dealing alone with taxi section and is the service at full capacity or what is the current situation?
7. Has Sheffield City Council supported financially licensing service in 2021/2022, if yes by how much?
8. How many hackney carriage vehicle licences are in safe keeping currently?
9. Future taxi policies - please outline and timeline for policy committee agenda including fees review?

Answer: The Chair responded that a written answer will be provided to the questions.

- 5.4 James Martin attended the Committee and asked a question regarding the concern over the timeframe for undertaking Disability Awareness training. The committee were reminded of the written representation made last time which highlighted how 3 years was far too long a lead time for providing such training. Mr Gosney requested that Sheffield City make it easier for disabled people to use the taxi service.

Answer: The Chair responded that the time allowed for training and multiple operators will be discussed in the upcoming item.

- 5.5 Paul Gosney attended the Committee representing City Taxis and asked that Section G, Point 10-a stands as proposed with drivers working for one platform at a time stating that it is safer and gives better service delivery.

Answer: The Chair responded that the time allowed for training and multiple operators will be discussed in the upcoming item.

- 5.6 Nasar Raoof, Secretary of GMB attended the Committee and raised two issues:

1. In regard working on multiple platforms and the proposed Section G, Point 10-a he commented that there are other ways to deal with customer complaints on service levels, that the licensing authority/Council has no right to restrict self-employed individuals of their rights by making them operate on single platform;
2. In regard the convictions policy on these proposals are wrong, members will find the statutory guidance is disproportionate, not diligent enough and discriminatory.

Answer: The Chair responded that multiple operators will be discussed

in the upcoming item.

- 5.7 Mohammed Yassin attended the Committee and stated that there is lack of consultation with taxi trade from licensing, taking 4 days to renew a licence. He also stated that restrictions should not be put on drivers for working for multiple operators, nor prohibition of licence periods.

Answer: The Chair responded that multiple operators will be discussed in the upcoming item.

## **7. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER POLICY**

- 7.1 The Licensing Strategy and Policy Officer presented the report which sought approval of the revised Hackney Carriage and Private Hire Driver's Licence Policy. First published in 2016, the policy provides information and guidance on:

- applications
- decision-making
- enforcement

In providing a publicly available document, it allows:

- transparency
- accountability
- consistency

- 7.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee:-

1. Approve the revised Hackney Carriage & Private Hire Drivers Licence Policy as set out in appendix H of the report, with the exception of the following amendments:
  - a. Condition 10a – The licensee is permitted to undertake bookings from only one private hire operator at any one time – use of multiple booking systems used simultaneously is not permitted – is removed.
  - b. Condition 10b is re-numbered Condition 10a.
  - c. Condition 10c – The licensee must display signage of the Private Hire Operator for which they undertake bookings – is renumbered Condition 10b and is amended to say “The licensee must display signage as approved by the Licensing Service.” With the Private Hire Operator and Vehicle Licence Policy providing further information on requirements.
  - d. The requirement to undertake disability awareness training to be

within 2 years from the time accredited organisations have been appointed.

With the policy to come into force on 1st November 2022.

**7.3 Reasons for Decision**

7.3.1 The Department for Transport recommends that licensing authorities make publicly available a cohesive policy document and to review this document every five years.

7.3.2 The licensing authority already has in place a Hackney Carriage and Private Hire Driver's Licence Policy document which has now been reviewed to take into account the recommendations in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.

7.3.3 The document is designed to:

- Provide individuals with a clear, consistent basis for submitting applications
- Provide a clear, consistent basis for determining licence applications
- Provide licensees with information on licensing requirements throughout the time they are licensed

**7.4 Alternatives Considered and Rejected**

7.4.1 There are no alternative options under consideration

**8. REVENUE BUDGET MONITORING REPORT - MONTH 4**

8.1 The Director of Finance and Commercial Services presented the report which brought the Committee up to date with the Council's financial position as at Month 4 2022/23.

8.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee:-

1. Note the Council's challenging financial position as at the end of July 2022 (month 4).

**8.3 Reasons for Decision**

8.3.1 By the law the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves.

**8.4 Alternatives Considered and Rejected**

8.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

**9. BUDGET PROPOSALS 23/24**

- 10.1 The Director of Street Scene and Regulation presented the report which set out the budget pressures and risks facing the services that are the responsibility of the Waste & Street Scene (WSS) Policy Committee and a budget action plan to mitigate these as far as possible in the 23/24 financial year. It provided recommendations for approval which would allow the services to contribute to Sheffield City Council's ability to set a balanced budget.

(The meeting moved into closed session to discuss the appendix which contained exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended))

- 10.2 **RESOLVED UNANIMOUSLY:** That the Waste and Street Scene Policy Committee:-

1. Acknowledge the recommendation approved at the Strategy and Resources Committee on 5 July 2022. "Policy Committees will be asked to develop savings / additional income options that cover their own pressures – in effect cash standstill" and to "require Policy Committees to report at their meetings in September on how they can balance their budgets."
2. Note, as this Committee's initial response to the Strategy and Resources Committee's request, the set of budget proposals set out in this report, including Part 2 of the report.
3. Note that Officers will now work with Members to consult with relevant stakeholders (including with partners, trades unions and in respect of equalities and climate change) on the proposals in this report so as to inform final budget proposals.
4. Note that Officers will work to develop any necessary detailed implementation plans for the proposals in this report so that the proposals, if ultimately approved, can be implemented as planned before or during the 2023/24 financial year.
5. Ask to receive a further report in November that will set out the final budget for this Committee following consultation and any adjustments requested by the Strategy and Resources Committee.

10.3 **Reasons for Decision**

- 10.3.1 Members are asked to note the unsustainable financial position highlighted by the medium-term financial analysis presented to Strategy and Resources Committee in July 2022. This report and its recommendations, sets out the scale of the challenge ahead, the limited resources available and some of the difficult decisions that will need to be taken.

10.4 **Alternatives Considered and Rejected**

- 10.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.





## **Report to Waste and Street Scene Policy Committee November 2022**

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**Report of:** David Hollis, Interim Director of Legal and Governance

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**Subject:** Committee Work Programme

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**Author of Report:** Rachel Marshall, Principal Democratic Services Officer

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### **Summary:**

The Committee's Work Programme is attached at Appendix 1 for the Committee's consideration and discussion. This aims to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners and the public to plan their work with and for the Committee.

Any changes since the Committee's last meeting, including any new items, have been made in consultation with the Chair, and the document is always considered at the regular pre-meetings to which all Group Spokespersons are invited.

The following potential sources of new items are included in this report, where applicable:

- Questions and petitions from the public, including those referred from Council
- References from Council or other committees (statements formally sent for this committee's attention)
- A list of issues, each with a short summary, which have been identified by the Committee or officers as potential items but which have not yet been scheduled (See Appendix 1)

The Work Programme will remain a live document and will be brought to each Committee meeting.

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### **Recommendations:**

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

**Background Papers:** None

**Category of Report:** Open

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## **COMMITTEE WORK PROGRAMME**

### **1.0 Prioritisation**

1.1 For practical reasons this committee has a limited amount of time each year in which to conduct its formal business. The Committee will need to prioritise firmly in order that formal meetings are used primarily for business requiring formal decisions, or which for other reasons it is felt must be conducted in a formal setting.

1.2 In order to ensure that prioritisation is effectively done, on the basis of evidence and informed advice, Members should usually avoid adding items to the work programme which do not already appear:

- In the draft work programme in Appendix 3 due to the discretion of the chair; or
- within the body of this report accompanied by a suitable amount of information.

### **2.0 References from Council or other Committees**

2.1 Any references sent to this Committee by Council, including any public questions, petitions and motions, or other committees since the last meeting are listed here, with commentary and a proposed course of action, as appropriate:

Issue	<i>Details to be added by PDSO</i>
Referred from	
<i>Details</i>	
<i>Commentary/ Action Proposed</i>	

### **3.0 Member engagement, learning and policy development outside of Committee**

3.1 Subject to the capacity and availability of councillors and officers, there are a range of ways in which Members can explore subjects, monitor information and develop their ideas about forthcoming decisions outside of formal meetings. Appendix 2 is an example 'menu' of some of the ways this could be done. It is entirely appropriate that member development, exploration and policy development should in many cases take place in a private setting, to allow members to learn and formulate a position in a neutral space before bringing the issue into the public domain at a formal meeting.

#### **2.2 Training & Skills Development - Induction programme for this committee.**

Title	Description & Format	Date

## Appendix 1 – Work Programme

### Part 1: Proposed additions and amendments to the work programme since the last meeting:

Item	Proposed Date	Note
Street Tree Community Planting Scheme	December 2022	Moved from the November meeting to the December meeting.
Highway Verge Maintenance Policy	December 2022	Moved from the November meeting to the December meeting.
Review of Licensing Fees and Charges	March 2023	Moved from the November meeting to the March meeting.
Hackney Carriage Vehicle Policy	March 2023	Moved from the November meeting to the March meeting.
<i>Amey Performance</i>	December 2022	Addition – Gill Charters – Draft Form 1 received.
Parking Enforcement Policy	February 2023	Addition Sabia Hanif – Form 1 received and notified SLB.
Markets performance Review	March 2023	Addition - Gary Clifton - Form 1 received and notified SLB.
Sex Establishments Policy	December 2022	Moved from the November meeting to the December meeting.
Street Trading Resolution	November 2022	Addition – Steve Lonnia - Form 1 received and notified SLB.
New City Centre Street Food Markets policy and fees	December 2022	Addition – Steve Lonnia - Form 1 received and notified SLB.
Street Trading in the city centre. Approve the new resolution following consultation	February 2023	Addition – Steve Lonnia - Form 1 received and notified SLB.
<i>Food Waste Review &amp; Future Waste Collection consultation</i>	March 2023	Addition – Gill Charters – Draft Form 1 received.
<i>Food Safety Plan</i>	March 2023	Addition – Ian Ashmore – Draft Form 1 received.
<i>Environmental Enforcement Strategy</i>	March 2023	Addition – Ian Ashmore – Draft Form 1 received.
Environmental Volunteering Strategy	March 2023	Addition – Beth Allsop - Form 1 received and notified SLB.

Hackney Carriage Policy	March 2023	Moved from the March meeting to the Feb meeting (to align with clean air zone implementation)
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## Part 2: List of other potential items not yet included in the work programme

Issues that have recently been identified by the Committee, its Chair or officers as potential items but have not yet been added to the proposed work programme. If a Councillor raises an idea in a meeting and the committee agrees under recommendation 3 that this should be explored, it will appear either in the work programme or in this section of the report at the committee's next meeting, at the discretion of the Chair.

<b>Topic</b>	
<b>Description</b>	
<b>Lead Officer/s</b>	
<b>Item suggested by</b>	<i>Officer, Member, Committee, partners, public question, petition etc</i>
<b>Type of item</b>	<i>Referral to decision-maker/Pre-decision (policy development/Post-decision (service performance/ monitoring)</i>
<b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 2)</i>	
<b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 3)</i>	
<b>Lead Officer Commentary/Proposed Action(s)</b>	

### Part 3: Agenda Items for Forthcoming Meetings

Meeting 3	23 November 2022 @2pm	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/monitoring)</li> </ul>	(re: decisions) Prior member engagement/development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date) <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (eg S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>
Item 1	Future of the Animal Kennels	Ian Ashmore/Nikki Rees	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 2	Private Hire Vehicle & Operator Policy	Claire Bower / Craig Harper	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 3	Budget Position 2023/24 & Final Agreement on options	Ryan Keyworth/ Richard Eyre	Decision			This Cttee
Item 4 – Street Trading Resolution	To improve the street trading offer within the city centre and move towards a more continental style of trading and street food markets initiative.	Steve Lonnia	Decision	Member briefing session 21st September 2022 Member briefing session 19th October 2022	Once proposals are agreed consultation with the public will take place following the agreed Budget consultation framework.	This Cttee
Standing items	<ul style="list-style-type: none"> <li>Public Questions/ Petitions</li> </ul>					

	<ul style="list-style-type: none"> <li>• Work Programme</li> <li>• <i>Monthly Budget Monitoring Report</i></li> <li>• [any other committee-specific standing items eg finance or service monitoring]</li> </ul>					
Item 5 – Revenue Monitoring Report – Month 6	Revenue Monitoring Report - Month 6 Budget	Ryan Keyworth	Referral to Decision Maker	N/A		N/A

Meeting 4	21 December 2022 @2pm	Time				
Topic	Description	Lead Officer/s	<b>Type of item</b> <ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> <li>• <i>Post-decision (service performance/monitoring)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (eg S&amp;R)</li> <li>• Full Council</li> <li>• Officer</li> </ul>
Item 1 - Highway Verge Maintenance Policy	Highway Verge Maintenance Policy	Gill Charters	Decision	Written briefing for the committee or all members	Public consultation	This Cttee
Item 2 - Street Tree Community Planting Scheme	Street Tree Community Planting Scheme	Gill Charters	Decision	Written briefing for the committee or all members	Street Tree Partnership	This Cttee

Item 3 – Amey Performance Review	Amey Performance Review	Gill Charters	Post Decision	Written briefing for committee or all members.	Engagement	This Cttee
Item 4 – Sex Establishment Policy	Sex Establishment Policy	Claire Bower/Shimla Finch	Decision	Written briefing for the committee or all members.	Public Consultation	This Cttee
Item 5 – New City Centre Street Food Markets policy and fees	To improve the street trading offer within the city centre and move towards a more continental style of trading and street food markets licence initiative	Steve Lonnia	Decision	Member briefing session 21 <sup>st</sup> September 2022 Member briefing session 19 <sup>th</sup> October 2022	Once proposals are agreed consultation with the public will take place following the agreed Budget consultation framework.	This Cttee
Standing items	<ul style="list-style-type: none"> <li>• <i>Public Questions/ Petitions</i></li> <li>• <i>Work Programme</i></li> <li>• <i>Monthly Budget Monitoring Report</i></li> <li>• <i>[any other committee-specific standing items eg finance or service monitoring]</i></li> </ul>					



Meeting 5	15 February 2023 @2pm	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/monitoring)</li> </ul>	(re: decisions) Prior member engagement/development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date) <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (eg S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>
Item 1 - Hackney Carriage Vehicle Policy	Hackney Carriage Vehicle Policy	Claire Bower/Craig Harper	Decision	Written briefing for the committee or all members	Public Consultation	This Cttee
Item 2 – Parking Enforcement Policy	City Wide Parking Policy Review	Sabia Hanif	Decision	<p>Briefing session booked in November and December with the members of the committee</p> <p>Consultation planned in December with the public via citizens space</p>	Public consultation will take place starting in the New Year. Consultation with councillors will take place as part of ongoing monthly briefings.	This Cttee.
Item 3 - Street Trading in the city centre. Approve the new resolution following consultation	To consider any representations that have been made in writing following the consultation or verbally to members at these meetings.	Steve Lonnia	Decision	<p>Member briefing session 21<sup>st</sup> September 2022</p> <p>Member briefing session 19<sup>th</sup> October 2022</p>	Once proposals are agreed consultation with the public will take place following the agreed Budget consultation framework.	This Cttee

Standing items	<ul style="list-style-type: none"> <li>Public Questions/ Petitions</li> <li>Work Programme</li> <li>[any other committee-specific standing items eg finance or service monitoring]</li> </ul>					
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Meeting 6	22 March 2023 @10am	Time				
Topic	Description	Lead Officer/s	<b>Type of item</b> <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/ monitoring)</li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (eg S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>
Item 1 - Review of Licensing Fees and Charges	Review of Licensing Fees and Charges	Claire Bower	Decision	Written briefing for the committee or all members	Public consultation on vehicle and operator fees	This Cttee
NEW: Item 2- Sheffield Markets Performance Review	TOR for review to be agreed with lead Councillors in November. The review will give an overview of markets performance and opportunities to carry on improving.	Gary Clifton	Decision	All with Cllrs, markets officers legal and finance teams <ul style="list-style-type: none"> <li>Agree Terms of Reference – Nov 22</li> <li>Update Cllr briefing – agree “decision/s” to be taken in March – Jan 2023</li> </ul>	Engagement	This Cttee

				<ul style="list-style-type: none"> <li>Final Report – March 2023</li> </ul>		
NEW: Item 3 – Food Waste Review & Future Waste Collection consultation	Report to committee of the lessons learnt from the food waste collection trial (Sept – Dec 22) and the impact for rolling out a citywide service. Committee will also consider future waste collection options for consultation.	Gill Charters	Post Decision	Written briefing for the committee and/or all members.	Public consultation and trial	This cttee
NEW: Item 4 – Food Safety Plan	A new strategy for delivering food safety and food standards in Sheffield including a 2 year work programme.	Ian Ashmore	Post Decision	Written briefing for the committee and/or all members.	Public consultation and trial	This cttee
NEW: Item 5 – Environmental Enforcement Strategy	A revised enforcement strategy for Environmental Regulation	Ian Ashmore	Post Decision	Written briefing for the committee and/or all members.	Public consultation and trial	This cttee
NEW: Item 6 – Environmental Volunteering Strategy	Improving the way we work with volunteers looking after their local neighbourhoods and environment.	Beth Allsop	Post Decision	Written briefing for the committee and/or all members.	Public consultation and trial	This cttee
Standing items	<ul style="list-style-type: none"> <li>Public Questions/ Petitions</li> <li>Work Programme</li> </ul>					

	<ul style="list-style-type: none"> <li><i>[any other committee-specific standing items eg finance or service monitoring]</i></li> </ul>					
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Items which the committee have agreed to add to an agenda, but for which no date is yet set.						
Topic	Description	Lead Officer/s	<b>Type of item</b> <ul style="list-style-type: none"> <li><i>Decision</i></li> <li><i>Referral to decision-maker</i></li> <li><i>Pre-decision (policy development)</i></li> <li><i>Post-decision (service performance/monitoring)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (eg S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>

## **Appendix 2 – Menu of options for member engagement, learning and development prior to formal Committee consideration**

Members should give early consideration to the degree of pre-work needed before an item appears on a formal agenda.

All agenda items will anyway be supported by the following:

- Discussion well in advance as part of the work programme item at Pre-agenda meetings. These take place in advance of each formal meeting, before the agenda is published and they consider the full work programme, not just the immediate forthcoming meeting. They include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers
- Discussion and, where required, briefing by officers at pre-committee meetings in advance of each formal meeting, after the agenda is published. These include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers.
- Work Programming items on each formal agenda, as part of an annual and ongoing work programming exercise
- Full officer report on a public agenda, with time for a public discussion in committee
- Officer meetings with Chair & VC as representatives of the committee, to consider addition to the draft work programme, and later to inform the overall development of the issue and report, for the committee's consideration.

The following are examples of some of the optional ways in which the committee may wish to ensure that they are sufficiently engaged and informed prior to taking a public decision on a matter. In all cases the presumption is that these will take place in private, however some meetings could happen in public or eg be reported to the public committee at a later date.

These options are presented in approximately ascending order of the amount of resources needed to deliver them. Members must prioritise carefully, in consultation with officers, which items require what degree of involvement and information in advance of committee meetings, in order that this can be delivered within the officer capacity available.

The majority of items cannot be subject to the more involved options on this list, for reasons of officer capacity.

- Written briefing for the committee or all members (email)
- All-member newsletter (email)
- Requests for information from specific outside bodies etc.
- All-committee briefings (private or, in exceptional cases, in-committee)
- All-member briefing (virtual meeting)
- Facilitated policy development workshop (potential to invite external experts / public, see appendix 2)
- Site visits (including to services of the council)
- Task and Finish group (one at a time, one per cttee)

Furthermore, a range of public participation and engagement options are available to inform Councillors, see appendix 3

## **Appendix 3 – Public engagement and participation toolkit**

### **Public Engagement Toolkit**

On 23 March 2022 Full Council agreed the following:

A toolkit to be developed for each committee to use when considering its ‘menu of options’ for ensuring the voice of the public has been central to their policy development work. Building on the developing advice from communities and Involve, committees should make sure they have a clear purpose for engagement; actively support diverse communities to engage; match methods to the audience and use a range of methods; build on what’s worked and existing intelligence (SCC and elsewhere); and be very clear to participants on the impact that engagement will have.

The list below builds on the experiences of Scrutiny Committees and latterly the Transitional Committees and will continue to develop. The toolkit includes (but is not be limited to):

- a. Public calls for evidence
- b. Issue-focused workshops with attendees from multiple backgrounds (sometimes known as ‘hackathons’) led by committees
- c. Creative use of online engagement channels
- d. Working with VCF networks (eg including the Sheffield Equality Partnership) to seek views of communities
- e. Co-design events on specific challenges or to support policy development
- f. Citizens assembly style activities
- g. Stakeholder reference groups (standing or one-off)
- h. Committee / small group visits to services
- i. Formal and informal discussion groups
- j. Facilitated communities of interest around each committee (eg a mailing list of self-identified stakeholders and interested parties with regular information about forthcoming decisions and requests for contributions or volunteers for temporary co-option)
- k. Facility for medium-term or issue-by-issue co-option from outside the Council onto Committees or Task and Finish Groups. Co-optees of this sort at Policy Committees would be non-voting.

This public engagement toolkit is intended to be a quick ‘how-to’ guide for Members and officers to use when undertaking participatory activity through committees.

It will provide an overview of the options available, including the above list, and cover:

- How to focus on purpose and who we are trying to reach
- When to use and when not to use different methods
- How to plan well and be clear to citizens what impact their voice will have
- How to manage costs, timescales, scale.

**There is an expectation that Members and Officers will be giving strong consideration to the public participation and engagement options for each item on a committee’s work programme, with reference to the above list a-k.**



## Report to Policy Committee

**Author of Report:** Nikki Rees, Service Manager – Projects & Improvement

**Lead Officer:** Ian Ashmore, Head of Environmental Regulation

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**Report of:** Richard Eyre, Director of Street Scene & Regulation

**Report to:** Waste & Street Scene Policy Committee

**Date of Decision:** 23 November 2022

**Subject:** Future for the provision of kennelling services

Has an Equality Impact Assessment (EIA) been undertaken? Yes ☒ No ☐

If YES, what EIA reference number has it been given? **1011**

Has appropriate consultation taken place? Yes ☒ No ☐

Has a Climate Impact Assessment (CIA) been undertaken? Yes ☒ No ☐

Does the report contain confidential or exempt information? Yes ☒ No ☐

The appendix is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

### Purpose of Report:

This report explains findings of the Kennelling Service Review 2022 and recommends a proposal that will achieve a sustainable future for the Kennelling Service and facilitate the Council's continued compliance of its statutory duties.

