

# Council Agenda

## Members of the Council

Cllr R R Foulger  
(Chairman)

Cllr J F Fisher  
(Vice Chairman)

Cllr A D Adams  
Cllr S C Beadle  
Cllr N J Brennan  
Cllr D J Britcher  
Cllr P E Bulman  
Cllr S J Catchpole  
Cllr S M Clancy

Cllr B Cook  
Cllr J K Copplestone  
Cllr A D Crotch  
Cllr J Davis  
Cllr J J Emsell  
Cllr S C Gurney  
Cllr N J Harpley  
Cllr D G Harrison  
Cllr L H Hemsall  
Cllr S I Holland  
Cllr N C Karimi-Ghovanlou  
Cllr K S Kelly  
Cllr D King

Cllr E C Laming  
Cllr S Lawn  
Cllr K E Lawrence  
Cllr J Leggett  
Cllr K G Leggett MBE  
Cllr I J Mackie  
Cllr T M Mancini-Boyle  
Cllr I N Moncur  
Cllr M L Murrell  
Cllr J A Neesam  
Cllr G K Nurden  
Cllr G Peck  
Cllr R E Potter

Cllr S M Prutton  
Cllr S Riley  
Cllr D Roper  
Cllr C E Ryman-Tubb  
Cllr N C Shaw  
Cllr L A Starling  
Cllr D M Thomas  
Cllr J L Thomas  
Cllr S A Vincent  
Cllr K A Vincent  
Cllr J M Ward  
Cllr F Whymark

## Date & Time:

Thursday 9 December 2021 at 7pm

## Place:

Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

*Trevor Holden – Managing Director - 1 December 2021*

## Contact:

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## PUBLIC ATTENDANCE:

This meeting will be live streamed for public viewing via the following link: [Broadland YouTube Channel](#)

You may register to speak by emailing us at [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk) no later than 5pm on Monday 6 December 2021

## Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

## **Guidance on Public Speaking and Attendance**

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

[committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk)

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are provided and you are invited to observe social distancing. Further guidance on what to do on arrival will follow once your request to attend or speak has been accepted.

# AGENDA

1. **To receive declarations of interest from members;**  
(guidance and flow chart attached – page 9)
2. **To report apologies for absence and to identify substitute members;**
3. **To confirm the minutes of the meeting held on 30 September 2021;**  
(minutes attached – page 11)
4. **Matters arising from the minutes;**
5. **To receive Announcements from**
  - 5.1 The Chairman (list of engagements attached – page 21)
  - 5.2 The Vice Chairman
  - 5.3 The Leader
  - 5.4 Members of the Cabinet
  - 5.5 Head of Paid Service
6. **Questions** - to consider any questions received from members of the public in accordance with Procedural Rule 10.
7. **Public Speaking** – to consider representation from the members of the public who have expressed the wish to convey their views on items on this agenda. (note: In accordance with the Constitution a total period of 15 minutes is allowed (each speaker may speak for 3 minutes only)
8. **Overview and Scrutiny Committee** – to receive the non-exempt minutes of the meetings on 12 October and 16 November 2021; (minutes attached – page 22)
9. **Cabinet** - to receive the minutes of the meetings on 19 October and 23 November 2021; (minutes attached – page 41)

The following items need consideration by Council:

## **19 October 2021**

- 9.1 Minute no: 53 – Independent Living Assistance Policy – to adopt the revised care and repair fees procedure (to remove the £1,500 cap on the Care and Repair service fee resulting in an uncapped 15% fee for all care and repair service involvement regardless of property tenure);  
(recommendation at page 45)
- 9.2 Minute no: 55 – Mobile Homes Fees and Charges Policy – to approve the fees structure detailed in the revised Policy;  
(recommendation at page 47, Policy attached – page 50)

- 10. Planning Committee** - to receive the decisions of the meetings on 6 October, 3 November and 1 December 2021; (decisions attached – page 68)
- 11. Standards Committee** – to receive the minutes of the meeting on 26 July 2021; (minutes attached – page 71)
- 12. Audit Committee** - to receive the minutes of the meeting on 23 September 2021; (minutes attached – page 79)
- 13. Licensing and Regulatory** - to receive the non-exempt minutes of the meetings on 29 September 2021, 9 November 2021 and 17 November 2021; (minutes attached – page 83)

The following items need consideration by Council:

**17 November 2021**

- 13.1** Minute no: 23 - Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847 – Review of the Council’s Hackney Carriage and Private Hire Vehicle Policy and Conditions - to adopt the amended Policy and Conditions document;  
(recommendation attached – page 100, Policy attached – page 101 )
- 13.2** Minute no: 24 - Gambling Act 2005 – Review of Gambling Statement of Principles (Policy Statement) - To adopt the draft Policy Statement including the table of delegations and as a consequence request the relevant amendments are made to the Constitution;  
(recommendation attached – page 100, Policy attached page 171 )
- 14. Customer Access Channels** – to consider an overview of the customer access channels available to our customers and the level of demand they serve;  
(report attached – page 211)
- 15. Monitoring Officer** – to consider the report of the Monitoring Officer;  
(report attached – page 219 )
- 16. Appointment of Member Champion for Young People** – to endorse the appointment of Cllr R Potter as the Member Champion for Young People as chosen by the Member Development Panel at its meeting on 25 November 2021;
- 17. Outside Organisations** – to consider reports from members appointed to represent the Council on outside organisations;  
(report attached – page 232)
- 18. Questions from Members** – to consider the following questions received in accordance with Procedural Rule 12.4:

### **18.1 Cllr E Laming**

Food supply chains are highly centralised and 12 supermarkets dominate food retail, making up 95% of the market. Local independent food businesses deliver positive environmental, economic and social outcomes and money spent locally stays in the local economy. In addition to promoting the Food Innovation Centre what actions is BDC taking to support the local food economy in Broadland and what more could be done in future?

### **18.2 Cllr D Roper**

The 2021/2 Delivery Plan contains an objective "review and alignment of constitutions", what does the leader consider to be the scale and scope of this piece of work?

### **18.3 Cllr K Lawrence**

#### **Q 1: Clarifying the Council's Commitment to Meaningful Tree Planting**

Given we have come out of COP 26 with greater commitment to eliminating deforestation, can we have an estimation of the total tree loss in the Broadland district by ward since the election of this council in May 2019 from the following key policy areas:

- Dangerous tree policy implementation
- Large Developments
- Cutting of TPO'd trees and prosecutions
- Ash Die back?