Under the proposed model:

- stray dogs will remain the direct responsibility of Sheffield City Council, with Council staff continuing to look after stray dogs on a day-to-day basis but in a facility provided by an external provider; and
- an external provider will be responsible for 'social services animals', including receiving and kennelling/boarding the animals, while providing the animals with adequate care.

The proposal will provide opportunities for:

- a better environment for our employees and animals in our care; and
- better value for money for taxpayers.

## Recommendations:

It is recommended that the Committee:

1. Approves the commissioning of an external provider, as set out in this Report including Appendix 1, that will provide:
  - a) a dog kennelling facility for stray dogs; and
  - b) dog kennelling and animal boarding services for 'social services animals'.
2. where no current authority exists, delegates authority to the Executive Director, Operational Services, in consultation with the Director of Finance and Commercial Services, the Director of Legal and Governance and the Director of Human Resources and Customer Services to take such steps to achieve the aims and objectives as detailed and set out in this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<b>Finance:</b> Kerry Darlow
		<b>Legal:</b> Nadine Wynter & Marcia McFarlane
		<b>Equalities &amp; Consultation:</b> Ed Sexton & Adele Robinson
		<b>Climate:</b> Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	Ajman Ali
3	<b>Committee Chair consulted:</b>	Councillor Joe Otten
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Ian Ashmore	<b>Job Title:</b> Head of Environmental Regulation
	<b>Date:</b> 25/10/22	

## Background papers:

- Equality Impact Assessment (reference 1011)
- Climate Impact Assessment

## Appendices:

- Appendix 1 – as above, not for publication because it contains exempt information



## **1. PROPOSAL**

- 1.1 The proposal is for the Council to commission an external provider to deliver animal boarding services to 'social services animals' under a contract that will continue for up to 5 years; the provider will also offer kennelling facilities from which Council staff can continue to deliver statutory services to stray dogs.

### **1.2 Statutory duties**

- 1.2.1 The Council is responsible for looking after stray dogs in the Sheffield area. Stray dogs are seized and detained by Dog Control Officers and Animal Care Assistants look after stray dogs in the kennels.
- 1.2.2 Under the Environmental Protection Act 1990, a Dog Control Officer who finds a stray dog in Sheffield's public space must, if practicable, seize and detain it. If the stray is found in a non-public space they must first get consent from the landowner or premises-owner before seizing or detaining the dog.
- 1.2.3 A stray dog with no identifiable owner is detained for seven clear days, after which, the stray may be disposed either by suitable sale (not for purposes of vivisection), given away or put down. If the stray has an identifiable owner, the Council will send a notice to the owner informing that their dog has been seized, where it can be collected and the relevant fees for its return. The dog may be disposed after seven clear days after serving that notice.
- 1.2.4 The Council has a duty to register, feed and maintain stray dogs and provide a detention facility (kennel) where members of the public can take them. In April 2008 the Clean Neighbourhoods and Environment Act 2005 relieved South Yorkshire Police of any responsibility of taking strays, leaving the Council as the only resort for stray dogs.
- 1.2.5 The Council also has a statutory duty to make provision for the care of pets of people who are taken into hospital. This duty, initially laid down in section 48 of the National Assistance Act 1948, has since been amended under the Care Act 2014. This means that the Council must board and care for these animals unless or until there are friends or relatives of the person who can do this. For the purpose of this report these animals are referred to as "social services animals".
- 1.2.6 Further, the Council is subject to the 'best value duty', this requires the Council to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.

### **1.3 Background and current delivery model**

- 1.3.1 Historically, Sheffield City Council, like most local authorities, contracted out the kennelling of stray dogs to private kennels. However, in 2006 this

function was brought in house, after a number of private providers had given up the contract. Soft market testing demonstrated that the in-house facility provided much better value for money than offered by the external market at that time. Sheffield City Council owned the old RSPCA kennels at Spring Street, having acquired the site in connection with the Inner Relief Road land acquisitions in 2005, and therefore the Council run facility was set up there.

- 1.3.2 Sheffield City Council continues to operate the Kennelling Service from Spring Street, Sheffield S3. The service operates 7 days a week for 11.5 hours each day, 08.00-13.30 & 14.00-20.00. The service is open every day of the year.
- 1.3.3 The Kennelling Service is currently delivered by seven Grade 4 Animal Care Assistants, who are each contracted to work 23 hours per week over 4 shifts. Two staff members are on shift together at all times, to avoid lone working.
- 1.3.4 Due to falling demand and cost pressures, opening hours were reduced in 2016 when an 'Achieving Change' was carried out to reduce the daily opening hours of the Kennelling Service from 13 hours to 11.5 hours, resulting in a reduction in hours for employees from 25 to 23 hours per week.
- 1.3.5 Since this change in 2016, although demand has continued to fall, there have not been further reductions in hours for staff or any changes to the opening hours of the kennels.

#### **1.4 Previous reviews**

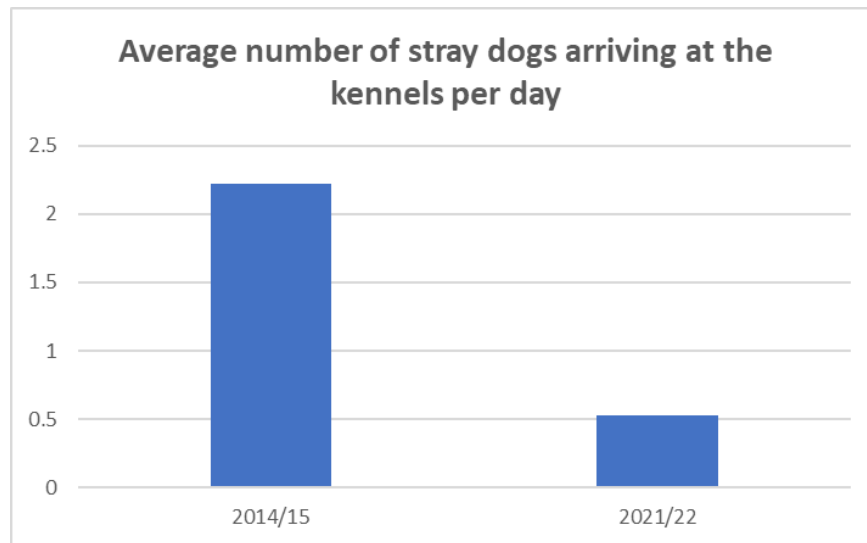
- 1.4.1 A review of the Kennelling Service was undertaken by CAPITA in 2017/18 and a further review was undertaken internally in 2019/20, within the Place portfolio.
- 1.4.2 Neither of these previous reviews led to an agreed solution and the challenges that prompted those reviews persist.
- 1.4.3 This is therefore the third review of the Kennelling Service in recent years. It is imperative that this current review results in a sustainable and affordable future for the Kennelling Service, offering value for money for taxpayers.

#### **1.5 Reduction in demand for the care of stray dogs**

- 1.5.1 Since at least 2014/15 there has been a significant decrease in the number of stray dogs seized or handed into the Council by members of the public. In 2014/15 the average number of stray dogs arriving per day at the kennels was 2.22. By 2021/22\* this number had reduced to 0.53 stray dogs arriving per day on average, representing a decrease of 76% in the number of stray dogs arriving.

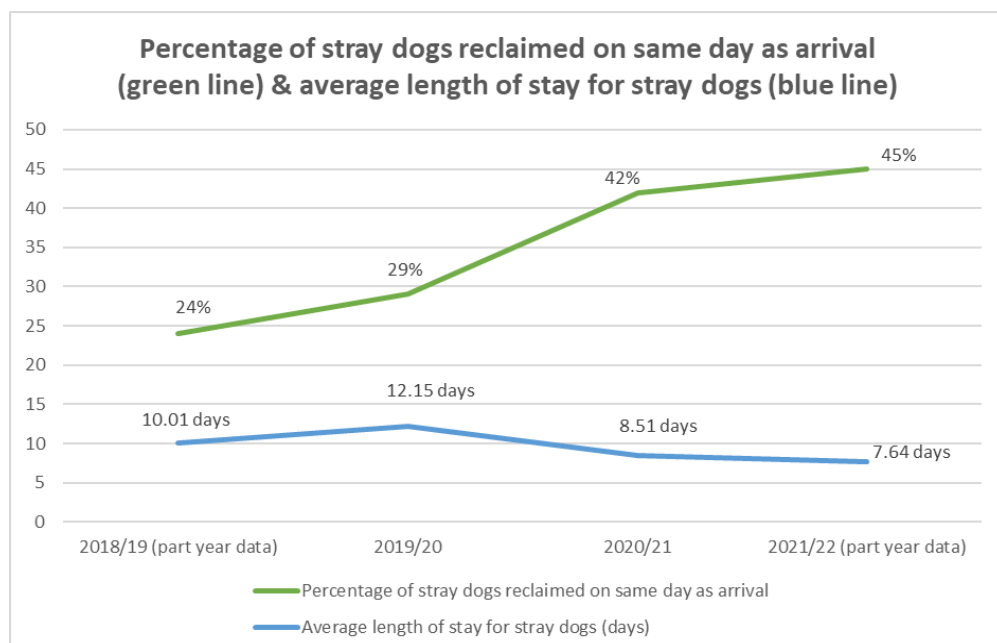
- 1.5.2 Figure 1 shows the average number of stray dogs arriving at the kennels per day in 2014/15 and 2021/22.

**Figure 1**



- 1.5.3 The average length of stay for stray dogs has also decreased. In 2021/22\* 45% of stray dogs were reclaimed by their owners on the same day that they arrived at the kennels. This figure has been gradually increasing in recent years. The 45% figure represents an increase of 87% since 2018/19, at which time only 24% of stray dogs were reclaimed on the same day.
- 1.5.4 The average length of stay for a stray dog decreased to 7.64 days in 2021/22\*, down from 10.01 days in 2018/19.
- 1.5.5 Figure 2 shows the percentage of stray dogs reclaimed on the same day as arrival and the average length of stay for stray dogs from 2018/19 to 2021/22.

**Figure 2**



1.5.6 The decrease in the number of stray dogs arriving at the kennels and the decrease in the average length of stay for stray dogs may be attributed to the increased use of social networks to report lost and found animals.

1.5.7 Across all categories of dogs (including social services dogs), average kennel occupancy declined from 13.49 kennels occupied on average per day in 2019/20 to 6.92 kennels occupied on average per day in 2021/22\*.

*\*Data for the financial year 2021/22 is based on analysis from the period 01/04/21-15/12/21 (where appropriate the data has been extrapolated to provide a full year picture)*

## 1.6 Challenges and opportunities

1.6.1 The use of Spring Street Kennels, where the service is currently based, was acquired from the RSPCA Sheffield Branch in connection with the Inner Relief Road land acquisitions in 2005. This was always viewed as a temporary home for the service and, as a result, the site has gradually fallen into disrepair. Continuing to run the service from this site is unviable without significant capital investment.

1.6.2 There are few ways to reduce the costs of running the service if the service continues to be based at Spring Street, because the staffing model is constrained by the reasonable requirement to have two staff on shift at all times, to avoid lone working. This staffing model is expensive.

1.6.3 If the recommendation put forward in this report is supported this would free up the Spring Street site, bringing with it the opportunity to combine the land with adjoining Council land, which could be sold to deliver a substantial residential led mixed use scheme.

1.6.4 This would bring about an enhanced capital receipt and would support the delivery of the goals set out the City Centre Strategy, whilst enhancing the immediate area and complementing the major development scheme which has started at West Bar.

## 1.7 Alternative options for delivery – soft market testing

1.7.1 A soft market testing exercise was carried out during August and September 2022, seeking interest from providers regarding the following possible alternative delivery options:

Option	Summary	Notes/assumptions
1	A model where a provider offers full kennelling and boarding services	SCC staff would likely have the right to transfer under TUPE rules under this model
2	A model where a provider offers kennels and cattery only	SCC would continue to have full responsibility for the care of all animals, but the provider would provide the site

3	A hybrid model where: <ol style="list-style-type: none"> <li>1. stray dogs would remain the full responsibility of the Council, but a provider would offer a kennelling facility; and</li> <li>2. a provider would offer full kennelling and boarding services for social services animals</li> </ol>	SCC staff would not have the right to transfer under TUPE rules under this model
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## 1.8 Proposed new model of delivery

- 1.8.1 The soft market testing exercise determined that there is appetite in the market to work in partnership with the Council to provide Option 3, the hybrid model outlined in the table in para 1.6.1, above.
- 1.8.2 Based on the soft market testing responses, in relation to this model we could expect the market to provide:
- full kennelling and boarding services for social services animals;
  - a modern, self-contained kennelling block for the Council's use, on a shared site in a central location, fully accessible by public transport;
  - a shared reception facility; and
  - access for the Council to self-contained grounds for walking and exercising stray dogs in our care.
- 1.8.3 The type of modern facilities that could be secured through this proposed new model of delivery, would be a significant improvement, compared to the existing kennelling facility at Spring Street and would provide the opportunity for the service to improve animal welfare standards.
- 1.8.4 The financial savings associated with this model include a proposed reduction in the opening hours of the kennels, which would enable the Council to align its hours with that of providers in the market.
- 1.8.5 The Kennelling Service currently opens until 20.00. Under the new model the proposal is to open until 17.00. There are currently no proposed changes to the opening time of the service (8.00am).
- 1.8.6 There are no changes proposed within this report regarding fees.
- 1.8.7 If the Committee supports the proposal to move forward with this option, the opportunities offered by the shared use of the site and a shared reception facility mean that staffing hours could be safely reduced, as the service would not need to be double staffed at all times. This offers a considerable saving to the Council. A full equality impact assessment, including analysis of the impact on staff is included with this report.

- 1.8.8 This option would provide significant benefits, including:
- a much-improved working environment for staff;
  - a significant annual revenue saving for the Council;
  - the opportunity to combine the existing Spring Street site with adjoining Council land and secure an enhanced capital receipt, whilst supporting the delivery of the goals set out the City Centre Strategy; and
  - opportunities to improve animal welfare, through improved kennelling facilities and access to grounds for exercising dogs.
- 1.8.9 If the recommendation is supported, the Council would go out to competitive tender to seek an external supplier to provide the hybrid model of delivery outlined above.
- 1.8.10 Although subject to the outcome of the competitive tender process, the Council has an excellent opportunity to collaborate with a well-respected and trusted animal welfare charity to provide an innovative way of delivering the service.
- 1.8.11 Further details of the proposal and its implications are set out in Appendix 1.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 This recommendation supports the Council's goal to ensure SCC's financial stability and sustainability by proposing a model which would reduce the annual revenue cost to the Council of delivering the Kennelling Service.
- 2.2 This proposal would bring about the opportunity to dispose of the existing site. Combining the existing Spring Street site with adjoining Council land would secure an enhanced capital receipt for the Council, whilst supporting the delivery of the goals set out the City Centre Strategy, enhancing the immediate area and complementing the major development scheme which has started at West Bar. This recommendation therefore supports the Council's goal to capitalise on Sheffield's opportunities and assets to support the city's long-term success.
- 2.3 Spring Street kennels does not have access for wheelchair users and as such does not comply with the requirements of the Equality Act 2010. The proposal would have a positive equalities impact for users of the kennelling service, as the new site would be accessible by wheelchair. This would therefore support the Council's ambition to tackle inequality.
- 2.4 This proposal would support the Council's commitment to addressing Climate Change, as the service would have a smaller carbon footprint on the new site.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 There has not been a public consultation regarding this proposal. There will be no changes to the experience of the customer, in relation to social services animals. In relation to stray dogs, due to the nature of the service

provided there is not an obvious customer group to consult with regarding the proposal.

- 3.2 If the Committee agrees with the recommendation, there will be a statutory consultation with employees and Trades Unions regarding the implications for staff.
- 3.3 These proposals have had appropriate consultation. At this stage no public consultation is necessary because the detail of the project is still being shaped, consequently meaningful consultation is not yet possible; but decisions on consultation, timing, contents and appropriate groups to consult will be kept under review.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality Implications**

- 4.1.1 The recommendation includes a proposal to significantly reduce the number of hours that the kennels are staffed, compared to the current delivery model. This would therefore have a significant impact on staff. A full Equality Impact Assessment accompanies this report.
- 4.1.2 The proposal would have a positive equality impact for users of the kennelling service, as the new site would be accessible by wheelchair, which is an improvement from the existing site where wheelchair users cannot access the building.
- 4.1.3 Other potential equality impacts for customers have been carefully considered and outlined in the Equality Impact Assessment.

##### **4.2 Financial and Commercial Implications**

- 4.2.1 This proposal is estimated to save the Council £54,000 per annum in revenue costs. It should be noted that there is already a Budget Implementation Plan (BIP) associated with this project.
- 4.2.2 There are significant capital cost implications relating to the existing site at Spring Street. Capital costs incurred in recent years include £29,954 spent in 2017/18 associated with roof replacement works and £31,985 in 2018/19 spent on improvements to welfare facilities.
- 4.2.3 If the service does not move out of the existing premises at Spring Street, the building would require significant capital investment to ensure the safety of the site. However, this investment would be avoided if the proposal to seek an external supplier to provide the hybrid model of delivery is accepted by the Committee.
- 4.2.4 If the proposal is accepted, the existing Spring Street site would be released for development purposes, as was originally intended following the completion of the Inner Relief Road. This would generate a substantial capital receipt for the Council.

- 4.2.5 There may be some small-scale capital costs associated with the proposed move to a new site, under the proposed model, to ensure that the site fully meets the needs of the service. This has not been fully scoped out but could include, for example, installing a new intercom system and the installation of new fencing to ensure that animals in the care of the Council are kept entirely separate from animals cared for at the new site.
- 4.2.6 There could be one-off employee costs associated with moving to the new model. These could potentially arise through redundancy payments or pay protection for staff. It is not possible to determine the value of these costs at this stage, as this would depend on consultation with staff and Trades Unions and mitigations to avoid redundancies.

#### 4.3 Legal Implications

- 4.3.1 The Council's statutory duties to "stray dogs", "pets of people taken into hospital" and "best value duty" are already detailed in section 1 of this report.
- 4.3.2 S 111(1) Local Government Act 1972 gives the council power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions. The proposed commissioning of contract is calculated to facilitate the discharge the above statutory duties.
- 4.3.3 The proposed contracting arrangements are permitted under the Local Government (Contracts) Act 1997 and will allow the Council to meet its statutory duties.
- 4.3.4 In relation to the commissioning process including selection of provider and award of contract the Council must comply with Public Procurement Rules at the relevant time and the Council's Contract Standing Orders.

#### 4.4 Climate Implications

- 4.4.1 The proposed model offers opportunities to decrease CO2e emissions through significantly reduced energy use. Within the procurement process, consideration will be given to including questions on energy, transport, resource use and waste, to align with the Council's net zero ambitions. In relation to transport, the proposed model will maintain similar levels of CO2e emissions compared to before.
- 4.4.2 A Climate Impact Assessment accompanies this report.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Several other options were considered during the course of developing this proposal and these are outlined in the table below, alongside the reasons why they are not being recommended.



Option title	Description	Reasons this option is not recommended to be pursued
Status Quo	Continue to deliver the service from the Spring Street site	Some annual revenue savings could be achieved if the service was redesigned and continued to be delivered from the existing site. However, it would not be possible to achieve similar annual revenue savings to the recommended option, due to the constraints associated with lone working at the current site. Additionally the significant capital investment required at Spring Street, means that this is not a sound option. For these reasons this is not a recommended option.
Outsource	Seek a provider to offer full kennelling and boarding services on behalf of the Council	This option would be unlikely to result in the same level of savings as the recommended option, as Transfer of Undertakings (Protection of Employment) Regulations (TUPE) would likely apply.
Move to a new site owned by an external provider	Seek a provider to offer a site with a kennels and cattery only - under this option SCC would continue to have full responsibility for the care of all animals	<p>It would not be possible to achieve similar annual revenue savings to the recommended option, due to the constraints associated with lone working for this option.</p> <p>Additionally the soft market testing responses raised concerns about access to the service, due to the locations of the potential providers in the market.</p> <p>For these reasons this is not a recommended option.</p>
Re-locate & re-build	Seek to retain in-house delivery of the service but relocate and builds new kennels elsewhere in the City, either by refurbishing an existing building or building from new	<p>This option was explored in the CAPITA report in 2018.</p> <p>At that time the Council's Capital Delivery Service provided an estimate to rebuild the kennels in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>- 20 dog kennels, plus a minimum required external area and car parking</li> <li>- Minimum required new build land area of 1,200m<sup>2</sup></li> </ul>

		<p>The capital costs were estimated to be between £1.4m and £2.3m (depending on refurbishment or new build). It is likely that if this exercise were to be repeated now these cost estimates would increase, given increasing land values and the recent spike in the cost of building materials.</p> <p>Additionally, this option would be unlikely to achieve similar annual revenue savings to the recommended option, due to the constraints associated with lone working for this option.</p> <p>The costs associated with this option are unaffordable and for this reason this is not recommended.</p>
--	--	---

## 6. REASONS FOR RECOMMENDATIONS

6.1 This recommendation follows an extensive review to determine the best way to achieve a sustainable, value for money future for the service. The recommended option provides significant benefits, including the opportunity to secure:

- a much-improved working environment for staff
- a significant annual revenue saving for the Council
- an enhanced capital receipt for the Council, whilst supporting the delivery of the goals set out the City Centre Strategy
- improved animal welfare, through improved kennelling facilities and access to grounds for walking and exercising dogs

6.2 The Council has the opportunity to move to an innovative new way of delivering the Council's statutory duties in relation to the Kennelling Service. Detailed work has determined that this is the most attractive option available to the Council to pursue. It is for these reasons that this proposal is recommended to the Committee.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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# Equality Impact Assessment – Ref 1011

## Introductory Information

**Budget name**

In-house kennelling service – review of delivery model

**Proposal type**

Budget

**Decision Type**

Waste & Street Scene Committee

**Lead Committee Member**

Councillor Joe Otten

**Year decision being made**

22/23

**Original EIA date**

17/11/2021

**EIA updated**

21/10/2022

**EIA Lead**

Ed Sexton

**Person filling in this EIA form**

Nikki Rees

**Accountable officer**

Ian Ashmore

**Lead Corporate Plan priority**

Strong Economy

## Portfolio, Service and Team

### Cross-Portfolio

No

### Portfolio

Operational Services

Is the EIA joint with another organisation (eg NHS)?