Please advise the source(s) of the data used for estimation.

Currently how many active felling licenses are there in the Broadland district by ward?

What is the estimated CO2 equivalent of this loss and using carbon market values please estimate the cost of the environmental degradation?

Following the Council's tree planting target of 130 K - are these replacing this loss or in addition to it, either way how many trees are in the ground so far growing?

How much budget above the cost of degradation will be provided to replanting in 2021?

### **18.4 Cllr K Lawrence**

#### **Q 2: Clarifying the Council's Commitment to Reach Carbon Neutrality before 2050**

As our contribution to the Glasgow pact of achieving carbon neutrality and the aspiration we set to meet this state earlier than 2050, what carbon neutral standard is the council planning to use to enable the one team to deliver on this promise, give the public the assurance that this commitment is going to be meaningfully met and thereby increase the voting public's trust in this council?

## 18.5 Cllr S Beadle

Why has the Council split the planning areas so that the western area for planning in the two councils' one team puts Reepham together with Diss, and in the Eastern area puts Aylsham together with Harleston, and that Reepham and Aylsham which are very close are in different areas? Given that decisions like this contribute to the rationale that local government is irrational and inefficient, what is this Council doing to overcome this perception?

## 19. **Motions** – to consider the following motions received in accordance with Procedural Rule 13

### 19.1 **Motion - Declaring a Climate and Biodiversity Emergency**

Proposer: Cllr E Laming    Second: Cllr J Davis

#### This Council Notes:

That the Special Report on Global Warming of 1.5 degrees C (October 2018) published by the IPCC describes the enormous harm that a 2 degree C rise in global temperatures is likely to cause compared with a 1.5 degree C rise, and that limiting Global Warming to 1.5 degree C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.

Norfolk's councils are cutting carbon emissions in their areas, but not as fast as the science demands. The rate of climate change is increasing and causing alarm in the scientific community (*IPCC Sixth Assessment Report: Climate Change 2021: The Physical Science Basis*)

The UK Parliament and approximately 300 Local Authorities (74%) have declared a climate emergency, including North Norfolk District Council and Breckland Council in 2019 and West Norfolk District Council in September 2021 (*LGA,2021*)

Biodiversity is essential both to humans, through the provision of ecosystem services such as food, fuel, flood prevention and enjoyment; and in its own right as part of the natural world.

Nearly 500 species have become extinct in England in the last 200 years.

- 40% of the UK's reedbeds have disappeared since 1945.
- 75% of England's lowland heaths have been lost in the last 200 years.
- Nearly 50% of England and Wales' ancient woodland has been destroyed.
- Current rates of extinction may be 1,000 times greater than global natural background levels. (*Norfolk Biodiversity Partnership*)

The Environment Bill will require the introduction of a Local Nature Recovery Strategy and Nature Recovery Networks.

Actions to restore nature and biodiversity are vital for their own sake, and increase storage of carbon, helping to address climate change.

#### **Motion**

- 1) Council recognises the dangerous and accelerating effects of climate change and ecological destruction for Norfolk.
- 2) Council resolves to declare a Climate and Biodiversity Emergency

## **19.2 Motion - Reduction of Sewage Discharges**

Proposer: Cllr K Lawrence    Second: Cllr D Roper

This Council notes that:

Broadland is fortunate to have 3 rivers and numerous becks running through our district, including the River Bure, Ant, Wensum and Yare that flow into the Broads. We have a thriving tourism industry where water sports and access to rivers for paddle-boarding, canoeing and wild swimming is more important after the pandemic, than it has ever been

- Every river in England is now polluted beyond legal limits. This chemical pollution is mostly caused by permitted sewage discharges from water companies and the run-offs of nutrients from farms. In addition trade pollutants such as, tyre particles, metals from brake pads, and hydrocarbons from vehicle emissions wash off road surfaces and into rivers introducing potentially carcinogenic material into the water supply
- According to the River Trust, in Broadland there were 149 consented discharges of sewage in 2020. In only 4 of those are have their discharge rates monitored. From those 4 stations, Anglian water authority permitted the release of untreated human waste directly into waterways affecting the residents of Broadland over 95 times for a total of 897 hours in 2020 alone, with 2 additional discharge points from North Norfolk District Council permitting 334 additional events for 7,961 hours.
- In 2019 the Environment Agency rated our local rivers; Blackwater (Wensum) and Bure rivers as “poor” in terms of their water quality. This pollution is causing extensive damage to the fragile ecosystems and it can also prove a serious public health concern for those residents living near rivers or using them for leisure activities; with pathogens able to cause serious illnesses.
- The planned future development in Broadland will increase demands on the existing sewage system if not managed properly.

This Council believes that the adverse impacts on the districts waterways are unacceptable and that water treatment operators need to adjust their behaviour and invest more in the networks to avoid damaging our district's public resources.

This Council also believes that the district's waterways are a resource that every resident should be confident in using safely.

### **This Council therefore resolves to**

- Call on the Cabinet to work with local partners, including The Rivers Trust and water treatment operators to promote better use of sewage facilities – recognising that everyone has a role to play in improving our waterways.
- Call on the Cabinet to instruct Planning and Place Shaping committees to ensure all new developments implement the LASOO non-statutory SUDs technical standards guidance as well as encourage the incorporation of green roofs and permeable surfaces.

Furthermore Council resolves to request the Chief Executive write to:

- the Secretary of State for Environment, Food and Rural Affairs asking that the legal duty on water companies to progressively reduce the adverse impacts of storm overflow discharges is robustly enforced to ensure that this practise is stopped as soon as possible
- the Chief Executive of Anglian Water to ask for the following information
  - On how often they use storm overflow discharge is made publicly available on a regular basis so that the public can have confidence that there is a reduction in the discharge
  - On the targets and additional measures they are to action to show progressive reductions in adverse impacts of discharges from storm overflows in Broadland and to reduce pollution.
  - Report on the year-round figures for sewage discharges (including Combined sewage outfall) across Broadland District Council area
  - Explain how this information shared with the public to help them make informed decisions as to water safety for recreational use
  - Report much money is being invested in infrastructure improvements in the area covered by Broadland District Council and what measures are being taken to ensure this infrastructure is climate resilient?
- The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.
- The MP for Broadland and the Chair, Phillip Dunne MP, of the Parliamentary Environmental Audit Select Committee stating
  - This Council is in agreement with the Government U turn on supporting the amendment that will place a new legal duty directly on water companies to progressively reduce the adverse impacts of discharges from storm overflows.