No

## Brief aim(s) of the proposal and the outcome(s) you want to achieve

Update, October 2022

The Committee report recommends a proposal that will achieve a sustainable future for the Kennelling Service and facilitate the Council's continued compliance regarding its statutory duties.

Under the proposed model:

- stray dogs will remain the direct responsibility of Sheffield City Council, with Council staff continuing to look after stray dogs on a day-to-day basis but in a facility provided by an external provider; and
- the external provider will be responsible for 'social services animals', including receiving and kennelling/boarding the animals, while providing the animals with adequate care.

The proposal will provide opportunities for:

- better environment for our employees and animals in our care; and
- better value for money for taxpayers.

## Public Sector Equality Duty Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

### Public Sector Equality Duty Overview

**Briefly describe how the proposal helps to meet the Public Sector Duty outlined above**

This proposal will provide a better environment for our employees and for animals in our care.

There is not a clearly identifiable customer group for the service in relation to stray dogs. Some protected characteristics are more prevalent than others for the customer group in relation to social services animals, however it should be noted that there will be no change in customer experience resulting from the proposals for this customer group.

## Impacts

### Proposal has an impact on

<input checked="" type="radio"/> Health	<input type="radio"/> Transgender
<input checked="" type="radio"/> Age	<input type="radio"/> Carers
<input checked="" type="radio"/> Disability	<input type="radio"/> Voluntary/Community & Faith Sectors
<input checked="" type="radio"/> Pregnancy/Maternity	<input type="radio"/> Cohesion
<input type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input checked="" type="radio"/> Poverty & Financial Inclusion
<input checked="" type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Give details in sections below.

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

## Health

**Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?**

Yes

### Staff

Yes

### Impact

Positive and negative impacts

### Level

Low

### Details of impact

The current building where the service is based requires significant improvements. The proposal is to relocate to a building which will provide a much better working environment for staff. This will have a positive impact on employee wellbeing.

The proposal includes a staffing reduction of 48%. This could have a negative impact on the wellbeing of employees. Consultation on the proposals will take place with staff and Trades Unions. All appropriate HR policies will be followed, and staff will be fully supported through the change process. Every effort will be made to avoid compulsory redundancies. Staff will be reminded that they have access to the Employee Assistance Programme, which is available 24 hours a day.

### Customers

No

### Impact

None

### Level

N/A

**Details of impact**

Customers in relation to social services animals experience more issues with their health than the general population, by definition, as the duty to care for these animals arises when people go into hospital. However there will be no change in customer experience resulting from the proposals for this customer group.

**Comprehensive Health Impact Assessment being completed**

No

*Please attach health impact assessment in the Action Plan and Supporting evidence section further down the form.*

**Public Health Leads has signed off the health impact(s) of this EIA**

No

Health Lead

N/A

**Age**

Staff

Impact

No

Level

**Details of potential impact/s and mitigation**

N/A

Customers

Impact

Yes

Negative

Level

Low

**Details of impact**

The proposal to close at 5pm could impact on working age adults. However, in mitigation, it is permissible for someone to reclaim a stray dog on behalf of the owner.

**Disability**

Staff

Impact

No

Level



**Details of impact**

N/A

**Customers**

Yes

**Impact**

Positive

**Level**

Low

**Details of impact**

The current building is not accessible for wheelchair users. The proposal is to move to a new, fully accessible building, compliant with the requirements of the Equality Act 2010. This will result in an improved experience for users of this service and will support the Council to meet its statutory duties in relation to the Equality Act 2010.

**Pregnancy/Maternity****Staff**

Possible

**Impact**

Negative

**Level**

Low

**Details of impact**

If any employee had this protected characteristic HR/Legal/policy advice would be followed very closely.

**Customers**

No

**Impact****Level****Details of impact**

N/A

**Race****Staff**

No

**Impact****Level**

**Details of impact**

N/A

**Customers**

No

**Impact**

**Level**

**Details of impact**

N/A

**Religion/Belief**

**Staff**

No

**Impact**

**Level**

**Details of impact**

N/A

**Customers**

No

**Impact**

**Level**

**Details of impact**

N/A

**Sex**

**Staff**

Yes

**Impact**

Negative

**Level**

Medium

### Details of impact

The proposal includes a staffing reduction of 48%. All 7 members of staff in scope of the reduction are female. Consultation on the proposals will take place with staff and Trades Unions. All appropriate HR policies will be followed, and staff will be fully supported through the change process. Every effort will be made to avoid compulsory redundancies. Staff will be reminded that they have access to the Employee Assistance Programme, which is available 24 hours a day.

### Customers

No

### Impact

### Level

### Details of impact

N/A

## Sexual Orientation

### Staff

No

### Impact

### Level

### Details of impact

N/A

### Customers

No

### Impact

### Level

### Details of impact

N/A

## Transgender

### Staff

No

### Impact

### Level

### Details of impact

N/A

### Customers

No

### Impact

### Level

### Details of impact

N/A

## Carers

### Staff

Possible

### Impact

Negative

### Level

Low

### Details of impact

If any employee had unpaid caring responsibilities, HR/Legal/policy advice would be followed very closely.

### Customers

No

### Impact

None

### Level

N/A

### Details of impact

In relation to social services animals, if the customer had an unpaid carer who could reasonably look after the animal, we would not have a statutory duty to look after it.

## Voluntary/Community & Faith Sectors

### Staff

No

### Impact

### Level

**Details of impact**

N/A

**Customers**

Yes

**Impact**

Positive

**Level**

Low

**Details of impact**

If the proposal is agreed, VCF partners would have the opportunity to bid for the contract. All appropriate procurement processes will be followed.

**Cohesion**
**Staff**

No

**Impact**
**Level**
**Details of impact**

N/A

**Customers**

No

**Impact**
**Level**
**Details of impact**

N/A

**Partners**
**Staff**

No

**Impact**
**Level**

**Details of impact**

N/A

**Customers**

Yes

**Impact****Level****Details of impact**

If the proposal is agreed, partners would have the opportunity to bid for the contract. All appropriate procurement processes will be followed.

**Poverty & Financial Inclusion****Staff**

Yes

**Impact**

Negative

**Level**

Medium

**Details of impact**

The staffing hours proposed under the new delivery model are significantly reduced, compared to the status quo. The shift patterns/contracted hours per member of staff have not yet been consulted upon/agreed, but it should be noted that this proposal could result in employees being left in a worse financial situation.

Consultation on the proposals will take place with staff and Trades Unions. All appropriate HR policies will be followed, and staff will be fully supported through the change process. Every effort will be made to avoid compulsory redundancies. Staff will be reminded that they have access to the Employee Assistance Programme, which is available 24 hours a day.

**Customers**

No

**Impact**

None

**Level**

N/A

**Details of impact**

There are no proposals to change fees.

**Armed Forces****Staff**

No

**Impact**

Level	
<b>Details of impact</b>	
N/A	
<b>Customers</b>	<b>Impact</b>
No	
	<b>Level</b>
<b>Details of impact</b>	
N/A	

**Other**

<b>Staff</b>	
No	<i>Please specify</i>
	N/A
	<b>Impact</b>
	<b>Level</b>
<b>Details of impact</b>	
N/A	
<b>Customers</b>	
No	<i>Please specify</i>
	N/A
	<b>Impact</b>
	<b>Level</b>
<b>Details of impact</b>	

## Cumulative Impact

### Proposal has a cumulative impact

No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input type="radio"/> Other

#### *If yes, details of impact*

In relation to geographical area, a central location is sought for the service, which is accessible by public transport.

### Local Partnership Area(s) impacted

All

#### *If Specific, name of Local Partnership Area(s) impacted*

N/A

## Action Plan and Supporting Evidence

### Action Plan

Consultation on the proposals will take place with staff and Trades Unions. All appropriate HR policies will be followed, and staff will be fully supported through the change process. Every effort will be made to avoid compulsory redundancies. Staff will be reminded that they have access to the Employee Assistance Programme, which is available 24 hours a day.

### Supporting Evidence (Please detail all your evidence used to support the EIA)

N/A

## Consultation

### Consultation required

Yes

#### **If consultation is not required please state why**

N/A

#### **If consultation is required, please provide details of when and how the consultation will be carried out**



A statutory consultation process will be followed for staff and Trades Unions regarding the proposed employee changes. Informal consultation with staff has already taken place.

In terms of public consultation, decisions on consultation, timing, contents and appropriate groups to consult will be kept under review.

**Are Staff who may be affected by these proposals aware of them**

Yes

**Are Customers who may be affected by these proposals aware of them**

No

**If you have said no to either please say why**

No equalities impacts have been identified relating to customers for social services animals. No significant equalities impacts have been identified relating to customers for stray dogs. There is not a clearly identifiable customer group for the service in relation to stray dogs.

## Summary of overall impact

**Summary of overall impact**

This proposal will achieve a sustainable future for the Kennelling Service, which will provide a better environment for our employees and for animals in our care and will offer better value for money for taxpayers.

This will result in an improved experience for users of this service who use a wheelchair and will support the Council to meet its statutory duties in relation to the Equality Act 2010.

However, due to the changed delivery model proposed there will be a staffing reduction of 48%. All 7 members of staff in scope of the reduction are female and could have other protected characteristics. This proposal could have a negative impact on employee wellbeing and employee financial inclusion.

The shift patterns/contracted hours per member of staff have not yet been consulted upon/agreed, but it should be noted that this proposal could result in employees being left in a worse financial situation.

All appropriate HR policies will be followed, and staff will be fully supported through the change process. Every effort will be made to avoid compulsory redundancies.

## Escalation plan

**Is there a high impact in any area?**

No

**Overall risk rating after any mitigations have been put in place**

Low

## Sign Off

**EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?**

● Yes

**Signed off by: Ed Sexton**

Date agreed

21/10/2022

## Review Date

21/04/2023

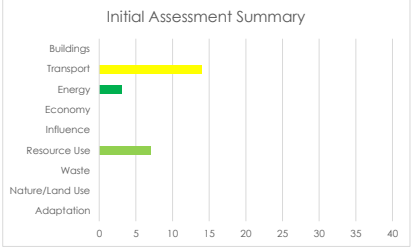
Climate Change Impact Assessment Summary

Project/Proposal Name	Future for the provision of kennelling service	Portfolio	Place
Decision Type	Waste & Street Scene Committee	Lead Member	Councillor Joe Otten
One Year Plan Area		Lead Officer	Ian Ashmore/Richard Eyre
Date CIA Completed	21/10/22	CIA Author	Nikki Rees
		Sign Off/Date	21-Oct-22

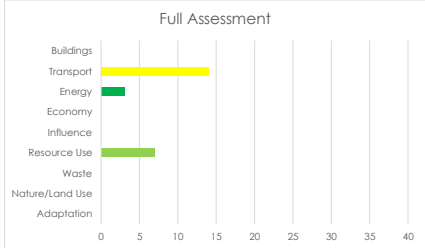
Project Description and CIA Assessment Summary	<p>The Committee report recommends a proposal that will achieve a sustainable future for the Kennelling Service and facilitate the Council's continued compliance regarding its statutory duties.</p> <p>Under the proposed model:</p> <ul style="list-style-type: none"><li>•stray dogs will remain the direct responsibility of Sheffield City Council, with Council staff continuing to look after stray dogs on a day-to-day basis but in a facility provided by an external provider; and</li><li>•the external provider will be responsible for 'social services animals', including receiving and kennelling/boarding the animals, while providing the animals with adequate care.</li></ul> <p>The proposal will provide opportunities for:</p> <ul style="list-style-type: none"><li>•better environment for our employees and animals in our care; and</li><li>•better value for money for taxpayers.</li></ul> <p>The proposed model offers opportunities to decrease CO2e emissions through significantly reduced energy use. Within the procurement process, consideration will be given to including questions on energy, transport, resource use and waste, to align with the Council's net zero ambitions. In relation to transport, the proposed model will maintain similar levels of CO2e emissions compared to before.</p>
--	--

Rapid Assessment	Does the project or proposal have an impact in the following areas? Select all those that apply. Only complete the sections you have selected here in the assessment.		
Buildings and Infrastructure	No	Influence	No
Transport	Yes	Resource Use	Yes
Energy	Yes	Waste	No
Economy	No	Nature/Land Use	No
		Adaptation	No

Initial Assessment Summary



Full Assessment Summary



>=27	The project will increase the amount of CO2e released compared to before.
21-26	The project will maintain similar levels of CO2e emissions compared to before.
12-20	The project will achieve a moderate decrease in CO2e emissions compared to before.
3-11	The project will achieve a significant decrease in CO2e emissions compared to before.
0-2	The project can be considered to achieve net zero CO2e emissions.

## Initial Assessment

Category	Impact	Description of Project Impact	Score
Buildings and Infrastructure	Construction	N/A	
	Use	N/A	
	Land use in development	N/A	
Transport	Demand Reduction	The anticipated new site for the Kennelling Service is in a good location, equally accessible as the current location. There is travel to the building but the proposal doesn't result in any change.	7
	Decarbonisation of Transport	N/A	
	Public Transport	The anticipated new site for the Kennelling Service is in a good location, well-served by public transport.	7
	Increasing Active Travel	N/A	
Energy	Decarbonisation of Fuel	N/A	
	Demand Reduction/Efficiency Improvements	The new building for the Kennelling Service will use significantly less energy than existing building.	3
	Increasing Infrastructure for renewables generation	N/A	
Economy	Development of low carbon businesses	N/A	
	Increase in low carbon skills/training	N/A	
	Improved business sustainability	N/A	
Influence	Awareness Raising	N/A	
	Climate Leadership	N/A	
	Working with Stakeholders	N/A	
Resource Use	Water Use	N/A	
	Food and Drink	N/A	
	Products	N/A	
	Services	Within the procurement process, consideration will be given to including questions on energy, transport, resource use and waste, to align with the Council's net zero ambitions.	7
Waste	Waste Reduction	N/A	
	Waste Hierarchy	N/A	
	Circular Economy	N/A	
Nature/Land Use	Biodiversity	N/A	
	Carbon Storage	N/A	
	Flood Management	N/A	
Adaptation	Exposure to climate change impacts	N/A	
	Vulnerable Groups	N/A	
	Just Transition	N/A	

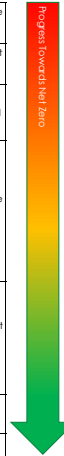
10	The project will significantly increase the amount of CO2e released compared to before.
9	The project will increase the amount of CO2e released compared to before.
8	The project will maintain similar levels of CO2e emissions compared to before.
7	
6	
5	The project will achieve a moderate decrease in CO2e emissions compared to before.
4	
3	The project will achieve a significant decrease in CO2e emissions compared to before.
2	
1	
0	The project can be considered to achieve net zero CO2e emissions.
Carbon Negative	The project is actively removing CO2e from the atmosphere.



# Full Assessment

Category	Impact	Description of Project Impact	Mitigation Measures	Mitigated Score	Procurement Action Required?	Proposed KPI/Measure
Buildings and Infrastructure	Construction	N/A				
	Use	N/A				
	Land use in development	N/A				
Transport	Demand Reduction	The anticipated new site for the Kennelling Service is in a good location, equally accessible as the current location. There is travel to the building but the proposal doesn't result in any change.		7	No	
	Decarbonisation of Transport	N/A				
	Public Transport	The anticipated new site for the Kennelling Service is in a good location, well-served by public transport.		7	No	
	Increasing Active Travel	N/A				
Energy	Decarbonisation of Fuel	N/A				
	Demand Reduction/Efficiency Improvements	The new building for the Kennelling Service will use significantly less energy than existing building.		3	No	
	Increasing infrastructure for renewables generation	N/A				
Economy	Development of low carbon businesses	N/A				
	Increase in low carbon skills/training	N/A				
	Improved business sustainability	N/A				
Influence	Awareness Raising	N/A				
	Climate Leadership	N/A				
	Working with Stakeholders	N/A				
Resource Use	Water Use	N/A				
	Food and Drink	N/A				
	Products	N/A				
	Services	Within the procurement process, consideration will be given to including questions on energy, transport, resource use and waste, to align with the Council's net zero ambitions.		7	Yes	
Waste	Waste Reduction	N/A				
	Waste Hierarchy	N/A				
	Circular Economy	N/A				
Nature/Land Use	Biodiversity	N/A				
	Carbon Storage	N/A				
	Flood Management	N/A				
Adaptation	Exposure to climate change impacts	N/A				
	Vulnerable Groups	N/A				
	Just Transition	N/A				

10	The project will significantly increase the amount of CO2e released compared to before.
9	The project will increase the amount of CO2e released compared to before.
8	The project will maintain similar levels of CO2e emissions compared to before.
7	
6	
5	The project will achieve a moderate decrease in CO2e emissions compared to before.
4	
3	
2	The project will achieve a significant decrease in CO2e emissions compared to before.
1	
0	The project can be considered to achieve net zero CO2e emissions.
Carbon Negative	The project is actively removing CO2e from the atmosphere.



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## Report to Policy Committee

**Author/Lead Officer of Report:** Craig Harper,  
Licensing Strategy and Policy Officer

**Report of:** Executive Director Operational Services  
**Report to:** Waste and Street Scene Policy Committee  
**Date of Decision:** 23<sup>rd</sup> November 2022  
**Subject:** Private Hirer Operator and Vehicle Licence Policy

Has an Equality Impact Assessment (EIA) been undertaken? Yes ☒ No ☐

If YES, what EIA reference number has it been given? Ref: 972

Has appropriate consultation taken place? Yes ☒ No ☐

Has a Climate Impact Assessment (CIA) been undertaken? Yes ☒ No ☐

Does the report contain confidential or exempt information? Yes ☒ No ☐

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below.

“Appendix D is not for publication because it contains exempt information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).”

### Purpose of Report:

The Licensing Authority is seeking approval of the Private Hire Operator and Vehicle Licence Policy.

The policy provides information and guidance on:

- applications
- decision-making
- enforcement

In providing a publicly available document, it allows:

- transparency
- accountability
- consistency

## Recommendations

That Members of the Committee approve the Private Hire Operator and Vehicle Licence Policy to come into force on 1<sup>st</sup> February 2023.

## Background Papers:

There are no background papers associated with this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: James Lyon
		Legal: Sarah Bennett
		Equalities & Consultation: Louise Nunn
		Climate: Jessica Rick and Laura Chippendale
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	Ajman Ali
3	<b>Committee Chair consulted:</b>	Councillor Joe Otten
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Craig Harper	<b>Job Title:</b> Licensing Strategy and Policy Officer
	<b>Date: 23<sup>rd</sup> November 2022</b>	



## **1. PROPOSAL**

- 1.1 The licensing authority is responsible for the regulation of private hire operators and vehicles in the district of Sheffield.
- 1.2 Primary legislation regulates the industry, namely the Local Government (Miscellaneous Provisions) Act 1976
- 1.3 More recently, the Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.
- 1.4 In July 2020, the Department for Transport therefore issued Statutory Taxi and Private Hire Vehicle Standards and it is a requirement for authorities to implement the recommendations contained within unless there is a compelling reason not to. A copy of the Standards can be found at Appendix A.
- 1.5 The licensing authority already has a publicly available Private Hire Operator and Vehicle Licence, first published in 2016.
- 1.6 The authority has now reviewed the policy. It is designed to:
- Provide individuals with a clear, consistent basis for submitting applications
  - Provide a clear, consistent basis for determining licence applications
  - Provide licensees with information on licensing requirements throughout the time they are licensed
- 1.7 The licensing authority has always sought to set some of the highest standards in the country and be recognised for delivering best practice. The review continues to assert this position and further enhances the requirements first developed in 2016. The primary focus is the protection of the public, but in particular, safeguarding children and protecting the vulnerable.
- 1.8

This report seeks the approval of the revised policy (Appendix H).

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The policy is designed to:
- Provide individuals with clear, consistent, and concise guidance to all those who need to use it:
    - Licensing Authority Officers in processing applications
    - Applicants when making an application

- Provide a clear, consistent basis for determining licence applications:
    - Allowing structured and evidenced-based decision making for Officers and Councillors
    - Achieve compliance with legislative, statutory, and local standards:
  - Supporting wider strategies and initiatives specific to operator and vehicle licensing
- 2.2 The policy will positively assist the Council to deliver and achieve its aims and visions for the City: To be successful and safe to all who choose to enjoy, live, work, and study in Sheffield.
- 3. HAS THERE BEEN ANY CONSULTATION?**
- 3.1 A formal 8-week consultation was undertaken, beginning 14<sup>th</sup> March 2022. The following organisations were invited to make comment:
- Licensees
  - Elected Members
  - Local Members of Parliament
  - Sheffield City Council Transport Services
  - Sheffield Disability Groups
  - Sheffield Safeguarding Children's Board
  - South Yorkshire Police
  - Neighbouring Local Authorities
  - Institute of Licensing
  - Chambers of Commerce
  - Sheffield Public Health Service
  - Local Licensees
  - Campaign for Better Transport
  - National Association of Licensing and Enforcement Officers
  - Pubwatch
- 3.2 A total of 123 responses were received, 112 of which were Sheffield licensees. A copy of the responses can be found at Appendix D.
- 3.3 Responses were received by email, directly to the Licensing Service and through the council's consultation hub, Citizen Space.
- 3.4 Citizen Space asked a number of specific questions to help inform the policy. A report, detailing the results, can be found at Appendix C.
- 3.5 The version of the policy that we consulted on can be found at Appendix F.