### 19.3 Motion – Collaboration

Proposer: Cllr T Adams    Second: Cllr S Clancy

Reference is made in the Section 113 collaboration agreement between Broadland District and South Norfolk District Councils which was signed in 2019 that on Page 2 (Paragraph i) it states "The Councils acknowledge and agree that the Councils will keep this Agreement under review and in future may wish to further extend, clarify, amend or alter the terms and conditions of this agreement".

**Therefore we ask Council to** endorse and agree that a Members Working Group, in line with the current constitution, with the assistance of non voting officers, is set up to review the effectiveness of the current collaborative agreement, and after examination of this, report back to the Broadland Full Council with its findings and recommendations. Furthermore no Cabinet member shall be part of this Working Group and that the first meeting of the Working Group will be January 2022.



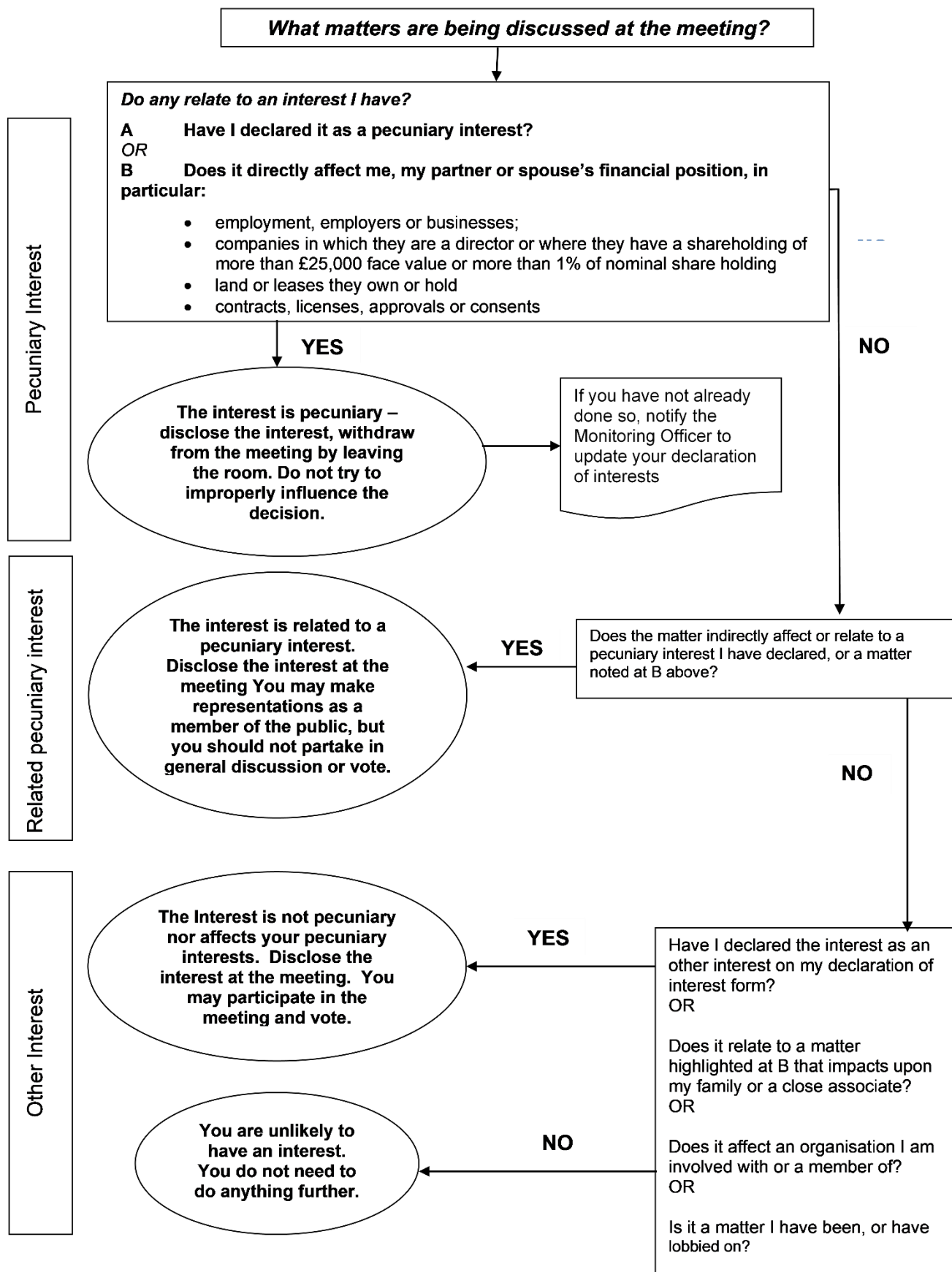
## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





## COUNCIL

### Minutes of a meeting of the Council of Broadland District Council, held on Thursday 30 September 2021 at 7pm at the Council Offices

<b>Members Present:</b>	Councillors: R R Foulger (Chairman), A D Adams, S C Beadle, N J Brennan, D J Britcher, S J Catchpole, S M Clancy, B Cook, J K Copplestone, A D Crotch, J Davis, J J Emsell, N C Karimi-Ghovanlou, K S Kelly, E C Laming, K E Lawrence, J Leggett, K G Leggett, I J Mackie, T M Mancini-Boyle, I N Moncur, M L Murrell, J A Neesam, G K Nurden, R E Potter, S M Prutton, S Riley, D Roper, C E Ryman-Tubb, D M Thomas, J L Thomas, K A Vincent, S A Vincent, J M Ward, F Whymark
<b>Officers in Attendance:</b>	The Managing Director, the Director Resources, the Director People & Communities, the Chief of Staff (Monitoring Officer) and the Democratic Services Officers (DM/LA)

#### 45 PRESENTATION BY NORFOLK CONSTABULARY

The Chairman welcomed to the meeting Chief Inspector Chris Harvey and Inspectors Kerry Woodbine (Aylsham area) and Andy Terry (Sprowston area). Chris Harvey thanked members for the opportunity to return in person to update them on the work of the Constabulary in Broadland and how crime was changing and the challenges the Constabulary faced going forward. It was proposed that members would receive regular local updates on line, approximately 3 per annum, from the designated Inspectors for their area.

The Chief Inspector went on to state that burglaries in the Broadland area had been incredibly low throughout COVID and had continued to remain low as had car theft. Increased activity had been seen in relation to domestic violence with over 160 reports per month and this was still increasing. Antisocial behaviour was relatively low but the nature of it had changed. There was now a large degree of online activity and issues between neighbours. There had been a degree of antisocial behaviour from young people returning to outdoor freedom following relaxation of COVID rules. With regard to County Lines and the grooming of vulnerable young people, work on this by the force and the tactics being used had been incredibly successful in discouraging activity in the area. Previously, approximately 35 County Lines had been active in Norfolk and this

had been reduced to 12. This work was important to retain safe use of open spaces and avoid gang culture. The force was utilising Home Office funding to facilitate an operation to provide wrap around support for families to help break the chain of offending. An area of increased activity was in relation to sexual offences and assaults but this was largely amongst people known to each other. There were very few cases of assaults on strangers. In essence, the district was one of the safest in Norfolk and in the Country but crime patterns were changing which was keeping the force actively engaged. Changes in processes now required police officers to disclose all unused material with a greater burden on investigations and preparing files for prosecution. There was still a strong desire to keep officers on the beat and this year the Park Walk Talk initiative had been introduced. The two broadland policing areas were well served by 2 inspectors, 12 sergeants and circa 60 police constables and this had continued throughout lockdown. Inspectors Woodbine and Terry then introduced themselves to members giving an outline of their backgrounds and they invited members to make contact with them.

The Chief Inspector then answered questions from Members. With regard to the SNAP, it was hoped these would resume in person eventually but, for the time being, would continue on line. In the light of the Sarah Everard tragedy and the fear amongst women, a member asked if there was anything the Council could do to work with the Police to make women and girls feel safer. The Chief Inspector expressed his horror at the tragedy and that the force was awaiting instructions following which he would pick up with the Council any areas of activity in which they could play a role. A suggestion was made that the supply of personal alarms was a potential area for consideration. A question was raised regarding the increase in domestic crime and whether there was a commensurate increase in prosecutions. Members were advised that there was still a reluctance amongst many victims to seek prosecution with 40-50% not progressing action. Police officers were being encouraged to activate body worn video to record incidents on arrival to provide evidence when needed. With regard to cybercrime, this was an area generating a lot of activity and there was a need to continue to develop a response to it, particularly as it targeted vulnerable people. In response to a query regarding potential anomalies between the crime statistics provided to parishes and those on the Police website, the Chief Inspector urged members to talk to their local Inspector as any anomalies were probably due to necessary recording/reporting restrictions.

The Leader thanked the Inspectors for attending and for the ongoing work undertaken in Broadland and the support given by all officers. The district continued to be well served. He wished Chief Inspector Harvey well in the future and thanked him personally for all his hard work.

## **46 DECLARATIONS OF INTEREST**

No declarations were made.

**47 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P E Bulman, J F Fisher, S C Gurney, N J Harpley, D Harrison, L H Hemsall, S I Holland, D King, S Lawn, G Peck, N C Shaw and L A Starling.

**48 MINUTES**

The minutes of the meeting held on 22 July 2021 were agreed as a correct record.

**49 MATTERS ARISING**

Arising from consideration of minute no: 34 (Cabinet minutes of 15 June 2021 Minute no: 23 – Moving Towards a First Class Customer Service), a member questioned if the Council was delivering a first class customer service. They shared their recent experience of having difficulties making contact with a service department to resolve a query. The matter had not been resolved until nearing the end of the working day.

The Managing Director commented that the query appeared to have been resolved. The member stated this was just one example of a more systematic problem. The Managing Director said that that he would be happy to discuss the matter further with the member.

Other comments were made that there was a more widespread issue of members not being able to make contact with service providers and this needed to be addressed. The phone system rolled out to facilitate home working did not appear to be as reliable as it should and there was confusion with staff working from home. The Managing Director advised that arrangements for home working and the phone system were now more accessible but that there had been some challenges with hunt groups which was being sorted. He welcomed an approach from any member experiencing particular difficulties.

With regard to the delivery of a first class service, the Managing Director commented that the Council would continue to strive to offer a first class customer service and continue to improve services and facilities to overcome any challenges and fix any issues.

A request was made that the Managing Director update Council at its next meeting on proposals to resolve the current issues as there was concern about the impact on customers who may be trying to contact the Council and giving up as they could not get through. The Managing Director undertook to report to the next Council meeting.

**50 ELECTIONS 28 SEPTEMBER 2021**

The Returning Officer reported the results of the District By-Elections held on 28 September 2021 which were as follows:

**Brundall Ward: Turnout – 32.18% (1579 papers issued)**

CATMULL, Timothy John - The Conservative Party Candidate - 480

**DAVIS, Jan - The Green Party - 594 - ELECTED**

FREE, Alice Myfanwy - Labour Party - 161

**LAMING, Eleanor Clare - The Green Party - 530 - ELECTED**

MASON, Eleanor Rose - Liberal Democrats - 425

PHELPS, Michael John - The Conservative Party Candidate - 453

SCRIVENS, Victor Keith - Liberal Democrat - 303

SPRINGETT, Glenn John - Labour Party - 137

**Old Catton and Sprowston West Ward: -**

BOOTH, Martin Alexander - Labour Party Candidate - 332

CHAPMAN, Ian Peter - The Green Party - 110

CHETTLEBURGH, John Francis - Liberal Democrats 278

**POTTER, Richard Edward - The Conservative Party Candidate 721  
ELECTED**

The Managing Director and the Chairman of the Council congratulated Cllrs Davis, Laming and Potter on their election to the Council and welcomed them to their first meeting.

The Leader and other members then took the opportunity to pay tribute to the work of retired Councillor Mike Snowling MBE. Mike Snowling had been a serving councillor for over 20 years for the Brundall ward. He had served as Chairman of the Council for 4 years, Chairman of Planning Committee for 10 years as well as undertaking a number of other roles. He had worked hard for the Council and the area and would be missed. Particular reference was made to his work with the children of Chernobyl. In addition to his hard work, Mike Snowling would be remembered by his fellow councillors for his wicked sense of humour and his ability to communicate in way which was unique to him. On behalf of the Council, the Leader thanked Mike for his hard work and commitment to both the local and the wider community.