- 3.6 Amendments made post consultation (both informed by the consultation and reflecting changes that had taken place since the start of consultation e.g. new legislation) can be found at Appendix E.
- 3.7 A copy of the policy with tracked amendments post consultation can be found at Appendix G; a copy without tracked changes (for ease of reading) can be found at Appendix H.
- 3.8 A number of stakeholder engagement sessions were held post consultation to further understand comments received during the consultation process, specifically the use of vehicle signage. Comments and information in relation to signage can be found at Appendix I.
- 3.9 Views of the Licensing Committee were sought at a briefing on 11<sup>th</sup> November and included:

### **Private Hire Operators**

Use of telephone number for customers to make a booking

### **Private Hire Vehicles**

#### **Signage**

The use of signage to identify a private hire vehicle is necessary in order to protect public safety.

Rear licence to be permanently fixed

#### **Age Limits**

- Age limits for newly licensed diesel and petrol vehicles to be lowered; age limits for newly licensed Zero Emission Capable to be increased.
- Proposal of lower age limits:
  - 4 years for petrol and diesel
  - 7 years for Zero Emission Capable.
- Maintain the recommended upper age limits

#### **Window Tints**

Ensure that any replacement glass, if damaged, is the same standard as what was originally installed.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality Implications**

- 4.1.1 An Equality Impact Assessment was undertaken at the outset and has been under review throughout. A copy is attached at Appendix B.

## 4.2 Financial and Commercial Implications

- 4.2.1 Although there are no direct financial implications arising as a result of policy, there is a risk that staff and processing costs may increase. However, there will be opportunity to mitigate any additional cost in the forthcoming fees and charges review.

## 4.3 Legal Implications

- 4.3.1 S177 Policing and Crime Act 2017 states any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. The guidance issued is the Statutory Taxi & Private Hire Vehicle Standards issued in 2020. Therefore, as setting this policy will impact how the Council exercises those functions in setting this policy regard must be had to the statutory guidance.
- 4.3.2 Although the Council is not required to have a policy it is a clear recommendation of the statutory guidance that 'all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards'. The Council has had a published policy since 2016. The statutory guidance requires when formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.
- 4.3.3 The policy should be reviewed every five years. Interim reviews should be considered where significant issues have arisen.
- 4.3.4 This report and appendices set out how that is achieved.
- 4.3.5 In setting this policy the Council should intend that the Licensing Committee who will deal with a large number of cases, ensure that cases will be dealt with in a standard way: applying the same criteria and attaching the same weight in each case, and so ensuring consistency and administrative efficiency. Whilst it is lawful and essential for fairness and consistency in decision making for decision makers to have a policy each case will have to be decided on its particular facts and is particularly important in taxi licensing cases involving human rights. The Council can be challenged for both failing to depart from policy in a case where its aims are not undermined by the departure; or for departing from policy in cases where it should be applied to maintain its aims of protecting the public.

## 4.4 Climate Implications

- 4.4.1 The policy sets out, in terms of the vehicle specification, the standards and requirements for those vehicles wishing to be licensed as a private hire vehicle. This includes, amongst other things age and emission standards.

- 4.4.2 The vehicle specification proposes that the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore complying with the current Euro 6 standard (the Euro 7 emissions standard is likely to be brought in from 2025 but details are yet to be finalised).
- 4.4.3 Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years and Zero Emission Capable vehicles will be allowed to be licensed for up to 12 years, so long as they continue to pass all tests and licensing requirements.
- 4.4.4 From January 2027, all newly licensed vehicles must be Zero Emission Capable.
- 4.4.5 In setting age limitation criteria it enables the newest and cleanest vehicles to be licensed and ensures that upgrades are made regularly. Those vehicles that are currently Euro 4 petrol and Euro 6 diesel will meet the requirements of the planned Clean Air Zone and will not be charged. Maintaining this requirement ensures that the wider Council objectives, such as the *10-point Plan for Climate Action* are worked towards – net zero by 2030.
- 4.4.6 The consultation document proposed a Zero Emission Capable requirement from 2025, but responses received asked for this to be relaxed. Due to current price and demand of vehicles, coupled with longer than anticipated delivery times, the Licensing Authority is now proposing an implementation of that requirement to be extended to 2027.
- 4.4.7 Maintaining the current upper age limit for diesel and petrol vehicles ensures a regular upgrading of vehicles; extending the upper age limit for Zero Emission Capable vehicles provides incentives for such a purchase, enabling an extra three-year licensable period.
- 4.4.8 At the time of writing, there are currently 1310 (71%) diesel, 23 (2%) petrol, 479 (26%) hybrid and 25 (1%) electric vehicles.
- 4.4.9 The majority of licensees are self-employed and are therefore responsible for sourcing and purchasing vehicles. Some operators may provide financial support and there is planned support through the Council's Clean Air Programme.
- 4.4.10 An 8-week consultation exercise was undertaken earlier this year, the results of which can be found in the attached appendices. The comments received have helped to shape the revised draft.
- 4.4 Other Implications
- 4.4.1 There are no other implications as a result of implementing the policy.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There are no alternative options under consideration.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The Department for Transport recommends that licensing authorities make publicly available a cohesive policy document and to review this document every five years.
- 6.2 The licensing authority already has in place a *Private Hire Operator and Vehicle Licence Policy* document which has now been reviewed to take into account the recommendations in the Department for Transport 's *Statutory Taxi and Private Hire Vehicle Standards*.
- 6.3 The document is designed to:
- Provide individuals with a clear, consistent basis for submitting applications
  - Provide a clear, consistent basis for determining licence applications
  - Provide licensees with information on licensing requirements throughout the time they are licensed
- 6.4 It is recommended that Members approve the policy in order for the updated recommendations be implemented.

## **Appendix A**



Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards



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# 1. Introduction

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

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

## Terminology

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

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

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

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

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

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

### 3. Administering the Licensing Regime

#### Licensing policies

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

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

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

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

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

## Duration of licences

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

## Whistleblowing

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

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



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

### Consultation at the local level

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

### Changing licensing policy and requirements

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

## 4. Gathering and Sharing Information

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

### The Disclosure and Barring Service

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

## The Disclosure and Barring Service Update Service

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

### Common Law Police Disclosure

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

### Licensee self-reporting

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

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

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

### Referrals to the Disclosure and Barring Service and the Police

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

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

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

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

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

## Working with the Police

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

## Sharing licensing information with other licensing authorities

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

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

### **Multi-agency Safeguarding Hub (MASH)**

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



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

### Complaints against licensees

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

### Overseas convictions



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

## 5. Decision Making

### Administration of the licensing framework

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

### Training decision makers

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

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

### The regulatory structure

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

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

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

### Fit and proper test

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

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

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

### Criminal convictions and rehabilitation

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

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

## 6. Driver Licensing

### Criminality checks for drivers

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

### Safeguarding awareness

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

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

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

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

### **‘County lines’ exploitation**

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

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

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

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

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

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

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

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.



## 7. Vehicle Licensing

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

### Criminality checks for vehicle proprietors

- 7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.
- 7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
- 7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

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

### **In-vehicle visual and audio recording – CCTV**

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

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

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

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

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

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

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

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

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

### Stretched Limousines

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

## 8. Private Hire Vehicle Operator Licensing

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

### Criminality checks for private hire vehicle operators

- 8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

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

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

### Booking and dispatch staff

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

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

## Record keeping

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

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

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

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

## Use of passenger carrying vehicles (PCV) licensed drivers

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

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

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



## 9. Enforcing the Licensing Regime

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

### Joint authorisation of enforcement officers

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

### Setting expectations and monitoring

- 9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

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

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



- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

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

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

### Crimes resulting in death

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

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

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

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

### Dishonesty

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

## Drugs

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

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

## Discrimination

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

## Motoring convictions

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

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

## Drink driving/driving under the influence of drugs

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

## Using a hand-held device whilst driving

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

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
<b>Unspent convictions</b>	Yes	Yes	Yes	Yes
<b>Unspent cautions</b> <sup>1</sup>	Yes	Yes	Yes	Yes
<b>Spent convictions</b> <sup>2</sup>	No	Yes	Yes	Yes
<b>Spent cautions</b> <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
<b>Additional police Information</b> <sup>3</sup>	No	No	Yes	Yes
<b>Barred list(s) Information</b> <sup>4</sup>	No	No	No	Yes

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

## Annex – CCTV Guidance

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

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

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

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

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

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

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

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

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

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

## Annex - Staying Safe: Guidance for Passengers

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

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

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

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

When using a private hire vehicle, passengers should always:

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

When using a taxi, passengers should where possible:

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

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## Appendix B

# Equality Impact Assessment

## Introductory Information

**Budget/Project name**

Private Hire Operator and Vehicle Licence Policy

**Proposal type**

- ☐ Budget  
☒ Project

**Decision Type**

- ☐ Cabinet  
☐ Cabinet Committee (e.g. Cabinet Highways Committee)  
☐ Leader  
☐ Individual Cabinet Member  
☐ Executive Director/Director  
☐ Officer Decisions (Non-Key)  
☐ Council (e.g. Budget and Housing Revenue Account)  
☒ Regulatory Committees (e.g. Licensing Committee)

**Lead Cabinet Member**

Cllr Joe Otten

**Entered on Q Tier**

- ☐ Yes ☒ No

**Year(s)**

<input type="radio"/> 14/15	<input type="radio"/> 15/16	<input type="radio"/> 16/17	<input type="radio"/> 17/18	<input type="radio"/> 18/19	<input type="radio"/> 19/20	<input type="radio"/> 20/21	<input checked="" type="radio"/> 21/22
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**EIA date**

01/10/2022

**EIA Lead**

- |  |  |
|--|--|
| <input type="radio"/> Adele Robinson     | <input type="radio"/> Ed Sexton              |
| <input type="radio"/> Annemarie Johnston | <input checked="" type="radio"/> Louise Nunn |
| <input type="radio"/> Bashir Khan        | <input type="radio"/> Michelle Hawley        |
| <input type="radio"/> Beth Storm         | <input type="radio"/> James Henderson        |
| <input type="radio"/> Diane Owens        |  |

**Person filling in this EIA form**

Craig Harper

**Lead officer**

Richard Eyre

**Lead Corporate Plan priority**

<input type="radio"/> An In-Touch Organisation	<input type="radio"/> Strong Economy	<input type="radio"/> Thriving Neighbourhoods and Communities	<input checked="" type="radio"/> Better Health and Wellbeing	<input type="radio"/> Tackling Inequalities
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## Portfolio, Service and Team

### Cross-Portfolio

☒ Yes ☐ No

### Portfolio

Place

Is the EIA joint with another organisation (eg NHS)?

☐ Yes ☒ No

### Brief aim(s) of the proposal and the outcome(s) you want to achieve

The regulation (administration and enforcement) of private hire operators and vehicles is undertaken by the Licensing Authority on behalf on the Council. Full Council have delegated powers to the Licensing Committee, who have further delegated specific powers (the power to grant and suspend) to the Chief Licensing Officer.

Primary legislation regulates the industry, namely the Local Government (Miscellaneous Provisions) Act 1976.

The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services. In this regard, the Department for Transport (DFT) issued Statutory Taxi and Private Hire Vehicle Standards in July 2020, a copy of which can be found as an addendum to this document.

The DFT requires the recommendations to be implemented unless there is a compelling local reason not to.

The Authority must pay due regard to the guidance and in doing so, the Authority must:

- Take into account all of the recommendations contained within the document
- Must not depart from it, just because it does not agree with it
- And, if and where it does depart, must give clear reasons for doing so

The introduction of the Statutory Guidance for Taxi and Private Hire Vehicle Standards places an obligation on the Local Authority to ensure due regard is paid to all recommendations, and in doing so, the Licensing Authority is required to make publicly available a cohesive policy document, bringing together all procedures on taxi and private hire licensing. A policy document will provide:

- Transparency
- Accountability
- Consistency

The Licensing Authority is therefore reviewing its Private Hire Operator and Vehicle Licence Policy, and in doing so, including the recommendations from the Statutory Standards.

Individuals are expected to have read the policy in conjunction with the Statutory Standards before making an application and throughout the time they are licensed.

The policy, legislation and other such relevant materials will be considered and referred to when making a decision on applications, renewals and other such matters that are relevant.

It is important to note that within this EIA the term 'customer' is not limited to those directly using hackney carriage and private hire services, but anybody and everybody who may be impacted – the public.

This EIA makes reference to impacts of road traffic pollution on the health of drivers and the wider public. Sheffield City Council is legally required to improve air quality across Sheffield and a Clean Air Zone (CAZ) will be introduced in 2023. The most polluting vehicles will be charged if travelling into the city centre or around the inner ring road. Private hire vehicles are included as a category of vehicle that will be affected and will be subject to charges where the required standard is not met – minimum Euro 4 petrol and Euro 6 diesel.

The Clean Air Zone has been referenced throughout this EIA.

## Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

### Overview

#### **Briefly describe how the proposal helps to meet the Public Sector Duty outlined above**

The Equality Act 2010 legally protects people from discrimination in the workplace and wider society. This includes the Public Sector Equality Duty (PSED), which means that the Council must thoroughly consider, in the discharge of its licensing functions, the need to:

- promote equality of opportunity
- eliminate unlawful discrimination, harassment, and victimisation
- promote good relations

This applies to the consideration and determination of applications for licenses under the Acts. This EIA seeks to address issues that are explicit to the licensing of private hire operators and private hire vehicles.

The policy refers to national and local strategies.

The *Statutory Taxi and Private Hire Vehicle Standards*, released July 2020, introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions, covering:

- Administering the Licensing Regime
- Gathering and Sharing Information
- Decision Making
- Driver Licensing
- Vehicle Licensing
- Private Hire Vehicle Operator Licensing
- Enforcing the Licensing Regime

The overarching aim of the standards is to protect children and vulnerable adults from harm, and in this regard, all the recommendations have been included within the policy. The policy also details how the Authority will implement the necessary checks and what is required of applicants and those who already hold a licence.

Comments received as part of the consultation will help to inform this EIA.

In order to help facilitate decision makers, Committee Members undertake equality and diversity training and review their learning on a regular basis to ensure their knowledge and understanding on all matters concerning equality and diversity are at the highest standard to allow them to make decisions.

The Licensing Authority will at all times have regard to the Equality Act 2010, Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2018 and the Councils Equality Objectives 2019-2023.

This EIA will be kept up-to-date and reviewed on a regular basis.

## Impacts

### Proposal has an impact on

<input checked="" type="radio"/> Health	<input type="radio"/> Transgender
<input checked="" type="radio"/> Age	<input type="radio"/> Carers
<input checked="" type="radio"/> Disability	<input checked="" type="radio"/> Voluntary/Community & Faith Sectors
<input checked="" type="radio"/> Pregnancy/Maternity	<input type="radio"/> Cohesion
<input checked="" type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input checked="" type="radio"/> Poverty & Financial Inclusion
<input checked="" type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Give details in sections below.

## Health

### Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?

☒ Yes      ☐ No      *if Yes, complete section below*

#### Staff

☒ Yes      ☐ No

#### Impact

☒ Positive      ☐ Neutral      ☐ Negative

#### Level

☐ None      ☐ Low      ☒ Medium      ☐ High

#### Details of impact

##### Air Pollution impacts from road traffic

The Sheffield and Rotherham Clean Air Plan (CAP) which includes a charging Clean Air Zone (CAZ) in central Sheffield involves significant change but is intended to bring positive health and wellbeing outcomes for all communities and particularly those most exposed to the harmful levels of NO<sub>2</sub>, across the two Local Authority areas.

Road transport accounts for a significant portion of air pollution in our cities and towns, road traffic pollution is considered a major threat to clean air in the UK and other industrialised countries. Traffic fumes contain harmful chemicals that pollute the atmosphere and harm people's health.

Addressing Sheffield's air pollution challenge should bring benefits to communities across the whole city, some of the most significant polluting vehicles which make multiple trips per day around and through neighbourhoods in every part of Sheffield. The geographic area of the proposed CAZ covers Sheffield city centre including the inner ring road, however, as vehicle fleets are upgraded and replaced, the NO<sub>2</sub> concentrations around the whole of Sheffield's road network should improve at a faster rate than without action.

Evidence indicates that 5-10% of deaths have air pollution as a contributory factor. Pollution is both causing and accelerating disease causation and progress across many types of illness, notably cardiovascular (heart disease and stroke), respiratory (asthma) and increasingly neuro degenerative and cognition (dementia). However, some people are more vulnerable than

others because they are exposed to higher levels of air pollution in their day to day lives, live in a polluted area, or are more susceptible to health problems caused by air pollution.

Poor air quality can have the following detrimental health impacts:

- It can contribute to reduced lung growth and function, respiratory infections, and aggravated asthma.
- In adults, ischaemic heart disease and stroke are the most common causes of premature death attributable to outdoor air pollution - evidence is also emerging of other effects such as diabetes and neurodegenerative conditions.
- Increasingly medical evidence indicates many children are having their life course influenced by the effects of air pollution - this isn't within their control.

World Health Organization Air Quality Guidelines advocate NO<sub>2</sub> levels of 10µg/m<sup>3</sup> (four times smaller than the legally mandated amounts). The WHO's guidance also places emphasis on particulates, where the emerging evidence is clear that these are capable of penetrating deep into the lungs and the bloodstream; this has respiratory and cardiovascular impacts and can affect other organs. Outdoor air pollution and particulate matter were also classified as carcinogenic by WHO.

Overall, the introduction of a charging Class C CAZ, which brings about compliance with legal levels for nitrogen dioxide, will have positive health benefits for all, particularly those in the following protected characteristic groups:

- Age: Children and the elderly are most at risk
- Disability: Those with respiratory or cardio-vascular conditions are specially at risk
- Pregnancy and Maternity: Unborn babies are at risk and there is increased risk of miscarriage.

Improvements in the emission standards of the private hire fleet are an important step in helping to improve air quality to protect the health of drivers and the wider public across the whole of Sheffield.

### Policy

Older diesel vehicles (Euro 4 and 5) produce the most harmful pollution than their younger counterparts or alternative fuel / combustion types.

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years, Zero Emission Capable (ZEC) vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

At the time of writing this EIA, the vehicle age profile is as follows:

- 0 - 1 Years - 60
- 1 - 2 Years - 45
- 2 - 3 Years - 53
- 3 - 4 Years - 162
- 4 - 5 Years - 289
- 5 - 6 Years - 333
- 6 - 7 Years - 284
- 7 - 8 Years - 335
- 8 - 9 Years - 246
- 9 - 10 Years - 24
- 10 - 11 Years - 0
- 11 - 12 Years - 0
- 12 + Years - 1

The average age is 6-years and it is estimated that there are 606 (33%) that are not Euro 6 compliant.

These policy changes aim to achieve improvements in air quality and will therefore have a positive impact on the health for drivers and the wider public.

In order to help people upgrade to a cleaner vehicle to meet the Clean Air Zone standards, the Council has secured funding from central Government to provide financial support to vehicle owners in the form grants and loans. Financial support will also be available to upgrade to an electric vehicle. Owners of Private Hire Vehicles licensed with Sheffield City Council or with Rotherham Metropolitan Borough Council will be eligible to apply.

The wider policy document does not have a disproportionate impact due to health.

#### Customers

☒ Yes ☐ No

#### Impact

☒ Positive ☐ Neutral ☐ Negative

#### Level

☐ None ☐ Low ☒ Medium ☐ High

#### Details of impact

##### Local Health Statistics

(Office of National Statistics 23rd March 2011 - Sheffield Wards - Health and Wellbeing) The 2011 Census asked respondents to self-assess their general level of health. 80% of people in Sheffield stated their health was either good or very good, whilst 6% felt they were in bad or very bad health. The remainder of respondents believed their general health was mainly 'fair'.

Across the city, more people felt they were in bad health in Firth Park, Manor Castle and Southey wards (9%), whilst the fewest proportion of residents reported that their health was bad in Crookes, Central, Broomhill, Fulwood and Ecclesall wards (3%).

The Sheffield Joint Health & Wellbeing Strategy 2019-2024 also details that those who live in poorer parts of Sheffield have worse health than those living in more affluent areas.

##### Air Quality

Poor air quality adversely affects human health and has been estimated to account for up to 500 premature deaths per year in Sheffield. The Department of Health's Committee on the Medical Effects of Air Pollution (COMEAP) recently reported the estimated annual number of deaths in the UK from human-made air pollution (PM2.5 and NO2) ranges from 28,000 to 36,000 deaths. The Royal College of Physicians estimate that the health problems resulting from exposure to air pollution have a high cost to the people who suffer from illness and premature death, the health services and to business which together cost an estimated £20bn every year.

In Sheffield, the main breaches of illegal levels of NO2 are concentrated around the city centre and east of the city, many of the communities and neighbourhoods in these areas experience the greatest health inequalities with air pollution contributing to the development of health problems such as cardiovascular disease and asthma and exacerbate existing conditions.

In order to discourage the use of high polluting vehicles and encourage upgrades to cleaner, lower emission vehicles, the Council is introducing a Clean Air Zone which will cover Sheffield city centre area including the inner ring road. The air quality improvement impact of the zone will be broader than the city centre, it is designed to reduce pollution from road traffic across all of Sheffield's neighbourhoods and communities.

Improvements in private hire vehicle standards are an important step in helping to make the step-change needed to improve air quality across Sheffield.

##### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

Current propulsion information for the licensed fleet (both hackney and private hire) is as follows:

- Diesel – 1875 (79%)
- Petrol – 23 (1%)
- Hybrid – 450 (19%)
- Electric – 22 (1%)

The majority of hackney carriage vehicles are diesel; therefore, using the figures above, the number of electric hybrid and electric private hire vehicles is high and may fall into the ZEC category.

The wider policy document does not have a disproportionate impact due to health.

### Comprehensive Health Impact Assessment being completed

☐ Yes ☒ No

*Please attach health impact assessment as a supporting document below.*

### Public Health Leads has signed off the health impact(s) of this EIA

☐ Yes ☒ No

Health Lead

## Age

### Staff

☒ Yes ☐ No

### Impact

☐ Positive ☐ Neutral ☒ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 indicates that the majority of drivers are men (93%) and that the average age is 48, with 22% of drivers under the age of 40. This trend is broadly reflected in Sheffield, with the largest cohort of drivers in the 41-50 age bracket, and 25% of drivers under the age of 40. A breakdown of the driver age profile is shown below:

- 0-30 – 103 (4%)
- 31-40 – 680 (25%)
- 41-50 – 978 (36%)
- 51-60 – 696 (24%)
- 61-70 – 267 (10%)
- 70+ - 24 (1%)

### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.



Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

Current propulsion information for the private hire and hackney carriage fleet is as follows:

- Diesel – 1875 (79%)
- Petrol – 23 (1%)
- Hybrid – 450 (19%)
- Electric – 22 (1%)

The majority of hackney carriage vehicles are diesel; therefore, using the figures above, the number of hybrid and electric private hire vehicles is high and may fall into the ZEC category.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

Due to the increased cost of Zero Emission Capable vehicles, and the potential inability to access financial support (specifically loans), older licensees may be disproportionately impacted.

Also see Race, Sex and Poverty & Financial Inclusion.

The wider policy document does not have a disproportionate impact due to age.

#### Customers

☒ Yes ☐ No

#### Impact

☐ Positive ☒ Neutral ☐ Negative

#### Level

☐ None ☒ Low ☐ Medium ☐ High

#### Details of impact

##### Local Age Statistics

The National Office of Statistics - 2011 Census data on 11 December 2012 (Demographics) shows Sheffield's overall age structure in a pyramid chart, this bulges out to around age 40-44 and then reduces to a curved point at the top (higher age range). There are more females than males in the older age groups from 65 upwards. The 20-24 age group stands out proud from this overall shape in Sheffield, as it represents the city's large student population. This pattern is typical of large university English cities and similar pyramids are seen in places such as Leeds or Birmingham.

Not all of Sheffield's wards follow this pattern, but many of the wards with large Council estates do, although with a less pronounced step at the 20-24 age group. These include Arbourthorne, Gleadless Valley, Richmond, Shiregreen and Brightside and Southey.

##### Air Quality

Poor air quality and particularly NO<sub>2</sub> and particulate matter, are known to have a significant impact on human health. The head of the WHO has referred to air pollution as the "new tobacco" given its scale of impact on population health. However, it is also known that air pollution has a disproportionate impact on the health of younger and older people and there is increasing medical evidence to support this:

- particulate matter from roadside emissions found in the placentas of pregnant women in research by the Queen Mary University in London - <https://www.theguardian.com/environment/2018/sep/16/air-pollution-particles-found-in-mothers-placentas>

- air pollution has been shown to increase the risk of premature birth and low birthweight which can have lifelong implications for a person's health and wellbeing - <https://www.sciencedirect.com/science/article/pii/S0013935112001764?via%3Dihub> and <https://www.bmj.com/content/359/bmj.j5299>
- a recent study in the Lancet showed that NO2 levels above legal limits has stunted lung development of children in London, reducing lung capacity by up to 5% ensuring that their lungs are smaller for life and which then decline and increase the chances of early death - [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30235-4/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30235-4/fulltext)
- a study by St George's, University of London, King's College London and Imperial College London recently found that people living in areas of London with the highest levels of nitrogen dioxide had an increased chance of getting dementia, compared to those living in areas with the lowest levels - <https://bmjopen.bmj.com/8/9/e022404>

### Children and Young People (aged 19 and under)

Young people are more reliant on public transport to transport them to places of work, education, and social/leisure activities. This is of particular relevance at night where other transportation services cease, such as trams and buses.

### Older People (aged 60 and over)

Older people are more reliant on public transport to transport them to health services and to social and leisure activities. This is of particular relevance at night where other transportation services cease, such as trams and buses.

### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

Private hire fares are set by the private hire operator; therefore, such businesses may increase their charges/fares to help licensees cover the costs of upgrading their vehicle. If this were to happen, the costs would be passed on to the customer and would affect those who use such vehicles more frequently.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

Any increase to travel costs incurred through an update of the vehicle fleet or a reduction in the numbers of vehicles may disproportionately impact on younger and older age groups.

## Disability

### Staff

☒ Yes ☐ No

### Impact

☐ Positive ☒ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

## Details of impact

### Policy

Under the Equality Act, transport providers have a duty to provide an accessible service and make 'reasonable adjustments' to offer the same standard of service to disabled people as to non-disabled people. In practice, this means providers have to produce accessible facilities, information procedures and booking assistance where required.

There is no perceived disproportionate impact in regard to this characteristic for operators.

### Customers

☒ Yes ☐ No

### Impact

☒ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

## Details of impact

### Local Disability Statistics

A Census report carried out by the Office of National Statistics (23rd March 2011 - Sheffield Wards - Health and Wellbeing) showed that 19% of Sheffield residents reported that they have a long-term health problem or disability that limited their daily activity to some extent. The results show there are seventeen wards in the city that have at least 1 in 5 residents with a health problem or disability that limits their daily activities. In Woodhouse, this applies to nearly a quarter of all residents. It also shows that there are six wards that have significantly lower numbers of people with a limiting disability or health problem, in particular Broomhill and Central, where this applies to less than 1 in 10 residents. This is linked to the relatively high numbers of students and younger average age of residents in these wards.

### Air Quality

In Sheffield, 19% of people have a long-term health condition or disability. The impact on life expectancy and ill health are unequal, with more effects on those with pre-existing heart and lung conditions. For individuals who are particularly sensitive and exposed to the most elevated levels of air pollution, the reduction in life expectancy is estimated to be as high as nine years. Overall, the adverse effects of pollution are such that it has a bigger impact on life expectancy than road traffic accidents and passive smoking.

Improvements to air quality through less polluting vehicles will bring benefits to all, but particularly for those with long-term health conditions.

### Policy

Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work education, and social/leisure activities.

Section 165 and 167 of the Equality Act ensures that customers are better informed about "designated" vehicles and can be more confident of receiving assistance they need to travel safely.

Section 165 and 167 were further enhanced by the introduction of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which states:

- Drivers of designated wheelchair accessible licensed vehicles have a duty:
  - to carry the passenger whilst in a wheelchair
  - not to make any additional charge for doing so (which includes that a meter should not be activated before or left running whilst the driver performs duties required by the Equalities Act 2010)
  - that if the passenger chooses to sit in a passenger seat, to carry the wheelchair
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
  - to give the passenger such "mobility assistance" as is reasonably required

The introduction of ZEC vehicles from 2025 onwards may reduce the number of licensed vehicles and therefore impact provision for disabled people.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

The wider policy document does not have a disproportionate impact on disabled people.

## Pregnancy/Maternity

### Staff

☐ Yes ☒ No

### Impact

☐ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☐ Low ☐ Medium ☐ High

### Details of impact

### Customers

☒ Yes ☐ No

### Impact

☒ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

#### Air Quality

Poor air quality and particularly NO<sub>2</sub> and particulate matter, are known to have a significant impact on human health. The head of the WHO has referred to air pollution as the "new tobacco" given its scale of impact on population health.

However, it is also known that air pollution has a disproportionate impact on the health of younger and older people and there is increasing medical evidence to support this:

- particulate matter from roadside emissions found in the placentas of pregnant women in research by the Queen Mary University in London - <https://www.theguardian.com/environment/2018/sep/16/air-pollution-particles-found-in-mothers-placentas>
- air pollution has been shown to increase the risk of premature birth and low birthweight which can have lifelong implications for a person's health and wellbeing - <https://www.sciencedirect.com/science/article/pii/S0013935112001764?via%3Dihub> and <https://www.bmj.com/content/359/bmj.j5299>
- a recent study in the Lancet showed that NO<sub>2</sub> levels above legal limits has stunted lung development of children in London, reducing lung capacity by up to 5% ensuring that their lungs are smaller for life and which then decline and increase the chances of early death - [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30235-4/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30235-4/fulltext)

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

Maintaining the current age limit will ensure the cleanest vehicles are licensed, in turn leading to health benefits for all, but particularly those in the at-risk category, including pregnant women.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

The wider policy document does not have a disproportionate impact on this characteristic.

## Race

### Staff

☒ Yes ☐ No

### Impact

☐ Positive ☐ Neutral ☒ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 states that the two main ethnic groups of drivers are White and Asian or Asian British in 2020/21, making up 43% and 44% of drivers respectively. There is also an increase of non-UK nationals working as drivers in England, rising from 13% in 2009/10 to 25% in 2020/21.

Available figures for Sheffield indicate that the top four ethnic groups are Black African, 99 (4%), White UK, 244 (9%), Asian UK, 453 (16%) and Pakistani, 978 (36%). These figures may not be entirely representative due to incomplete data - 739 (27%) individuals have not disclosed their ethnicity or the information has not been recorded.

Private hire vehicles are predominately driven and owned by self-employed people and are disproportionately from a BAME background.

### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

The majority of drivers are from Pakistani and Asian British backgrounds and are self-employed. Any increase to business costs is therefore likely to be experienced disproportionately by this group.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

Also see Age, Sex and Poverty & Financial Support sections.

The policy document does not have a disproportionate impact due to race.

### Customers

☒ Yes ☐ No

### Impact

☒ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

#### Local Race Statistics

Sheffield is an ethnically diverse city, with around 19% of its population from black or minority ethnic groups. The largest of those groups is the Pakistani community, but Sheffield also has large Caribbean, Indian, Bangladeshi, Somali, Yemeni and Chinese communities.

Burngreave has the highest proportion of BAME people at 62%, whilst in Darnall and Central wards nearly half of the population are BAME and in Walkley, Nether Edge and Firth Park over a quarter. In contrast, in Stocksbridge and Upper Don, East and West Ecclesfield and Birley wards, less than 5 percent of the population are BAME.

More recently, Sheffield has seen an increase in the number of overseas students coming to the city and in the number economic migrants from European Union ascension states (countries which joined the European Union in or after 2004).

(<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html> (2011 Census Briefing Note 1.2 : Ethnicity, National Identity, Country of Birth and Religion))

#### Air Quality

The proposals to tackle harmful pollution should have positive health benefits for all communities in the city. However, air quality monitoring demonstrates that there are currently significant air quality challenges in the city centre and the east of the city, areas which have proportionately higher BAME populations.

The CAZ will help to deliver a rapid improvement to air quality in the city and should bring positive benefits to BAME communities:

<https://sheffieldcc.maps.arcgis.com/apps/Cascade/index.html?appid=73885c6943cf47648ca5af9c49caa110>

It should also be recognised that the BAME population tends to be younger than non-BAME groups. Current levels of air pollution are putting BAME children and young people at risk of associated health problems.

The introduction of the CAZ and an upgraded vehicle fleet will deliver prompt reductions in harmful NO2 emissions across the city but particularly in the places which breach the legal limit.

According to a report commissioned by the DfT (FS13 Future of Transport - Equalities and access to opportunity) people from a BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment, and live in densely populated urban areas – increasing their exposure to air pollution. For many people from a BAME background, having regular, affordable, clean, and efficient transport is essential.

#### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable. Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

The wider policy document does not have a disproportionate impact on this characteristic.

## Sex

### Staff

☒ Yes ☐ No

### Impact

☐ Positive ☐ Neutral ☒ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2022 show that the vast majority of drivers are male – 97%.

In Sheffield over of 98% of licensees are male. Any increases in business costs are therefore likely to be experienced disproportionately by this group.

### Policy

Drivers are predominately self-employed and an increase in standards may disproportionately impact them.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

Also see Age, Race and Poverty & financial inclusion sections.

The wider policy document does not have a disproportionate impact due to sex.

### Customers

☒ Yes ☐ No

### Impact

☒ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

#### Local Sex Statistics

According to the 2016 Mid-Year Population Estimate (Office of National Statistics) Sheffield's population indicate 286,199 males and 289,225 females. According to the projections, there will be more males than females in Sheffield from 2023 onwards.

### Policy

The wider policy document does not have a disproportionate impact due to sex.

## Poverty & Financial Inclusion

### Staff

☒ Yes ☐ No

### Impact

☐ Positive ☐ Neutral ☒ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

#### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

Drivers are predominately self-employed and any increase in standards may disproportionately impact them.

Licensees with an older vehicle might be eligible to apply for the financial assistance available as part of the Clean Air Zone introduction. Financial support will include grants and loans with higher levels of funding available towards purchase of a Zero Emission Capable vehicle.

Whilst financial support packages will be made available linked with the Clean Air Zone, this will not be enough to cover the full cost of upgrading to a ZEC compliant vehicle and is a limited pot of funding with no replacement grant support once this is exhausted. This might result in a disproportionate number of licensees and vehicle proprietors having to fund upgrades themselves.

Also see Age, Race and Sex sections.

### Customers

☒ Yes ☐ No

### Impact

☒ Positive ☐ Neutral ☐ Negative

### Level

☐ None ☒ Low ☐ Medium ☐ High

### Details of impact

#### Air Pollution

Evidence from a range of global and national studies on air pollution indicate that it is often poorer and lower income communities that are most exposed to the negative consequences of harmful levels of pollution:

- poorer communities often live in denser, urbanised environments with greater exposure to major roads and concentration of road traffic
- the health inequalities, poor levels of health and pre-existing health conditions that are associated with poverty are exacerbated by polluted air, impacting on wider quality of life
- intergenerational - the impact of polluted air on children (e.g. reduced lung development) of lower income families in areas can lead to reduced life chances and long-term health conditions
- the negative health implications of exposing poorer communities to harmful air pollution contributes to trapping those communities in poverty. By creating, contributing to and exacerbating health problems, air pollution can reduce working and earning capacity. The Lancet have found that in low-to-medium income countries,



air pollution reduces Gross Domestic Product (GDP) by up to 2% and drives up demand and costs on healthcare services.

In Sheffield, there is a strong geographic correlation between the most deprived communities and the greatest air quality challenges, particularly in the city centre and communities in the east of the city.

### Policy

The vehicle specification will maintain the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore meeting the Euro 6 standard.

Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years; however, Zero Emission Capable vehicles will be allowed to be licensed for 12 years, so long as they continue to pass all tests and licensing requirements.

From January 2027, newly licensed vehicles must be Zero Emission Capable.

This will have a positive impact for those living in the most deprived communities.

## Cumulative Impact

### Proposal has a cumulative impact

☒ Yes ☐ No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input checked="" type="radio"/> Other

#### *If yes, details of impact*

Clean Air Programme  
Our Sheffield – One Year Plan – Climate Change, Economy and Development  
Hackney Carriage and Private Hire Drivers Licence Policy  
A 10 Point Plan for Climate Action

### Proposal has geographical impact across Sheffield

☐ Yes ☒ No

#### *If Yes, details of geographical impact across Sheffield*

### Local Partnership Area(s) impacted

☒ All ☐ Specific

#### *If Specific, name of Local Partnership Area(s) impacted*

## Action Plan and Supporting Evidence

### Action Plan

Following the consultation, amendments have been made to policy. These include:

- Update of CCTV specification
- Amendments to vehicle specification, including age limits and window tint requirements
- Amendments to signage specification
- Removal of Tax Conditionality Checks for vehicle proprietors (not required)

**Supporting Evidence** (Please detail all your evidence used to support the EIA)

Committee on the Medical Effects of Air Pollution (2018) Associations of long-term average concentrations of nitrogen dioxide with mortality -  
[https://assets.publishing.service.gov.uk/government/uploads/attachment\\_data/file/734799/COMEAP\\_NO2\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/734799/COMEAP_NO2_Report.pdf)

DEFRA (2017) UK plan for tackling roadside nitrogen dioxide concentrations: Detailed Plan -  
[https://assets.publishing.service.gov.uk/government/uploads/attachment\\_data/file/633270/air-quality-plan-detail.pdf](https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/633270/air-quality-plan-detail.pdf)

Sheffield City Council (2017) Air Quality Annual Status Report 2017 -  
<https://www.sheffield.gov.uk/content/dam/sheffield/docs/pollution-and-nuisance/air-pollution/air-aware-campaign/Air%20Quality%20Annual%20Status%20Report%2020171.pdf>

Sheffield City Council (2017) Clean Air Strategy -  
<https://democracy.sheffield.gov.uk/documents/s29124/clean%20Air%20Strategy%20Dec%202.pdf>

Sheffield City Council (2018) Transport Strategy -  
<https://democracy.sheffield.gov.uk/documents/s31437/Transport%20Strategy%202.pdf>

Access for wheelchair users to Taxis and Private Hire Vehicles - Statutory Guidance (2017)

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 - Parliamentary Bills - UK Parliament  
[Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12/section/1)

[Bus and coach accessibility and the Public Service Vehicle Accessibility Regulations 2000 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/bus-and-coach-accessibility-and-the-public-service-vehicle-accessibility-regulations-2000)

The National Office of Statistics - 2011 Census data on 11 December 2012

2016 Mid-Year Population Estimate (Office of National Statistics)

Sheffield City Council - Sheffield Population:  
<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html>

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/statutory-taxi-and-private-hire-vehicle-standards)

A 10 Point Plan for Climate Action  
[PowerPoint Presentation \(sheffield.gov.uk\)](https://www.sheffield.gov.uk/content/dam/sheffield/docs/10-point-plan-for-climate-action/10-point-plan-for-climate-action-powerpoint-presentation.pdf)

Taxi and private hire vehicle statistics, England: 2022  
[Taxi and private hire vehicle statistics, England: 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022)

Consultation responses via Citizenspace survey or those emailed directly to the service. In addition, briefings to Transport4All group and working with sub-group on details of policy.

## Consultation

### Consultation required

☒ Yes ☐ No

### If consultation is not required please state why

The Statutory Taxi and Private Hire Vehicle Standards document states that Licensing Authorities should “consult on proposed changes that may have a significant impact on passengers and/or the trade”.

In addition, the standards inform that it is not only the taxi and private hire trades that should be consulted, but groups who are likely to be the trades’ customers, such as:

- Groups representing disabled people
- Chambers of Commerce
- Organisations with a wider transport interest
- Women’s Groups
- Local Traders
- Local Multi-agency Safeguarding Arrangements
- Night-time economy groups

The Licensing Authority has undertaken an 8-week consultation in regard to the proposals.

Amendments have been made to the policy as a result of comments received through the consultation, these can be found in the Actions section, above. A copy of all results will be made available to the Licensing Committee when determining the policy.

A full list of the consultees is attached to the policy document.

### Are Staff who may be affected by these proposals aware of them

☒ Yes ☐ No

### Are Customers who may be affected by these proposals aware of them

☒ Yes ☐ No

### If you have said no to either please say why

## Summary of overall impact

### Summary of overall impact

Fundamentally this policy should be of universal positive benefit to all local people, particularly disabled people and those impacted by poor air quality.

There may be certain aspects of the policy, specifically the need to upgrade vehicles, that have a slight disproportionate impact on licensees, particularly on male and Asian British and Pakistani drivers, due to the proportion of drivers represented in these groups. There is also a potential impact on poverty and financial inclusion due to the additional costs. Any possible negative impacts must be weighed up proportionately against the legitimate aim of improving air quality and therefore health.

We have carried out a consultation process on this policy and updated the EIA as a result.

## Escalation plan

**Is there a high impact in any area?**

☐ Yes ☒ No

**Overall risk rating after any mitigations have been put in place**

☐ High ☐ Medium ☒ Low ☐ None

## Sign Off

**EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?**

☒ Yes ☐ No

Date agreed 09/11/2022

**Review Date**

01/06/2023

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## Appendix C

# Private Hire Operator and Vehicle Licence Policy review: Summary report

This report was created on Monday 09 May 2022 at 12:30 and includes 49 responses.

The activity ran from 14/03/2022 to 06/05/2022.

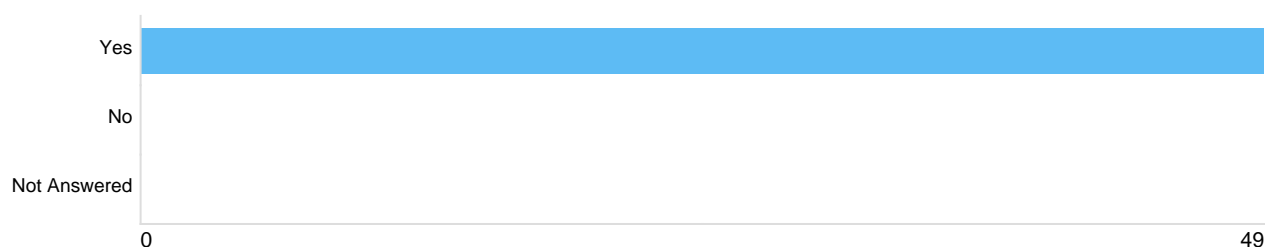
## Contents

Question 1: Are you a licensed Sheffield Driver?	2
Are you a licensed Sheffield Driver of a Hackney Carriage or Private Hire vehicle?	2
Question 2: Is the policy easy to understand?	2
Is the policy easy to understand?	2
If no, please tell us why not	2
Question 3: Does the policy document provide you with the information required to understand the purpose? a) Provide individuals with a clear, consistent basis for submitting applications b) Provide a clear, consistent basis for determining licence applications	2
Does the policy document provide you with the information required to understand the purpose of the policy: • Provide individuals with a clear, consistent basis for submitting applications • Provide a clear, consistent basis for determining licence applications • Support the wider strategic aims of the City Council, especially those related to the environment and clean air	2
If no, please tell us why not	2
Question 4: Does the policy document include any information that you disagree with or you think needs amending?	3
Does the policy document include any information that you disagree with or you think needs amending?	3
If yes, please provide comments, making it clear which section you are referring to.	3
Question 5: Are there any changes that you think would improve the policy?	3
Are there any changes that you think would improve the policy?	3
If yes, please provide comments, making it clear which section you are referring to.	3
Question 6: If you have any further comments on the policy, please tell us below.	3
If you have any further comments on the policy, please tell us below.	3
Question 7: Age	4
Age	4
Question 8: Ethnicity	4
White	4
Other White background	5
Asian or Asian British	5
Other Asian background	5
Black or Black British	5
Black or Black British other	6
Other ethnic group	6
Other ethnic group	6
Mixed /multiple heritage	6
Other mixed background	6
Question 9: Sex	7
Sex	7
Sex other	7
Question 10: Gender Identity	7
Gender Identity	7
How do you identify?	7
If you chose other, please state here	7
Question 11: Disability	8
disability	8
Disability detail	8
other disability	9
Question 12: Religion/Belief	9
Religion/belief	9
other faith	9
Question 13: Sexual orientation	10
Sexual orientation	10
other sexuality	10



### Question 1: Are you a licensed Sheffield Driver?

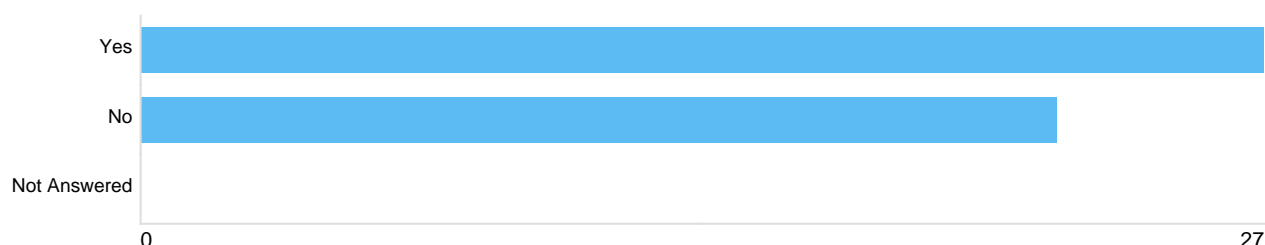
*Are you a licensed Sheffield Driver of a Hackney Carriage or Private Hire vehicle?*



Option	Total	Percent
Yes	49	100.00%
No	0	0.00%
Not Answered	0	0.00%

### Question 2: Is the policy easy to understand?

*Is the policy easy to understand?*



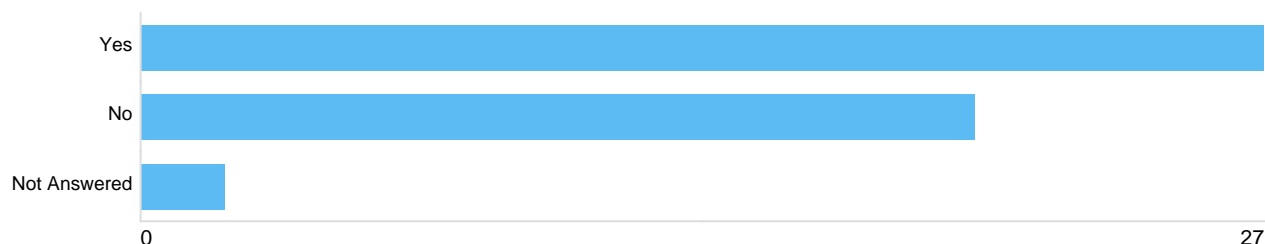
Option	Total	Percent
Yes	27	55.10%
No	22	44.90%
Not Answered	0	0.00%

*If no, please tell us why not*

There were **18** responses to this part of the question.