**51 ANNOUNCEMENTS**

Members noted the civic engagements undertaken by the Chairman of the Council since the last meeting. The Chairman drew attention in particular to the reception at the Octagon Barn which the previous chairman of the council and he had hosted jointly. It had been a successful event culminating in an auction of promises to raise funds for their respective chosen charities. With regard to other engagements carried out, the Chairman stated that a strong message being received at the events was the communities' appreciation of the work undertaken by the Council to support people during COVID.

In addition to the events listed, Cllr Kelly advised that, as the Member Champion for the Armed forces, he had attended Norwich Cathedral on 19 September on behalf of the Chairman, for the British Legion Flag presentation and Battle of Britain RAF march past and service at the Cathedral.

The Leader reported on progress with the delivery of the Food Innovation Centre project and that a model of the building was on display at the meeting. The centre would be a pinnacle for moving forward with food development and enhanced processing in Broadland and the wider area and he welcomed the opportunity for the Council to be part of this exciting project and its impact on the local and wider economy.

The Portfolio Holder for Economic Development reported on the local flavours event held recently at showground which had been very well attended by food businesses in the area and by a Dutch trade delegation. The event had seen the launch of the Council's Food Innovation Centre. She also reported that businesses could now apply for innovation support and engage in the food innovation cluster. Hethel Innovation was providing innovation support for businesses and the UEA was developing the emerging cluster. The Council's Economic Development Team was leading the delivery of the FIC on the Food Enterprise Park and agents were in touch with potential tenants. The Condimentum Building was already on site milling mustard and mint sauce for Colmans and the largest vertical farm in Europe was now being built on a 5 acre site equal to over 240 acres.

The Portfolio Holder for Environmental Excellence reported that, following a stringent procurement process, Veolia had been awarded the 10 year contract for waste collection services commencing in April next year and the roll out of a food waste collection service across the district. A further report on the food waste collection service would be considered by Cabinet in the near future. She was also pleased to report that the vehicles would be using HVO fuel which would reduce emissions by 90% which was a welcome contribution to the Environmental Strategy. The latest recycling figures for the Broadland District indicated that Broadland had the highest recycling rates in Norfolk at 49% (a small reduction from last year) with the next nearest being South Norfolk with 41.8%. In response to a question, the Portfolio Holder reiterated that the procurement process had been robust and competitive.

The Portfolio Holder for Housing and Wellbeing reminded members that the next Wellbeing Panel meeting would be on Wednesday 6 October and encouraged members to attend – the last meeting had been inquorate. Domestic Abuse legislation had recently been through Parliament and some important changes were emerging including a statutory definition of abuse which was much wider reaching than violence alone. Also welcome in the legislation was the formal recognition of children as victims of abuse. He drew members' attention to the launch of a free 45 minute E Learning facility hosted by the Norfolk Autism Partnership available at [www.norfolkautismpartnership.co.uk](http://www.norfolkautismpartnership.co.uk) and encouraged members to take advantage of the learning opportunity.

The Portfolio Holder for Transformation and Organisational Development drew attention to the all-member briefing on Monday 4<sup>th</sup> October at 4pm via Zoom on the accommodation review.

The Head of Paid Service advised members that George Denton had now taken up his role as the new Assistant Director of Economic Development.

**52 QUESTIONS FROM THE PUBLIC**

It was noted that there had been no questions from the public.

**53 PUBLIC SPEAKING**

It was noted that there had been no requests for public speaking.

**54 OVERVIEW AND SCRUTINY COMMITTEE**

The minutes of the Overview and Scrutiny Committee meetings held on 24 August and 7 September 2021 were received.

**55 CABINET**

The minutes of the Cabinet meetings held on 31 August and 14 September 2021 were received.

**56 PLANNING COMMITTEE**

The decisions of the Planning Committee meeting held on 29 July 2021 were received.

**57 AUDIT COMMITTEE**

The minutes of the Audit Committee meeting held on 8 July 2021 were received. It was noted that the minutes needed to be corrected in that they recorded Cllr Mancini Boyle as being in attendance and she had not been at the meeting. The Chairman of the Committee drew members' attention to the Internal Audit Manager's comments in the minutes that there were no urgent or important recommendations outstanding which was unprecedented and a very positive position for the Council to be in. He thanked the Managing Director and the senior management team for their proactive efforts to resolve outstanding matters.

**58 LICENSING AND REGULATORY COMMITTEE**

The minutes of the Licensing and Regulatory Committee meeting held on 26 August 2021 were received.

**59 OUTSIDE ORGANISATIONS – FEEDBACK FROM REPRESENTATIVES**

Members received and noted the feedback from members on Outside Organisations.

**60 QUESTIONS FROM MEMBERS**

The following questions and answers were noted:



**Question 1 from Cllr Karimi-Ghovanlou**

I understand Norfolk has initially agreed to take 50 Afghan refugees; how many of these are being relocated in Broadland, and are they being properly supported with education, health and mental wellbeing programmes to be able to integrate successfully?

**Response by the Portfolio Holder for Housing and Wellbeing**

The Portfolio Holder responded that there were many families for whom it had no longer been safe for them to stay in their home country and were now being assisted to resettle. Norfolk County Council was leading on the resettlement project in Norfolk, providing the necessary support with jobs and schooling and working with all district councils to rehome 50 people. These would be allocated to the area by the Home Office. As yet no families had arrived in the area. Broadland had identified a number of properties across the sectors and was continuing to source more if needed. There was a need for support by way of donations of furniture, household appliances, gardening equipment and vouchers and a refugee fund had been set up by the Bishop of Norwich.

**Supplementary Question from Cllr Karimi-Ghovanlou**

Is there a mental wellbeing programme and what about support for dealing with cultural differences?

**Response by the Portfolio Holder for Housing and Wellbeing**

The Portfolio Holder confirmed that provision was being made to provide a range of support services and there was a call for volunteers to come forward to help families integrate. Mental health support would be vital to deal with the trauma experienced by many refugees and this would need to be established as soon as possible.

**Question 2 from Cllr Karimi-Ghovanlou**

Do we have the capacity to take more, and how can we, as councillors, help to support these families? For example, can I be told if I have any families in Taverham that need support?

**Response by the Portfolio Holder for Housing and Wellbeing**

The Portfolio Holder commented that there was scope to extend the capacity and find additional homes in the long term. It was not possible to comment on the location of any families rehoused but again he urged people to volunteer to offer help to families.

**Question 3 from Cllr D Thomas**

Is there an update for the Best in Class roll out for housing?

**Response by the Portfolio Holder for Housing and Wellbeing**

The Portfolio Holder responded that there was no update at the current time but the Wellbeing Policy Development Panel was scheduled to receive an update at its meeting on 24 November 2021. With regard to the Best in Class Housing Model, he reminded members that they had all had the opportunity to comment on the policies making up the model and he encouraged members to continue to feed back on the roll out of the new policies. Particular case studies would be analysed and assessed in time to ensure continued improvements and there would be a review by Cabinet in the New Year. Homelessness remained high possibly linked to the new domestic abuse legislation. The housing register of circa 682 was immense with 56 applications being received per month - 85%-90% of applicants received some form of resolution of their housing issues, thereby avoiding homelessness.

**Question 4 from Cllr Roper**

What work is the Council undertaking to support increased use of electric vehicles in the district?

**Response by the Portfolio Holder for Economic Success**

The Portfolio Holder reported that electric vehicle charging points had been identified as one of the 5 key priorities in the Environmental Strategy. Officers were commencing a full review of car parking provision across the district including proposals for a network of vehicle charging points on council owned car parks. The review had been delayed as officer resources had been redirected during collaboration and the pandemic but work was now underway. The Council was looking to secure government funding to develop the network. Usage data would be gathered to expand the network as demand increased and to explore other strategic sites. It should be noted that the majority of charging would take place at home addresses. The District Council's approach would feed into the recently published Norfolk County Council EV charging strategy. The Council was also researching the potential of collective buying for domestic and business charging points similar to the "Solar Together" scheme.

Currently there were no local plan policies requiring developers to provide electrical charging points, however, officers did encourage this where there was a willing applicant. There was a new planning policy in the GNLP which once adopted would give greater weight to require the provision of EV charging points and, where appropriate, conditions could be attached to the permission to secure this. Consent had been granted for Gridserve to deliver an EV service Station on

the Broadland Business Park and officers would continue to actively engage and promote such uses alongside EV associated with individual premises.

Furthermore in terms of planning for EV, officers continued to engage with the County Council through the development of the Local Transport Plan and the Transport for Norwich Strategy. Both these documents identified a need for an EV Strategy to support the transition to net zero carbon transport emissions. The Council's draft response to the Transport for Norwich Strategy offered strong support for the development of an EV strategy, sought alignment between the strategies' development and emphasised the need to engage strategically to ensure adequate energy supplies to the County to support the roll out of an EV strategy. The Council would continue to engage with Norfolk County Council in the development of actions plans setting out how its transport policies, including those relating to EVs, would be implemented.

Some car manufacturers were offering free charging points with the purchase of vehicles and the Office for Low Emission Vehicles was offering grants to help with the cost of installing domestic charging points. New legislation was due by end of this year requiring all new houses to have electric charging points installed – this would be overseen by the Planning process.

### **Supplementary Question from Cllr Roper**

Cllr Roper stated that Liberal Democrat controlled North Norfolk District Council currently had 40 charging points. He asked how long before Broadland got to the same level?

### **Response by the Portfolio Holder for Economic Success**

The Portfolio Holder responded that work on the Council's review of its carpark strategy had been delayed due to resources being redirected to respond to collaboration and the pandemic but it was now anticipated that work would progress at pace. She was however unable to confirm a date.

### **Question 5 from Cllr Roper**

It has been estimated that proposals in the government's election bill, particularly requirements for photographic voter ID could cost the taxpayer £180m. Will the leader make representations to the minister to ensure that none of these additional costs are passed on to local councils?

### **Response by the Leader**

The Leader responded that the costs referred to were for all districts. He confirmed that local authorities were working with the Cabinet Office on the implementation of voter identification to ensure that the impact was properly understood and properly funded. Local authorities had been assured that the

Cabinet Office would meet the cost of the new voter card process and its implementation. It was still unclear how this would be done but he gave assurance that Broadland, together with other local authorities, would make the necessary representations.

**Supplementary Question from Cllr Roper**

Cllr Roper stated that mindful of the low levels of voter impersonation, he felt there were more pressing matters which could benefit from £180m of funding and would the Leader make these representations?

**Response by the Leader**

The Leader agreed there were far bigger issues and problems that could be tackled for example electric charging points and educating to change behaviours but that the Government was targeting a perceived problem of voter impersonation.

**61 MOTIONS**

It was noted that no motions had been received.

**62 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**

to exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

**63 OVERVIEW AND SCRUTINY COMMITTEE**

The exempt minutes of the Overview and Scrutiny Committee meeting on 7 September 2021 were received.

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Chairman

(Meeting closed at 8:36 pm)

## **CIVIC ENGAGEMENTS FOR THE CHAIRMAN and VICE CHAIRMAN FOR THE PERIOD: 1 October – 9 December 2021**

1 October	The Chairman attended the Mayor of Great Yarmouth's annual reception held at the Town Hall.
6 October	The Chairman attended a civic reception at Fakenham Racecourse, which was hosted by the Chairman of North Norfolk District Council.
15 October	The Chairman hosted this year's Community At Heart Awards in Sprowston, which recognised and celebrated the outstanding achievements of residents from across the district who go above and beyond to support others or complete incredible achievements.
23 October	The Chairman attended a special service held in honour of the late Sir David Amess.
28 October	The Vice Chairman attended a presentation for the Queen's Award for Voluntary Service, which was awarded to Nelson's Journey.
7 November	The Chairman attended the annual Justice Service hosted by The High Sheriff of Norfolk at Norwich Cathedral.

## OVERVIEW AND SCRUTINY COMMITTEE

Minutes of a meeting of the Overview and Scrutiny Committee of Broadland District Council, held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on 12 October 2021 at 10.00 am when there were present:

<b>Committee Members Present:</b>	Councillor: S Riley (Chairman), M L Murrell, (Vice-Chairman), N J Brennan, P E Bulman, S J Catchpole, N J Harpley, D G Harrison, C Karimi-Ghovanlou, K G Leggett MBE, G K Nurden and S M Prutton.
<b>Other Members in Attendance:</b>	Councillor: E Laming.
<b>Officers in Attendance:</b>	The Director of Resources, Chief of Staff (Monitoring Officer), Assistant Director Community Services, Housing and Health Manager, Health and Wellbeing Programme Manager, Help Hub and Communities Senior Manager and Democratic Services Officers (LA, JO)

### 47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Holland and Cllr King.

### 48 DECLARATIONS OF INTEREST

In respect of minute 49 - Independent Living Assistance Policy, Cllr Catchpole declared that she had a non-pecuniary interest as a volunteer with Citizens Advice. Cllr Riley declared a non-pecuniary interest as a County Councillor for the same item.