### Question 3: Does the policy document provide you with the information required to understand the purpose? a) Provide individuals with a clear, consistent basis for submitting applications b) Provide a clear, consistent basis for determining licence applications

*Does the policy document provide you with the information required to understand the purpose of the policy: • Provide individuals with a clear, consistent basis for submitting applications • Provide a clear, consistent basis for determining licence applications • Support the wider strategic aims of the City Council, especially those related to the environment and clean air*



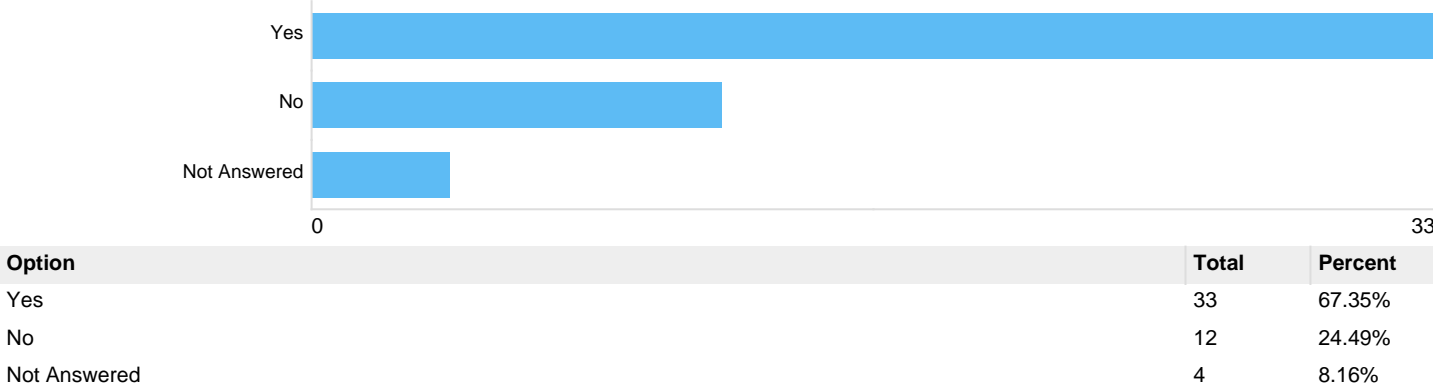
Option	Total	Percent
Yes	27	55.10%
No	20	40.82%
Not Answered	2	4.08%

*If no, please tell us why not*

There were **12** responses to this part of the question.

**Question 4: Does the policy document include any information that you disagree with or you think needs amending?**

*Does the policy document include any information that you disagree with or you think needs amending?*

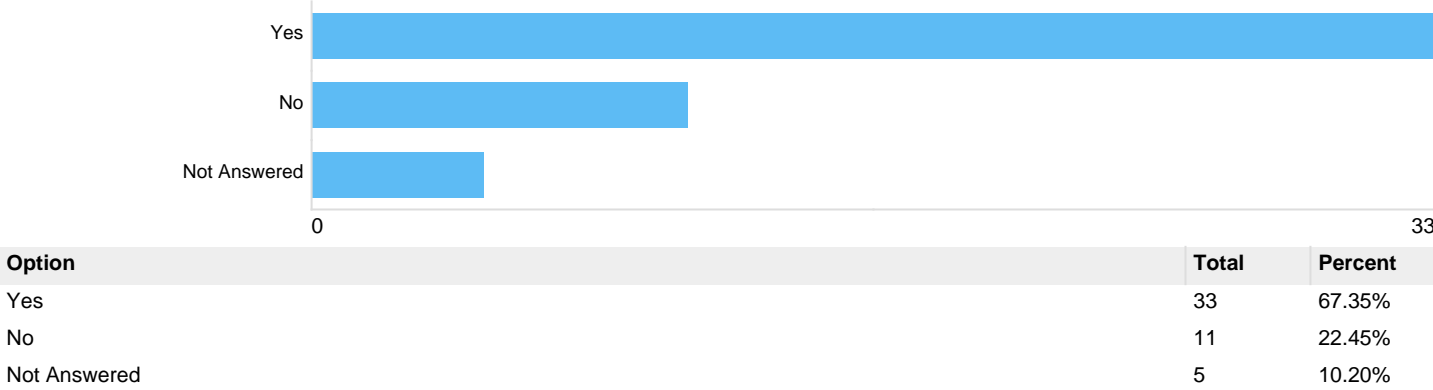


*If yes, please provide comments, making it clear which section you are referring to.*

There were 28 responses to this part of the question.

**Question 5: Are there any changes that you think would improve the policy?**

*Are there any changes that you think would improve the policy?*



*If yes, please provide comments, making it clear which section you are referring to.*

There were 31 responses to this part of the question.

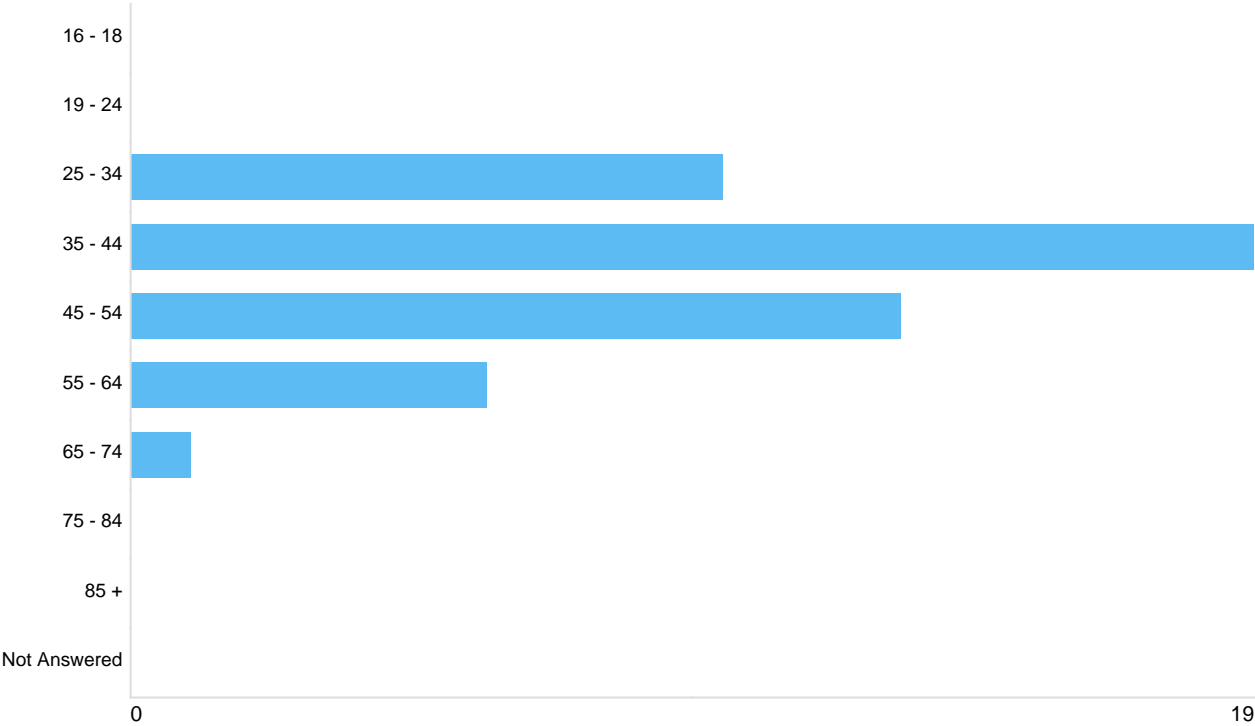
**Question 6: If you have any further comments on the policy, please tell us below.**

*If you have any further comments on the policy, please tell us below.*

There were 20 responses to this part of the question.

Question 7: Age

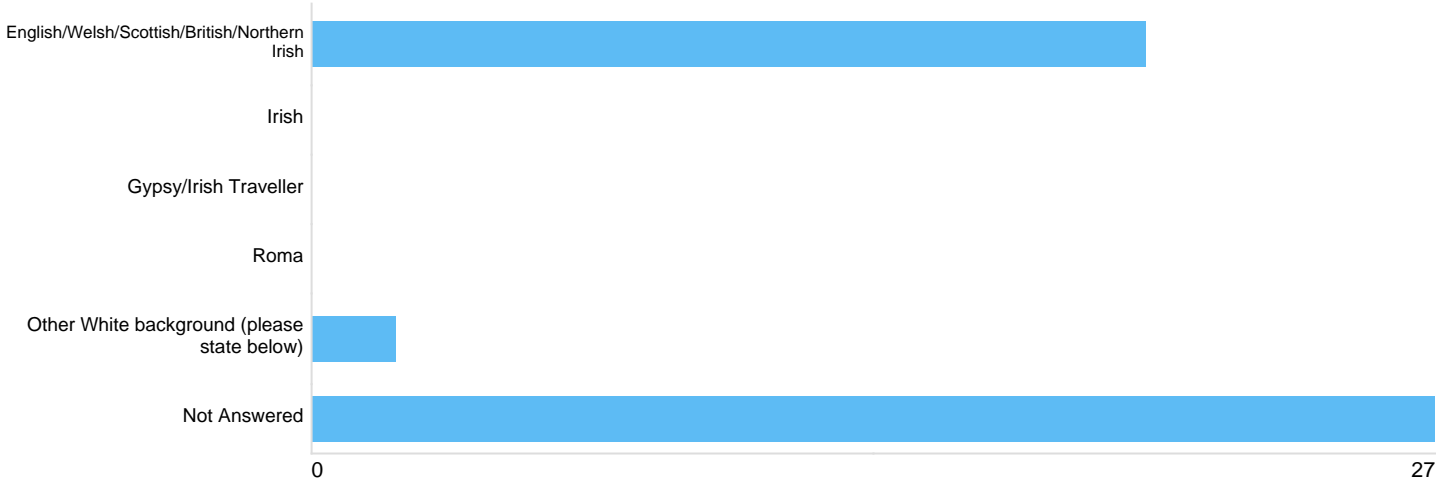
Age



Option	Total	Percent
16 - 18	0	0.00%
19 - 24	0	0.00%
25 - 34	10	20.41%
35 - 44	19	38.78%
45 - 54	13	26.53%
55 - 64	6	12.24%
65 - 74	1	2.04%
75 - 84	0	0.00%
85 +	0	0.00%
Not Answered	0	0.00%

Question 8: Ethnicity

White



Option	Total	Percent
English/Welsh/Scottish/British/Northern Irish	20	40.82%
Irish	0	0.00%
Gypsy/Irish Traveller	0	0.00%
Roma	0	0.00%
Other White background (please state below)	2	4.08%
Not Answered	27	55.10%

#### ***Other White background***

There were **0** responses to this part of the question.

#### ***Asian or Asian British***

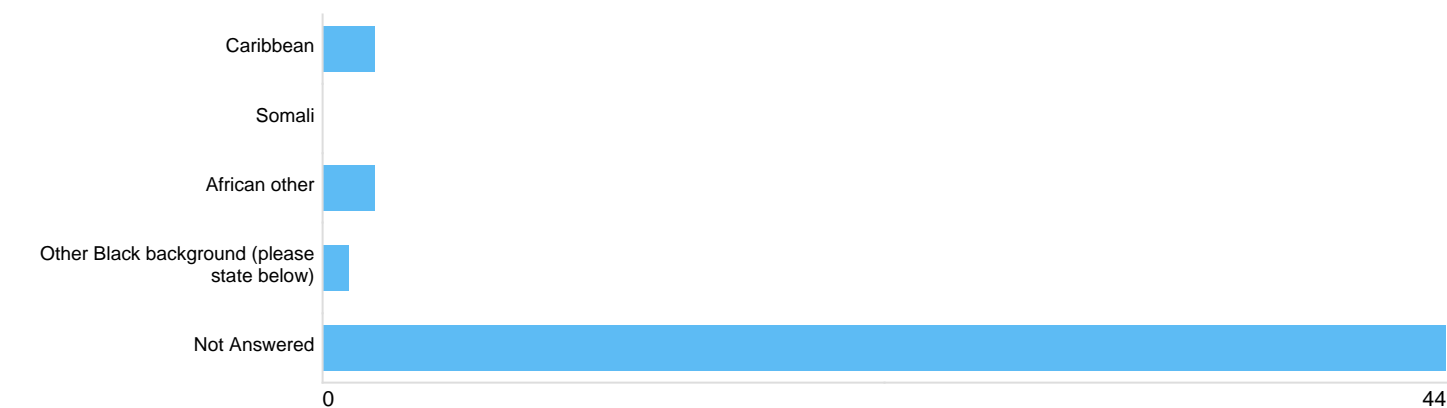


Option	Total	Percent
Indian	0	0.00%
Pakistani	28	57.14%
Bangladeshi	3	6.12%
Chinese	1	2.04%
Other Asian background (please state below)	0	0.00%
Not Answered	17	34.69%

#### ***Other Asian background***

There were **0** responses to this part of the question.

#### ***Black or Black British***



Option	Total	Percent
Caribbean	2	4.08%
Somali	0	0.00%
African other	2	4.08%
Other Black background (please state below)	1	2.04%
Not Answered	44	89.80%

#### ***Black or Black British other***

There was 1 response to this part of the question.

#### ***Other ethnic group***

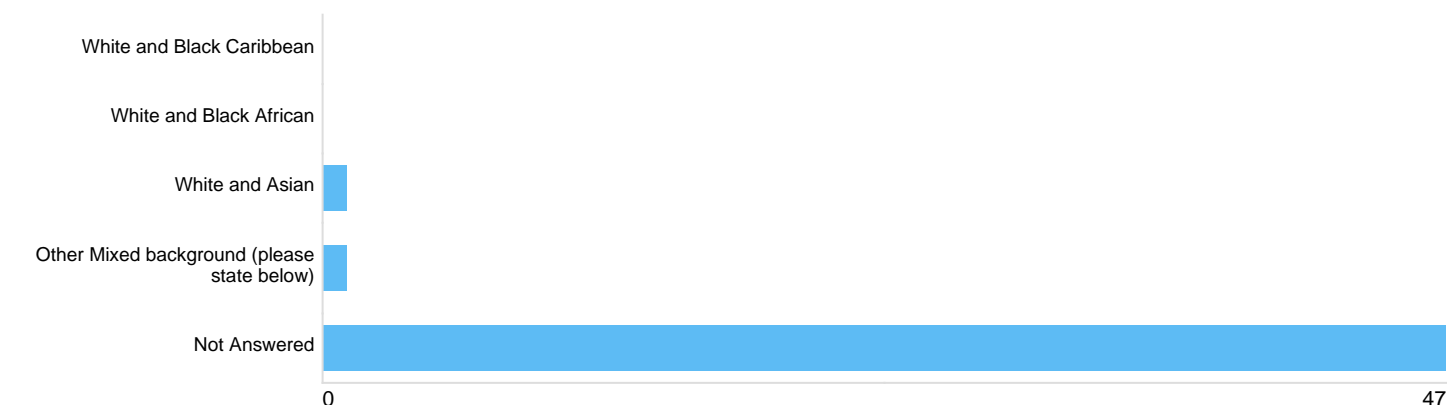


Option	Total	Percent
Yemeni	1	2.04%
Other Arab	0	0.00%
Other ethnic group (please state below)	1	2.04%
Not Answered	47	95.92%

#### ***Other ethnic group***

There were 0 responses to this part of the question.

#### ***Mixed /multiple heritage***



Option	Total	Percent
White and Black Caribbean	0	0.00%
White and Black African	0	0.00%
White and Asian	1	2.04%
Other Mixed background (please state below)	1	2.04%
Not Answered	47	95.92%

#### ***Other mixed background***

There were 0 responses to this part of the question.

Question 9: Sex

Sex



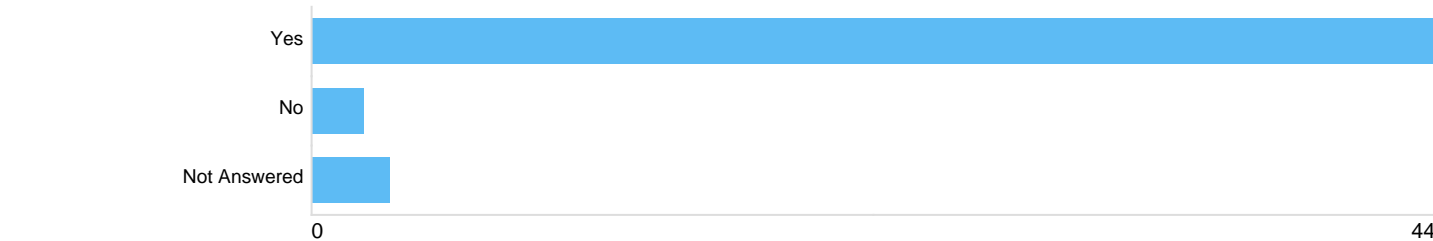
Option	Total	Percent
Female	1	2.04%
Male	48	97.96%
Other (please state below)	0	0.00%
Not Answered	0	0.00%

Sex other

There were 0 responses to this part of the question.

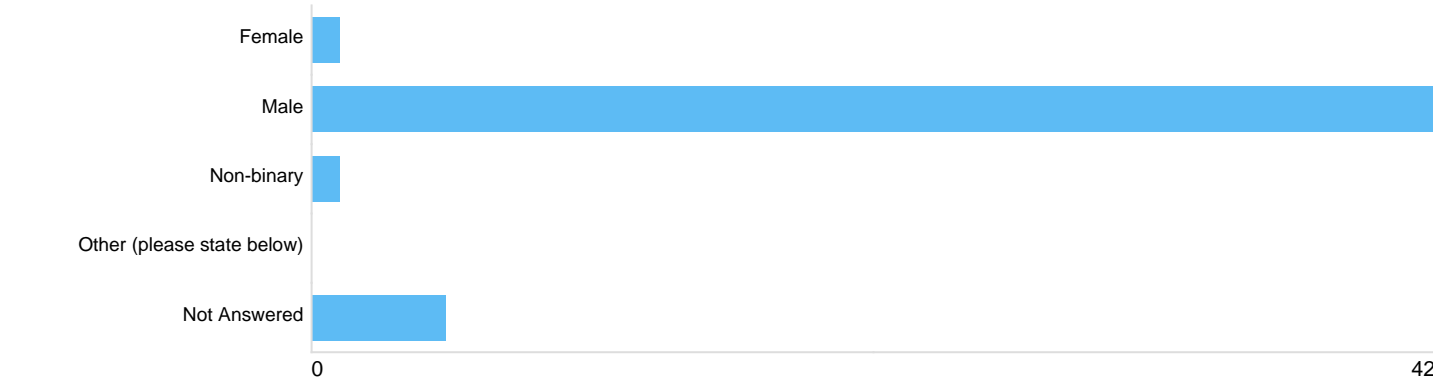
Question 10: Gender Identity

Gender Identity



Option	Total	Percent
Yes	44	89.80%
No	2	4.08%
Not Answered	3	6.12%

How do you identify?