### 49 MINUTES

The minutes of the meeting held on 7 September 2021 were agreed as a correct record.

### 50 INDEPENDENT LIVING ASSISTANCE POLICY

The Housing and Health Manager introduced the report, which set out how the Council proposed to enhance the existing service that it provided to enable vulnerable residents of all ages live independently in their homes.

The report presented an 'Independent Living Assistance Policy', which would replace the existing Locality Plan for Broadland that had been developed by the seven local authorities in Norfolk together with the County Council and Norfolk and Waveney Joint Commissioning Group to distribute the Better Care Fund.

The proposed discretionary grant and assistance schemes in the Policy had been informally discussed with colleagues at Norfolk County Council who had complimented the range and clarity of proposed assistance and encouraged its implementation and use as an example of good practice.

The Council's Care and Repair service was a chargeable service with a fee of 15 percent, with a £1,500 cap on the total cost of the adaptation. It was recommended the cap be removed, as it was an outdated approach and would provide an additional £15,000 - £18,000 per annum to reinvest in the service. The fee would typically be included within and paid for via grant funding.

It was also proposed to retain the existing land charge procedures for a land charge of up to £10,000 for grant values between £5,000 and £15,000, which would be redeemed if the property was sold or otherwise disposed of within ten years of completion of adaptation to further assist vulnerable residents.

In answer to a query the Housing and Health Manager informed the meeting that the policy included a Relocation Grant of up to £5,000 where adaptations could not be made to the current property or moving to a more suitable home. Another scheme in the Policy was the Void Adapted Property Procedure where the Council would pay the rent on an adapted property for up to a maximum of six weeks to enable the Housing Solutions Team to match the property to a suitable person on the housing waiting list. It was emphasised that the Council worked closely with housing associations to ensure that vulnerable residents were allocated the most appropriate housing.

In answer to a question the Committee were advised that the £30,000 DFG cap was set by legislation. There was, however, a DFG top up grant of £10,000 as well as an Architect Grant available, if necessary.

The Chairman expressed concern about the removal of the £1,500 cap from the fee for the Care and Repair service, which could mean a reduction in the money available through the Disabled Facilities Grant for adaptations.

In response, the Housing and Health Manager accepted that this was potentially the case, but it was emphasised that this had never happened and the Care and Repair Team had been consistently successful in achieving additional sources of funding for any shortfall. Moreover, the Care and Repair Fee could be adjusted if the need arose.

In answer to a query, it was confirmed that referrals were made through a variety of routes, such as Occupational Therapists, GPs and Social Services and could be made by telephone, online or by email.

In respect of funding, members were informed that if the annual DFG allocation was not fully spent other ways to assist residents via the proposed new grant and assistance schemes would be used to ensure the most effective use of the full budget.

The Chairman reiterated his concerns that with the Care and Repair cap removed the total amount set aside for DFG adaptations might not be covered.

In answer to this issue the Housing and Health Manager reaffirmed that in her experience there had never been a case where alternative sources of funding had failed to make up any shortfall. If these sources were not available officers would consult the Assistant Director and Portfolio Holder to consider adjusting the Care and Repair fees to meet the costs.

The Chairman confirmed that he was still unhappy with the cap being removed, which he considered reduced the effectiveness of the Policy.

Some members also expressed disquiet with charities being asked to make up the shortfall when they might be under financial pressure themselves.

The Director for People and Communities advised the meeting that the limit for DFG's was actually £45,000 as the £10,000 Top Up grant was also available, as well as a £5,000 Contribution Grant as well as numerous other discretionary grants in the Policy. The Policy, therefore, offered a wider range of solutions for residents than had previously been available.

The Chairman, however, noted that there still remained the possibility that if the Care and Repair cap was removed there could still be a shortfall in funding available for the adaptation and he, therefore, proposed the following amendment to the policy:

*'That Cabinet amend the Policy to ensure that the removal of the £1,500 cap on the Care and Repair Service did not result in less funding being made available for adaptations, than before the cap was removed.'*

With a vote of five in favour and five against the Chairman exercised his casting vote and the amendment was carried.



Following a further vote it was unanimously:

### **RECOMMENDED TO CABINET**

Options (1, 2 as amended and 3)

to approve:

1. The proposed 'Independent Living Assistance Policy';
2. A revised Care and Repair fees procedure *as amended*; and
3. A revised Land Charges procedure.

### **51 WARM HOMES FUND – ADDITIONAL FUNDING**

The Health and Wellbeing Programme Manager introduced the report, which explained how successful the Council had been in leading the delivery of the Warm Homes Programme on behalf of all seven local authorities and to expand and renew contracts for their delivery.

Since September 2020 the consortium had been awarded £1.24m and £1.78m in Government funding and had supported over 2,000 low-income Norfolk residents improve the insulation and heating in their homes, as well as providing energy saving and benefits advice. The Council had also applied for £3.75m to further expand the delivery of energy efficiency and renewable heating technologies.

Approval from Cabinet was therefore sought to expand and renew current contracts through Efficiency East Midlands and Eastern Procurement Frameworks as well as accessing additional contracts within the Fusion 21 Procurement Framework. All three organisations provided Office Journal of the European Union compliant national procurement frameworks facilitating the public sector to deliver energy efficiency and renewable heating measures.

### **RECOMMENDED TO CABINET**

Options (1 and 2)

1. To agree to the development of contracts to complete the £1.78m allocated through LAD1b for energy efficiency and heating measures to support residents in Norfolk to live in warm homes;
2. To agree to the delegation of procuring future successful funding bids to procurement frameworks, to the Assistant Director of Individuals and Families in consultation with the Portfolio Holder until July 2023.

### **52 MOBILE HOMES FEES AND CHARGES POLICY**

The Housing and Health Manager introduced the report, which had been drafted in response to new legislation, which introduce an offence for a protected mobile home site to operate unless the Council was satisfied that the occupier or the appointed site manager was a fit and proper person to manage the site.