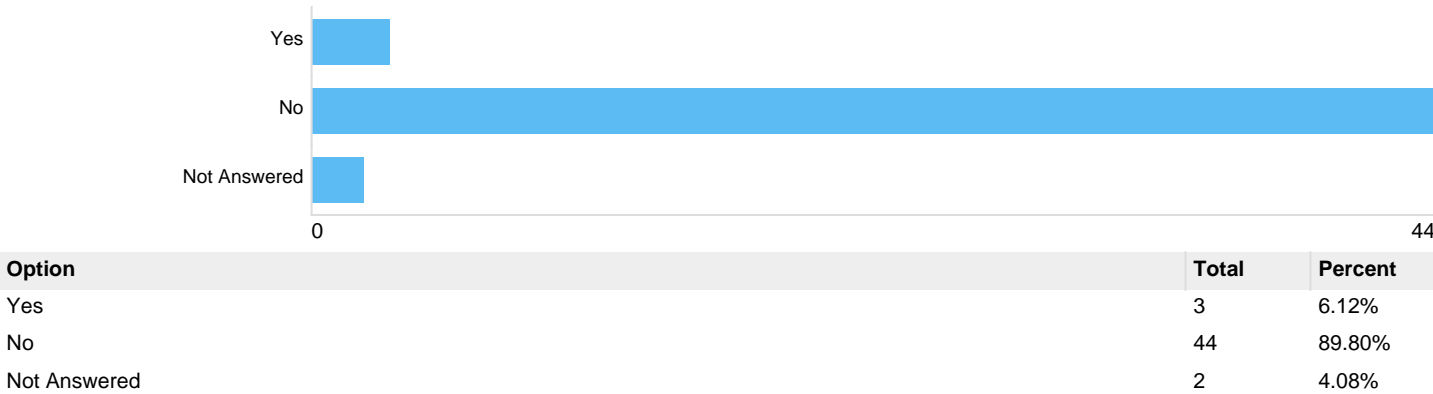
Option	Total	Percent
Female	1	2.04%
Male	42	85.71%
Non-binary	1	2.04%
Other (please state below)	0	0.00%
Not Answered	5	10.20%

If you chose other, please state here

There were 0 responses to this part of the question.

Question 11: Disability

disability



Disability detail



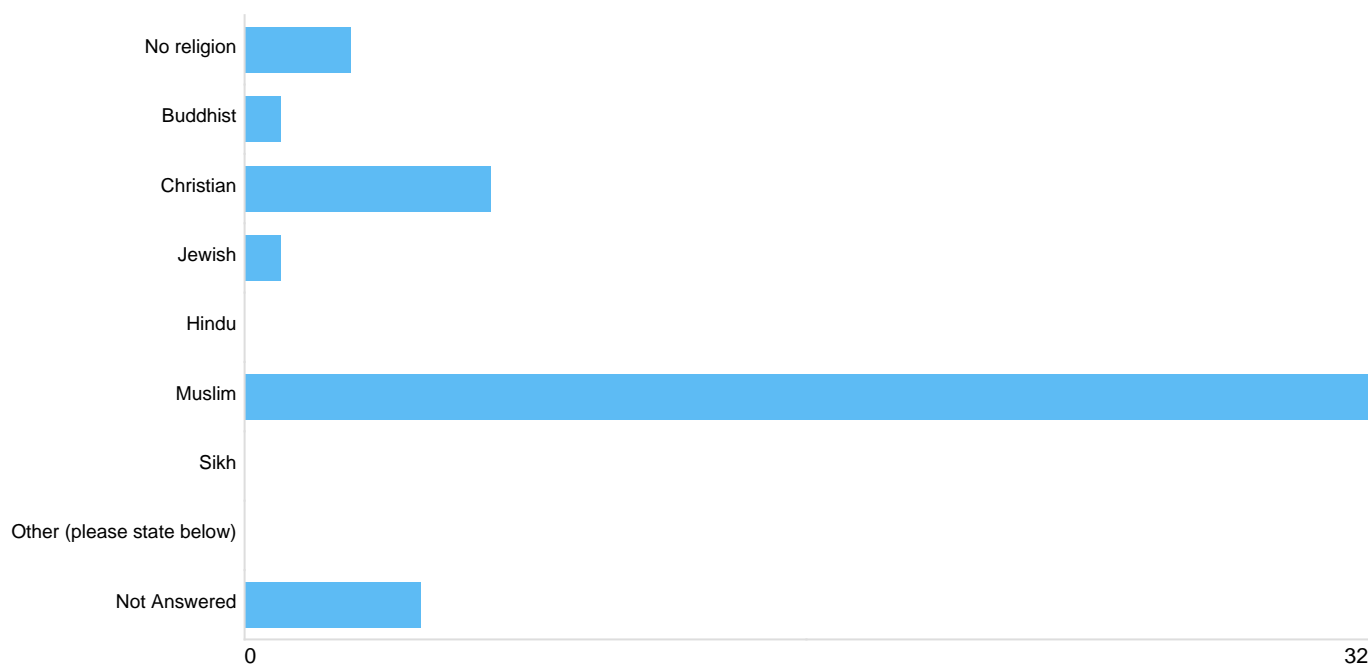
Option	Total	Percent
Communication (e.g. impaired speech)	0	0.00%
Developmental (e.g. dyslexia)	0	0.00%
Hearing (e.g. mild to profound deafness)	1	2.04%
Impaired memory/concentration or ability to understand (e.g. head injury, stroke, dementia)	0	0.00%
Learning (e.g. mild to profound learning disability)	0	0.00%
Long-term illness or health (e.g. cancer, HIV, diabetes, chronic heart disease, arthritis, chronic asthma)	0	0.00%
Mental ill health (e.g. depression, anxiety, bipolar disorders, schizophrenia)	1	2.04%
Mobility or physical (e.g. walking, dexterity)	0	0.00%
Visual (e.g. partial sighted to blind)	0	0.00%
Autistic Spectrum Disorders or Attention Deficit Disorders	0	0.00%
Other (please state below)	1	2.04%
Not Answered	46	93.88%

#### ***other disability***

There were **0** responses to this part of the question.

### **Question 12: Religion/Belief**

#### ***Religion/belief***



Option	Total	Percent
No religion	3	6.12%
Buddhist	1	2.04%
Christian	7	14.29%
Jewish	1	2.04%
Hindu	0	0.00%
Muslim	32	65.31%
Sikh	0	0.00%
Other (please state below)	0	0.00%
Not Answered	5	10.20%

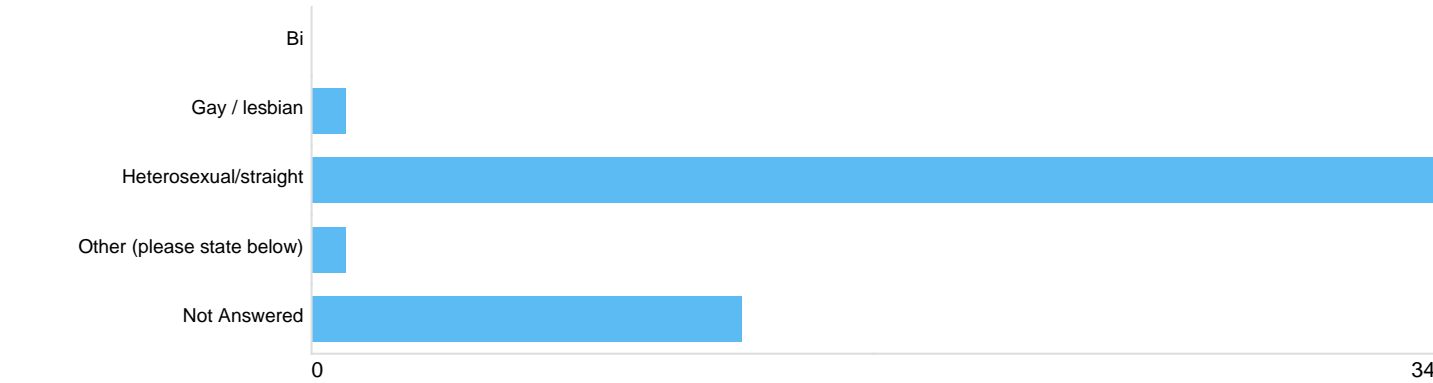
#### ***other faith***

There was **1** response to this part of the question.



Question 13: Sexual orientation

Sexual orientation



Option	Total	Percent
Bi	0	0.00%
Gay / lesbian	1	2.04%
Heterosexual/straight	34	69.39%
Other (please state below)	1	2.04%
Not Answered	13	26.53%

other sexuality

There were 0 responses to this part of the question.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Appendix E

## Amendments to Policy

Private Hire Operator and Vehicle Licence Policy Consultation	
Section	Changes
<b>Introduction</b>	No Change
<b>Strategies and Legislation</b>	Updated – 2 new pieces of legislation
<b>Equality, Diversity, and Inclusion</b>	No Change
<b>Delegations</b>	Refined Wording
<b>Information Sharing</b>	No Change
<b>Private Hire Operator Policy</b>	
<b>Legislative Background</b>	No change
<b>Fit and Proper Person Requirement</b>	Refined Wording
<b>Background Checks</b>	Refined Wording
<b>Disclosure and Barring Service (DBS) Checks</b>	Refined Wording
<b>Relevance of Convictions, Cautions, Reprimands and Warnings</b>	Refined Wording
<b>Fit and Proper Threshold</b>	Reworded to 'Relevant Convictions' and refined wording
<b>Right to Work Documentation</b>	No Change
<b>Tax Conditionality Checks</b>	No Change
<b>Insurance Requirements</b>	No Change
<b>Planning Permission</b>	No Change
<b>Registering with the Information Commissioner's Office</b>	No Change
<b>Operator Name</b>	No Change
<b>Supporting Documents</b>	No Change
<b>Private Hire Operator Licence</b>	No Change
<b>Private Hire Operator Conditions</b>	<p>Conditions updated:</p> <ul style="list-style-type: none"> <li>All staff that take bookings and/or dispatch vehicles must be appropriately trained, including understanding different accessibility needs and requests.</li> <li>Records of all bookings, whether accepted or rejected, must be maintained and kept up to date and must be made available for inspection at all reasonable times</li> </ul>

	<p>without notice by an Authorised Officer or Police Officer. Officers must be permitted to photograph and/or remove such records and to remove from the premises if so required.</p> <ul style="list-style-type: none"> <li>• The operator shall provide complainants with the information on how to make a complaint to the Licensing Authority if they so wish.</li> <li>• The operator is responsible for ensuring that their system, where possible, identifies job bookings with specific requirements and that only vehicles and drivers who can fulfil the booking are identified as appropriate to undertake</li> <li>• Where a driver accepts a job booking and then subsequently cancels, the reason for cancellation must identified and logged</li> </ul>
<b>Compliance and Enforcement</b>	No Change
<b>Better Regulation Delivery Office: Regulators' Code, 2014</b>	No Change
<b>Better Regulation Unit: Enforcement Concordat</b>	No Change
<b>Enforcement and Non-Compliance Options</b>	No Change
<b>Complaints</b>	No Change
<b>Private Hire Vehicle Policy</b>	
<b>Legislative Background</b>	No Change
<b>Application Process</b>	No Change
<b>Tax Conditionality Checks</b>	Removed – not required for vehicle application purposes
<b>Disclosure and Barring Service Checks</b>	Refined Wording
<b>Private Hire Vehicle Specification</b>	<p>Updated and refined wording.</p> <p>Changes made to include:</p> <ul style="list-style-type: none"> <li>• Windows – allow factory fitted tinted windows</li> <li>• Zero Emission Capable vehicles to be licensed for up to 12 years</li> <li>• As of 2027 newly licensed vehicles must be Zero Emission Capable</li> </ul>
<b>Image Recording Equipment</b>	<p>Updated wording.</p> <p>To remain voluntary but must conform to new specification if installed</p>
<b>Special Occasion Vehicles</b>	No Change
<b>Limousines</b>	No Change
<b>Exceptional Vehicle Criteria</b>	No Change
<b>Vehicle Inspections and Testing</b>	No Change
<b>Insurance</b>	No Change
<b>Advertising</b>	Updated to allow half and full livery (must not detract from vehicle signage)

<b>Accidents</b>	No Change
<b>Transfer of Vehicle Licence</b>	No Change
<b>Signage</b>	<p>Updated specification</p> <ul style="list-style-type: none"> <li>• Permanently affixed signage to front nearside and offside doors, denoting Council logo, the words 'Advanced Booking Only' and 'Private Hire Vehicle' and the private hire vehicle number.</li> <li>• Securely affixed signage to rear nearside and offside doors showing the private hire operator for which jobs are being undertaken. The design etc. to be determined by the Licensing Authority.</li> </ul>
<b>Vehicle Conditions</b>	<p>Updated</p> <p>Changes to vehicle signage</p> <p>Convictions etc. to be notified to the authority within 48 hours in line with driver policy</p>
<b>Compliance and Enforcement</b>	No Change
<b>Enforcement and Non-Compliance Options</b>	No Change
<b>Consultation</b>	No Change





## Report to Policy Committee

**Author/Lead Officer of Report:** Ryan Keyworth,  
Director of Finance and Commercial Services

**Tel:** +44 114 474 1438

**Report of:** Ryan Keyworth & Ajman Ali  
**Report to:** Waste & Street Scene Policy Committee  
**Date of Decision:** 23/11/2022  
**Subject:** 2023/24 Budget Position

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The exemption applies to the appended closed report:- <i>"The appendix is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

### Purpose of Report:

This report updates in the Policy Committee on the progress of the 2023/24 budget process.

The appendix contains specific budget proposals that the Committee are asked to endorse

### Recommendations:

#### The Committee is recommended to:

1. Note the update on the Council's 2023/24 budget position.
2. Endorse the budget proposals set out in the appendix.

### Background Papers:

[12 October 2022 Strategy and Resources Committee Report](#)

<b>Lead Officer to complete: -</b>		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<b>Finance:</b> <i>Ryan Keyworth, Director of Finance and Commercial Services</i>
		<b>Legal:</b> <i>David Hollis, Interim Director, Legal and Governance</i>
		<b>Equalities &amp; Consultation:</b> <i>James Henderson, Director of Policy, Performance and Communications</i>
		<b>Climate:</b> <i>n/a</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	<i>Ryan Keyworth</i>
3	<b>Committee Chair consulted:</b>	<i>Cllr Joe Otten</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Ryan Keyworth</i>	<b>Job Title:</b> <i>Director of Finance and Commercial Services</i>
	<b>Date:</b> <i>1<sup>st</sup> November 2022</i>	

## 1. PROPOSAL

1.1. This report updates in the Policy Committee on the progress of the 2023/24 budget process.

1.2. <b>S&amp;R received the sum of the Policy Committee Budget Proposals on 12 October. This left a £19.6m remaining gap assuming that all proposals Noted by Policy Committees are ultimately approved</b>	General Fund Revenue Budget (£m)	Pressure	Noted by Committee	Mitigations to find
	AHSC	25.0	-25.0	0.0
	ECF	12.4	-6.9	5.5
	Housing	0.7	-0.5	0.2
	TRC	3.4	-0.8	2.6
	EDS	0.6	-0.5	0.1
	WSS	11.5	-0.9	10.6
	CPL	2.3	-2.3	0.0
	S&R (Corporate)	16.7	-16.7	0.0
	S&R (Committee)	7.8	-7.2	0.6
	<b>Total</b>	<b>80.4</b>	<b>-60.8</b>	<b>19.6</b>

1.3. **There are some potential improvements to this position** Work is still in progress, particularly with the Education, Children and Families Committee which is resulting in further savings being identified.

It is hoped that this will improve the position to leave around £15m still to be found.

1.4. **We need to find options to close most, if not all of this gap** Based on the latest budget monitoring, by the end of the financial year we will have used around £54m of the £70m reserves we earmarked to support a return to financial sustainability.

That means we can't use reserves to balance next year's budget – we don't have the scope to fill recurrent overspends with one-off reserves and if we do, we'll find ourselves under increasing external scrutiny.

1.5. **We can afford some one-off costs for change** We can use the remaining £16m of reserves to help us change our organisation to both deliver on our plans and operate at a lower ongoing cost.

1.6. **Ultimately, it's for S&R to recommend a budget to Council** In the Council's constitution, it is for the Strategy and Resources Committee to recommend a budget to Full Council. This applies to both the Housing Revenue Account business plan and rent setting report to the 1 February 2023 full Council meeting and the rest of the budgets and Council Tax level report to the 1 March 2023 Full Council meeting.

The process we have followed this year with Policy Committees was designed to provide the maximum level of individual Policy Committee involvement in the process that is allowed by the Constitution.

Time is now against us, and it may be necessary for S&R to make recommendations to Council that have not been

explicitly approved by the relevant Policy Committee in a public meeting.

### **November Policy Committees and December Strategy and Resources Committee**

- 1.7. **The November Policy Committees can be the first step to approval**
- The original intention was for Policy Committees to endorse their overall budgets and recommend them to Strategy and Resources which would in turn recommend the budget to Full Council.
- That may still be possible for some Committees where proposals have widespread political support and where the necessary consultations with stakeholders have taken place to allow proposals to be set out in public.
- Where this is possible, a separate report on this agenda will set that out.
- 1.8. **5 December S&R will need an almost final position**
- There will be no time to alter the Housing Committee's Housing Revenue Account business plan and budget after Christmas if the Housing Rent setting decision is to be made at the 1 February Council.
- There may be time leading up to Christmas to make minor changes to the General Fund budget leading up to 1 March Council, but not much.
- There will also be significant work to do on public consultation, equality and climate impacts and other stakeholder engagement in the time between Christmas and mid-February.
- We need a solid position ahead of what could be an uncertain and late Local Government Finance Settlement.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

The recommendations in this report are central to the process of completing the Council's 2023/24 budget process in good time.

## **3. HAS THERE BEEN ANY CONSULTATION?**

There has been no consultation on this report, however, it is anticipated that the budget process itself will involve significant consultation as the Policy Committees develop their budget proposals.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1. Equality Implications**

There are no direct equality implications arising from this report. It is expected that individual Committees will use equality impact analyses as a basis for the development of their budget proposals in due course.

#### 4.2. Financial and Commercial Implications

There are no direct financial implications from this report.

#### 4.3. Legal Implications

Under section 25 of the Local Government Act 2003, the Chief Finance Officer of an authority is required to report on the following matters:

- the robustness of the estimates made for the purposes of determining its budget requirement for the forthcoming year; and
- the adequacy of the proposed financial reserves.

There is also a requirement for the authority to have regard to the report of the Chief Finance Officer when making decisions on its budget requirement and level of financial reserves.

By the law, the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves. However, a budget will not be balanced where it reduces reserves to unacceptably low levels and regard must be had to any report of the Chief Finance Officer on the required level of reserves under section 25 of the Local Government Act 2003, which sets obligations of adequacy on controlled reserves.

#### 4.4. Climate Implications

There are no direct climate implications arising from this report. It is expected that individual Committees will consider climate implications as they develop their budget proposals in due course.

#### 4.5. Other Implications

No direct implication

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

The Council is required to both set a balanced budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

### 6. **REASONS FOR DECISION**

The Council is required by law to set a balanced budget each year. This report is pursuant to that objective and is in line with the process and timetable agreed by the Strategy and Resources Committee on 31 May 2022 and 5 July 2022.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Report to Policy Committee

**Author/Lead Officer of Report:** Steve Lonnia  
Lead Officer for the Night-Time Economy, Counter  
Terrorism, Sports Grounds and Projects

**Tel:** 0114 2734264

**Report of:** Ajman Ali, Executive Director Operational Services  
**Report to:** Waste & Street Scene Committee  
**Date of Decision:** 23<sup>rd</sup> November 2022  
**Subject:** Proposal for a new street trading resolution

Has an Equality Impact Assessment (EIA) been undertaken? Yes ☐ No ☒

If YES, what EIA reference number has it been given?

Has appropriate consultation taken place? Yes ☒ No ☐

Has a Climate Impact Assessment (CIA) been undertaken? Yes ☐ No ☒

Does the report contain confidential or exempt information? Yes ☐ No ☒

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended)."*

### Purpose of Report:

This report sets out a proposal to change the designation of streets in Sheffield City Centre from Consent Streets to Prohibited Streets and requests permission to commence the process to make that change starting with the publication of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

**Recommendations:**

The Waste and Streetscene Policy Committee is recommended to:

- consider and agree to move forward the proposal to change the designation of streets in Sheffield City Centre from Consent Streets to Prohibited Streets;
- approve the commencement of the process to make that change including the publication of a notice of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 to designate all streets within the City Centre (Inner Ring Road) as Prohibited Streets for the purpose of street trading.

**Background Papers:**

None

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<div>Finance: James Lyon, Finance Business Partner</div> <div>Legal: Nadine Wynter, Service Manager, Legal Services</div> <div>Equalities &amp; Consultation: None at this stage, will begin if agreed to publish notice of Council's intention.</div> <div>Climate: None at this stage, will begin if agreed to publish notice of Council's intention.</div>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	Ajman Ali, Executive Director Operational Services
3	<b>Committee Chair consulted:</b>	Cllr Joe Otten, Cllr Mike Chaplin and Cllr Alexi Dimond
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Steve Lonnia	<b>Job Title:</b> Lead Officer for the Night-Time Economy, Counter Terrorism, Sports Grounds and Projects
	<b>Date: 5<sup>th</sup> November 2022</b>	

## 1. PROPOSAL

### 1.1 BACKGROUND

- 1.1.1 The purpose of this project is to improve the on-street food trading offer across the city centre, providing more opportunities for local street food businesses (especially start-ups) and the creation of mini street food markets. We aim to work in partnership with existing businesses such as the Peddler Market (Warehouse), Kommune and Steelyard (Container Outlet) who have all shown that by bringing together the top brands from around the UK nationally and regionally is a recipe for success and an on-street offer that there is a huge hunger for.
- 1.1.2 Currently the Council uses two pieces of legislation to administer and control street traders and/or markets within the city centre, the Local Government (Miscellaneous Provisions) Act 1982 regulating street trading and the Markets and Fair Clauses Act 1847 to regulate Markets.
- 1.1.3 Members will be aware that the city centre is already a designated market area and we host many market events, on the Moor there is regular market presence and on Fargate, it is used more for occasional markets. This process is administered and enforced by the Council's Markets Service.
- 1.1.4 In relation to street trading the whole of the city is designated as consent streets and the Licensing Service currently issue around 50/60 consents on an annual basis. There are currently 5 consents in the city centre, and these are administered and enforced by the Licensing Service.
- 1.1.5 The **Street Food Movement** over recent years has become a well-established global phenomenon and in the UK is an exciting development in the culinary offer of towns and cities, with gifted food entrepreneurs choosing to bring their menus to the streets rather than through the more traditional route of a restaurant kitchen. Many cities including Leeds, York, Manchester and Birmingham have bought into the ethos of quality street food, and this is one of our aspirations to ensure Sheffield remains as one of the UK's foremost cities.
- 1.1.6 The current street trading system is outdated; it does not reflect the new vibrant street food scene and the street trading legislation restricts the Council's options to move forward.
- 1.1.7 The challenge for us, therefore, is to find a way to sustainably operate a high-quality street food regime in the central retail core, which can add to the vitality and viability of the street scene, draw visitors between the sites and crucially, increase their dwell time and spend time in the city.
- 1.1.8 Such an offer will also play a vital role in closing the gap between the daytime and night-time economies, offering those who work in the city centre an attractive culinary offer and attracting families into the city for the early evening. We can mix this with other on-street activities such as Theatre, Music, and other cultural activities.

## **1.2 CURRENT SITUATION**

- 1.2.1 The current situation is that all streets (which includes roads, footways, forecourts, or other areas to which public have access) within the Sheffield City boundary are designated as consent streets.
- 1.2.2 The last designation took effect as from 1<sup>st</sup> April 2002 and was approved by members of the Licensing Board at its meeting on the 29<sup>th</sup> January 2002.

## **1.3 THE PROPOSAL**

- 1.3.1 It is proposed that the Council should re-designate the whole of the City Centre (everything within the inner ring road) as “Prohibited Streets” under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading. The rest of the city would remain as consent street as they are currently designated.
- 1.3.2 Under the existing Markets designation within the City Centre we would then provide the ability for applications for both individual and multiple trader market licences under the Markets and Fair Clauses Act 1847.
- 1.3.3 The existing street trading consent holders, whose consent expires on the 30<sup>th</sup> November 2022 would be given an option to apply for a short term consent under the existing street trading scheme until 31<sup>st</sup> March 2023 (4 months) after which street trading would cease under the proposed new resolution or they will be able to voluntarily move across the new street food initiative under Markets.
- 1.3.4 Officers would draft, and present to Committee the specific street food market licence documents such as a policy, regulations, qualitative criteria, table of fees, sites/locations, the licence and conditions for traders to comply with if they are to obtain a Market Licence and to reflect the Council’s aspirations more accurately for the City Centre.

## **1.4 THE LEGISLATION**

- 1.4.1 Part III, of the Local Government (Miscellaneous Provisions) Act 1982, as adopted by the Council, gives the Local Authority power to administer and enforce the said provisions of Schedule 4 of the 1982 Act in relation to Street Trading.
- 1.4.2 Section 2 of Part III, Schedule 4 of the Act states:
  - 2(1) A district council may by resolution designate any street in their district as –
    - (a) a prohibited street;
    - (b) a licence street; or
    - (c) a consent street

- 2(2) If a district council pass such a resolution as is mentioned in sub paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- 2(3) A council shall not pass a resolution unless –
  - (a) they have published a notice of their intentions to pass such a resolution in a newspaper circulating in the area;
  - (b) they have served a copy of the notice –
    - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
    - (ii) on any highway authority responsible for that street
- 2(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in that area

## 1.5 THE FORMAL PROCESS

- 1.5.1 Step 1 – this report and the requirement to publish the Council’s intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982. This will include notifying in writing the Chief Constable, South Yorkshire Police and the Highways Authority, and a public notice published in the local press giving 28 days for any comments to be made.
- 1.5.2 Step 2 – report to the 21<sup>st</sup> December 2023 Committee meeting to consider all the necessary process requirements under the Markets and Fair Clauses Act 1847. This will include proposals for a new Street Food Market Licence, new Street Food Market Licence Regulation, the licence and associated conditions, and fees to start immediately. The new initiative would commence on the 1<sup>st</sup> January 2023.
- 1.5.3 Step 3 – final report to the 15<sup>th</sup> February 2023 Committee meeting to consider responses to the consultation undertaken at step 1 and to determine whether to approve or reject the proposed new resolution.
- 1.5.4 Step 4 – if approved at the February 2023 meeting a notice must be published local press stating that we have passed a new resolution. This must be published for two consecutive weeks, and the new resolution will come into force on the 1<sup>st</sup> April 2023.

## 2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The proposal has the potential to bring a whole new experience to the streets of Sheffield City Centre, and an opportunity to work collaboratively with new and existing street food providers. Potentially

provide new job / business opportunities and to help businesses take the first step on the ladder towards setting up in and opening a new premises within the city.

- 2.2 The proposal will help support the City Centre Vision by providing opportunities for small and/or new business start-ups to provide a new place to eat, drink, socialise, explore, and relax whilst enjoying the great outdoors and a new culinary experience.
- 2.3 The vision is to create an offer of a new street food initiative that will provide something for everyone, and throughout the daytime, early evening and late-night economies. A diverse offer of food tastes that will match up with the diverse population of the city.
- 2.4 We will help provide a street food experience that is clean, green, safe and vibrant for those that live, work, learn in or visit our great city.
- 2.5 The proposal is a small part of a wider project to create a night-time economy that is safe, vibrant, welcoming and that works for and welcomes everyone. To enable us to celebrate what we currently have, but to also ensure that we keep looking forward, improving and aiming to be the best.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 A letter was sent to the five existing city centre consent holders on the 23<sup>rd</sup> August 2022, to enter in to an early dialogue with those most affected by the proposals. Consent holders were given until the 7<sup>th</sup> October 2022 to respond in writing.
- 3.2 The five consent holders were also offered the opportunity for a face-to-face meeting to discuss the proposal(s). The holders of three consents took up this offer and discussions have taken place.
- 3.3 The initial concerns of these traders were around any potential increase in fees, particularly during the current financial climate, and the safety / security of their businesses and livelihoods. Their concerns have been noted and will be dealt with and responded to as part of the formal consultation and in the December report to approve fees, regulations, and processes etc.
- 3.4 If members agree to move the proposals forward and approve the publication of a notice stating our intentions to change the street trading resolutions the we will commence a wider consultation process with all current street trading consent holders and others.
- 3.5 Consultation letters will also be sent to the Chief Constable, Chief Fire Officer, Head of Transport and Highways, Head of Planning, Head of Markets and City Centre Management and any other relevant bodies/individuals.

- 3.6 The consultation period with current consent holders will begin on the Monday 30<sup>th</sup> November 2022 and formal notice being sent to the Police etc. and published in the Sheffield Star during the week commencing 30<sup>th</sup> November 2022. The closing date for comments will be Friday 6<sup>th</sup> January 2023.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality Implications**

- 4.1.1 An equality impact assessment will be undertaken if members agree to move the proposals forward and approve the publication of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

##### **4.2 Financial and Commercial Implications**

- 4.2.1 There are no direct revenue implications as a result of this proposal. If the proposal moves to the next stage, then a further analysis of revenue implications will be conducted in preparation for step 2 of the process stated at paragraph 1.5.2 of this report.
- 4.2.2 The principal of exploring this proposal and the income generation were also agreed by Co-operative Executive last year as part of the budget considerations.

##### **4.3 Legal Implications**

- 4.3.1 If the Committee were minded to change the street resolution, it would be necessary to follow the statutory public notice procedure set out in the Local Government (Miscellaneous Provisions) Act 1982.
- 4.3.2 That procedure requires the Committee to give notice of its intention to designate the streets and invite objections. Any objections received in response would have to be considered by the Committee before proceeding any further.

##### **4.4 Climate Implications**

- 4.4.1 A climate impact assessment will be undertaken if members agree to move the proposals forward and approve the publication of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

##### **4.4 Implications for the Licensing and Markets Services**

- 4.4.1 Although we are proposing to prohibit street trading in the city centre, this will not have a detrimental effect on the Licensing Service.
- 4.4.2 The service will lose income from the five existing city centre consents (approximately £16K) however, the cost of administration / enforcement work will also be reduced by the same amount. As you will be aware

Licensing can only recover its reasonable costs so this will balance itself out.

- 4.4.3 The Markets Service will inherit the five existing consents, and these will be transferred on to a new market licence.
- 4.4.4 That this proposal will assist the Markets Service to meet their financial targets for 22/23.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council could maintain the status quo. However, in order to secure the benefits outlined in the Report this option is not recommended.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 Moving forward with the proposals outlined in this Report will improve the on-street food trading offer across the city centre, providing more opportunities for local street food businesses (especially start-ups) and the creation of mini street food markets.

Richard Eyre  
Director of Street Scene & Regulation  
Sheffield City Council  
Town Hall  
Sheffield, S1 2HH

November 2022





## Report to Policy Committee

**Author/Lead Officer of Report:** Ryan Keyworth,  
Director of Finance and Commercial Services

**Tel:** +44 114 474 1438

**Report of:** Ryan Keyworth  
**Report to:** Waste & Streetscene Committee  
**Date of Decision:** 23<sup>rd</sup> November 2022  
**Subject:** Month 6 Monitoring

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>"The (<b>report/appendix</b>) is not for publication because it contains exempt information under Paragraph (<b>insert relevant paragraph number</b>) of Schedule 12A of the Local Government Act 1972 (as amended)."</i></p>				

### Purpose of Report:

*This report brings the Committee up to date with the Council's financial position as at Month 6 2022/23*

### Recommendations:

#### The Committee is recommended to:

1. Note the Council's financial position as at the end of September 2022 (month 6).

### Background Papers:

[2022/23 Revenue Budget](#)

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	<div>Finance: <i>Ryan Keyworth, Director of Finance and Commercial Services</i></div> <div>Legal: <i>Sarah Bennett, Assistant Director, Legal and Governance</i></div> <div>Equalities &amp; Consultation: <i>James Henderson, Director of Policy, Performance and Communications</i></div> <div>Climate: n/a</div>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b>	<i>Eugene Walker</i>
3	<b>Committee Chair consulted:</b>	<i>Cllr Bryan Lodge</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Ryan Keyworth</i> <i>Jane Wilby</i>	<b>Job Title:</b> <i>Director of Finance and Commercial Services</i> <i>Head of Accounting</i>
	<b>Date:</b> 31 <sup>st</sup> October 2022	

## 1. PROPOSAL

1.1 This report sets out the 2022/23 Month 6 financial monitoring position for each Policy Committee.

### 1.2 Council Portfolio Month 6 2022/23

1.2.1 The Council is forecasting a £18.6m overspend against the 2022/23 budget as at month 6.

Full Year £m	Outturn	Budget	Variance
Corporate	(464.6)	(463.2)	(1.4)
City Futures	46.7	46.8	(0.1)
Operational Services	113.3	113.4	(0.1)
People	313.5	295.9	17.6
Policy, Performance Comms	3.2	2.9	0.4
Resources	6.4	4.2	2.2
<b>Total</b>	<b>18.6</b>	<b>(0.0)</b>	<b>18.6</b>

1.2.2 This overspend is due to a combination of agreed Budget Implementation Plans ("BIPs") not being fully implemented and ongoing cost / demand pressures that are partially offset by one-off savings.

Full Year Variance £m	One-off	BIPs	Trend	Total Variance
Corporate	0.0	0.0	(1.4)	(1.4)
City Futures	(0.1)	0.0	(0.0)	(0.1)
Operational Services	(5.8)	3.2	2.6	(0.1)
People	(0.4)	14.2	3.8	17.6
Policy, Performance Comms	(0.1)	0.3	0.2	0.4
Resources	(0.7)	1.7	1.3	2.2
<b>Total</b>	<b>(7.1)</b>	<b>19.3</b>	<b>6.3</b>	<b>18.6</b>

1.2.3 In 2021/22, the Council set aside £70m of reserves to manage the financial risks associated with delivering a balanced budget position. In 21/22, the council overspent by £19.8m which was drawn from this pool, a further £15m was used to balance the 22/23 budget and current forecast overspend at M6 is set to be £18.6m leaving a remaining risk allocation of £16.7m

	£m	
<b>Allocated reserves</b>	<b>70.0</b>	
21/22 Budget overspend	19.8	
22/23 Base budget committed	15.0	
22/23 BIP shortfall	19.3	
22/23 pressures	6.3	
22/23 in year mitigations	(7.1)	
Reserves used @ M6	53.3	
<b>Remaining reserves</b>	<b>16.7</b>	


 (£18.6m  
overspend @ M6)

### 1.3 Committee Financial Position

#### 1.3.1 Overall Position - £18.6m overspend at Month 6

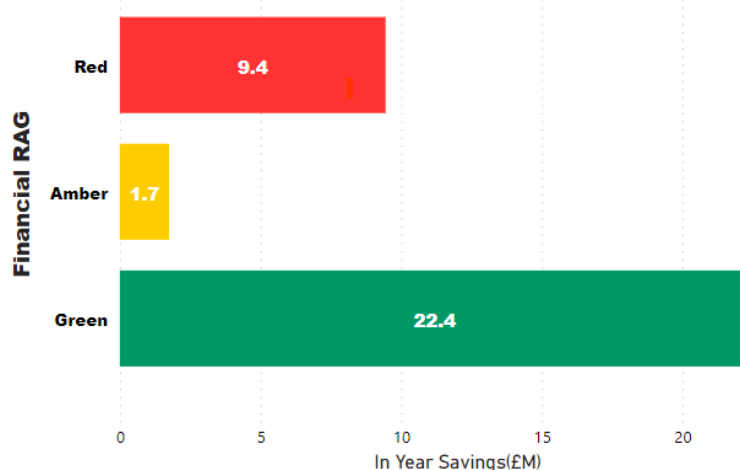
<b>There is a £11.8m overspend in the Adult Health and Social Care Committee and a £6.5m overspend in the Education, Children and Families Committee</b>	Full Year Forecast £m @ Month 6	Outturn	Budget	Variance
	Adult Health & Social Care	164.4	152.5	11.8
	Education, Children & Families	135.2	128.6	6.5
	Housing	8.6	8.8	(0.1)
	Transport, Regeneration & Climate	41.3	41.9	(0.6)
	Economic Development & Skills	11.0	11.0	(0.0)
	Waste & Street Scene	54.4	54.7	(0.3)
	Communities Parks and Leisure	44.9	45.4	(0.5)
	Strategy & Resources	(441.2)	(442.9)	1.7
	<b>Total</b>	<b>18.6</b>	<b>(0.0)</b>	<b>18.6</b>

<b>Most of the full year forecast overspend is attributable to shortfalls in Budget Implementation Plans (BIPs) delivery</b>	Variance Analysis £m @ Month 6	One-off	BIPs	Trend	Total Variance
	Adult Health & Social Care	(0.5)	8.1	4.2	11.8
	Education, Children & Families	0.6	6.0	(0.1)	6.5
	Housing	0.0	0.0	(0.1)	(0.1)
	Transport, Regen & Climate	(2.1)	2.1	(0.6)	(0.6)
	Economic Dev't & Skills	(0.1)	0.0	0.1	(0.0)
	Waste & Street Scene	(3.2)	0.4	2.6	(0.3)
	Communities Parks & Leisure	(0.8)	0.5	(0.2)	(0.5)
	Strategy & Resources	(1.0)	2.2	0.6	1.7
	<b>Total</b>	<b>(7.1)</b>	<b>19.3</b>	<b>6.3</b>	<b>18.6</b>

<b>£6.3m of one-off savings are mitigating part of the ongoing overspend</b>	Contributions from provisions for energy and waste inflation mitigate the in-year impact of rising baseline costs. These are one-off contributions that will not help our position in 23/24 as the trend continues. The government's recent announcement on the energy price cap only gives us protection on current rates until the end of the financial year. Currently, the best open market prices we are able to achieve for 1 April 2023 onwards results in a doubling in the unit price of energy that we will face.
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<b>Balancing the 22/23 budget was only possible with £53m of BIPs, £33m are reported as deliverable in year</b>	Budget Savings Delivery Forecast @M6 £m	Total Savings 22/23	Deliverable in year	FY Variance
	People	37.7	23.5	14.2
	Operational Services	7.1	4.0	3.1
	PPC	1.2	1.0	0.2
	Resources	6.7	5.0	1.7
	<b>Total</b>	<b>52.7</b>	<b>33.4</b>	<b>19.3</b>

<b>Focus must be on delivering BIPs in 22/23 and preventing the budget gap from widening</b>	Of the £33m BIPs forecast as being deliverable, £9.4m are rated red, which indicates considerable risk that these will not be delivered in full which would increase the existing forecast overspend.
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Of the £19.3m savings that are forecast to be undelivered this year, some can be delivered next financial year. It is estimated that £12m of this year's undelivered savings will still be unachievable in 23/24 and form part of the baseline pressures captured in the draft medium term financial analysis presented to the Strategy and Resources Committee on 5<sup>th</sup> July 2022.

**Adult Health and Social Care are forecast to overspend by £11.8m**

The high cost of packages of care put in place during covid has increased our baseline costs into 22/23. Work is underway as part of an investment plan with additional resource to tackle the underlying issues although recruitment issues are impacting our ability to deliver.

**Education, Children and Families are forecast to overspend by £6.5m**

Forecast under-delivery of budget implementation plans in the service are the main cause of overspends; plans to reduce staffing and increase income from Health are looking unlikely and the residential children's home strategy looks unlikely to deliver financial benefits.

The committee position improved in M6 by £0.8m due to an additional grant contribution of £0.5m for Household Support mitigating an overspend in this area alongside reductions to staffing forecasts.

#### 1.4.7 Waste & Street Scene Committee is balanced at Month 6

The Waste & Street scene committee is forecasting to underspend by £0.3m.	Full Year Forecast £m @ Month 6	Outturn	Budget	Variance
	Streetscene & Regulation City Centre Management; Director of Street Scene; Environmental Regulations; Highway Maintenance; Highways Contract; Licensing; City Markets; Waste Management; Emergency Planning; Parking Services; Covid Hub)	54.4	54.7	(0.3)
	<b>Total</b>	<b>54.4</b>	<b>54.7</b>	<b>(0.3)</b>

A breakdown of budgets included in the W&SC committee is provided below for further detail on the split between income and expenditure budgets:

Service Area	Budget	Outturn - Income	Outturn - Expend	Total Outturn @M6	Variance
Waste Management	28.5	(5.3)	33.4	28.1	(0.3)
Highways Contract	20.2	(49.3)	69.5	20.2	(0.0)
Environmental Regulations	4.9	(1.3)	6.5	5.1	0.2
Sheffield City Markets	1.9	(1.6)	3.4	1.8	(0.1)
Highway Maintenance Division	1.6	(2.2)	3.6	1.3	(0.3)
City Centre Management	1.3	(1.5)	3.0	1.5	0.2
Director Of Streetscene & Regulation	0.8	(0.2)	1.1	1.0	0.1
Emergency Planning	0.3	(0.1)	0.4	0.3	(0.0)
Licensing	0.1	(1.5)	1.7	0.2	0.0
Covid Hub	0.0	(8.3)	8.3	0.0	0.0
Place Hub	0.0	0.0	0.0	0.0	0.0
Parking Services	(4.9)	(11.2)	6.1	(5.1)	(0.2)
<b>Grand Total</b>	<b>54.7</b>	<b>(82.5)</b>	<b>136.9</b>	<b>54.4</b>	<b>(0.3)</b>

Underlying inflationary pressures on energy and waste management present a significant issue for the 23-24 business plans.	Variance Analysis £m @ Month 6	One-off	BIPs	Trend
	Streetscene & Regulation City Centre Management; Director of Street Scene; Environmental Regulations; Highway Maintenance; Highways Contract; Licensing; City Markets; Waste Management; Emergency Planning; Parking Services; Covid Hub)	(3.2)	0.4	2.6
	<b>Total</b>	<b>(3.2)</b>	<b>0.4</b>	<b>2.6</b>

The Waste contract provides for an uplift in costs at RPIX which was re-based at 8% for 22/23. This was £0.8m higher than the budgeted level. Similarly, energy cost increases of 100% on street lighting are resulting in a £2.1m issue in 22/23.

	<p>Both these pressures are being mitigated in 2022/23 through one-off provisions / reserves, which will be exhausted for the 2023/24 budget.</p> <p>So given inflation will remain high into 23/24 the Committee will need to identify ongoing mitigations for both the 22-23 and 23-24 inflationary pressures.</p>
<p><b>The impact of the proposed pay offer creates an additional £0.2m pressure to the committee</b></p>	<p>The proposed pay award of £1,925 flat rate per employee has been factored into forecasts in M4. The proposal leaves an additional pressure of £0.2m for the Committee.</p> <p>It should be noted that the extra pay offer cost is an initial indicative estimate only and has been included within the Director activity for all services within the Committee, pending agreement.</p>

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The recommendations in this report are that each Policy Committee undertakes any work required to both balance their 2022/23 budget and prepare for the 2023/24 budget.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 There has been no consultation on this report, however, it is anticipated that the budget process itself will involve significant consultation as the Policy Committees develop their budget proposals

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality Implications**

- 4.1.1 There are no direct equality implications arising from this report. It is expected that individual Committees will use equality impact analyses as a basis for the development of their budget proposals in due course.

### **4.2 Financial and Commercial Implications**

- 4.2.1 There are no direct financial implications from this report.

### **4.3 Legal Implications**

- 4.3.1 Under section 25 of the Local Government Act 2003, the Chief Finance Officer of an authority is required to report on the following matters:

- the robustness of the estimates made for the purposes of determining its budget requirement for the forthcoming year; and
- the adequacy of the proposed financial reserves.

- 4.3.2 There is also a requirement for the authority to have regard to the report of the Chief Finance Officer when making decisions on its budget requirement and level of financial reserves.

- 4.3.3 By the law, the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves. However, a budget will not be balanced where it reduces reserves to unacceptably low levels and regard must be had to any report of the Chief Finance Officer on the required level of reserves under section 25 of the Local Government Act 2003, which sets obligations of adequacy on controlled reserves.

### **4.4 Climate Implications**

- 4.4.1 There are no direct climate implications arising from this report. It is expected that individual Committees will consider climate implications as they develop their budget proposals in due course.

### **4.4 Other Implications**

- 4.4.1 No direct implication



**5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

**6. REASONS FOR RECOMMENDATIONS**

- 6.1 This paper is to bring the committee up to date with the Council's current financial position as at Month 6 2022/23.

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