The Housing Standards Team currently administered a Mobile Homes Procedure including the application processes of site licences and site inspections. A fee was charged for this service to recover costs.

The new Regulations only affected relevant protected sites where residents had rights regarding occupancy and rents as detailed in the 1983 Mobile Homes Act. Private family residential sites and holiday sites were not included in the requirement.

Registering as a fit and proper person required a comprehensive application procedure involving a Criminal Records Bureau check, land ownership details, financial capability and a test to determine whether the relevant person could secure the proper management of the site, including compliance with the site licence and the long-term maintenance of the site.

If a site operator or their appointed site manager failed to meet the Fit and Proper Person test, there would be a limited grace period in which to submit another application for an alternative site manager to be assessed for inclusion on the register. A successful applicant would be included on a public online register for five years.

The Council currently had four sites that were used for business purposes, where homes were freely brought and sold by the residents.

It was proposed to implement a new fee structure as part of the application and registration process, as detailed in the legislation, although it was not considered necessary to introduce an annual fee as this was already incorporated in the existing policy.

It was also proposed to delegate the decision process for determination of a Fit and Proper Person application to the Housing Standards Senior Manager.

In response to a query it was confirmed that there would be the opportunity for residents and the parish council to put forward their views on the Fit and Proper Person application and that a licence could be revoked if deemed necessary. It was also confirmed that each licence was for a specific site.

Following a vote, with ten in favour and one abstention it was:

### RECOMMENDED TO CABINET

Options (a, b and c)

Cabinet to agree:

- a. The inclusion of the enforcement of new regulations as part of the Housing Standards responsibility;
- b. Approval of the fee's structure detailed in the revised Mobile Homes Fees Policy; and
- c. Delegate authority to the Senior Housing Standards Manager to approve Fit and Proper Person applications.

*The Committee adjourned at 11.15am and reconvened at 11.28am, when all the Committee members listed above were present.*

### SOCIAL PRESCRIBING: CONTRACTING WITH THE NHS

The Help Hub and Communities Senior Manager introduced the report, which provided an update on the development of social prescribing in Broadland and recommended expanding the service by entering into a contract with North Norfolk Primary Care.

The Committee was reminded that Social Prescribing was a means of providing support in a medical setting and referring residents to a range of local non-clinical services.

The officers undertaking social prescribing (community connectors) were effectively an outreach arm of the Help Hub sited in GPs surgeries. Currently there were two Community Connectors operating in the District, but if the new contractual arrangement with the NHS was agreed this would increase to four in areas covered by Primary Care Networks NN3 and NN4. The service would be externally funded through the NHS, by £344,000 over the next two years. Moreover, the NHS had discussed expanding the service in the future to meet increased demand in growth areas.

The Committee was informed that the proposed expansion of the service would place the Council in a very good position to move to the next phase, which would look at expanding the service across the urban fringe.

In answer to a query, members were advised that service data and customer feedback would be the main means of measuring the success of the service.

In response to a request from the Chairman the Help Hub and Communities

Senior Manager confirmed that she would forward the contact details for Community Connectors to Members following the meeting.

Members were also advised that the Help Hub and Communities Team worked closely with the voluntary sector to ensure that they maximised opportunities for funding.

Following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

Options (1 and 2)

1. Cabinet to agree to contract with North Norfolk Primary Care to deliver social prescribing, effective from December 2021. Once the contract is signed, Cabinet agree to recruit community connectors to bring the complement to four full time equivalents;
2. Cabinet agrees to delegate authority to the Assistant Director Individuals and Families to enter into this contractual arrangement.

### **53 FORWARD PLAN**

Members noted the current Forward Plan of decisions to be made over the coming months.

### **54 EXCLUSION OF PRESS AND PUBLIC**

#### **RESOLVED**

That the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

### **55 REVIEW OF THE MATERIAL RECYCLING FACILITY CONTRACT**

The exempt report summarised the negotiations that had recently been carried out in respect of the Material Recycling Facility contract to 2027.

A member brought to the Committee's attention the Time and Task Panel that had investigated Norse Environmental Waste Services (NEWS) and the recommendations that the Overview and Scrutiny Committee had approved,

which included receiving updates in relation to the financial position of the company.

It was confirmed that this item would be placed on the Committee's Work Programme for a date to be confirmed.

Following further discussion and a vote of ten in favour and one abstention it was:

### **RECOMMENDED TO CABINET**

Option (1)

To approve the recommendations as outlined at paragraph 9 of the report.

## **56 EXEMPT MINUTES**

The exempt minutes of the meeting held on 7 September 2021 were confirmed as a correct record.

(The meeting concluded at 12.05pm)

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Chairman

## OVERVIEW AND SCRUTINY COMMITTEE

**Minutes of a meeting of the Overview and Scrutiny Committee of Broadland District Council, held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on Tuesday 16 November 2021 at 10.00 am when there were present:**

<b>Committee Members Present:</b>	Councillor: S Riley (Chairman), M L Murrell (Vice-Chairman), T Adams, N J Brennan, P E Bulman, S J Catchpole, N J Harpley, L H Hemsall, S I Holland, C Karimi-Ghovanlou, D King, K G Leggett MBE, G K Nurden, S M Prutton and N C Shaw.
<b>Other Members in Attendance:</b>	Councillor: J Leggett and T Mancini-Boyle.
<b>Officers in Attendance:</b>	The Director of Resources, Director of Place, Director of People and Communities, Chief of Staff (Monitoring Officer), Assistant Director IT/Digital and Transformation, Senior Finance Business Partner, Strategy and Programmes Manager, Capital and Treasury Accountant, Community Assets Manager, Growth Delivery Manager and Democratic Services Officers (LA, JO)

The Chief of Staff informed members that following the meeting of the Service Improvement and Efficiency Committee on Friday 12 November 2021 it had been concluded that further work had to be done on the Accommodation Review and that therefore a decision had been made by the Leader and the Managing Director to withdraw the report from the November Cabinet agenda.

Members were advised that at their 12 November 2021 meeting the Service Improvement and Efficiency Committee had generally agreed with the recommendations of the Future Office Accommodation Project Joint Member Working Group and had recommended the following:

1. That there was no decision in principle at this stage regarding the purchase of the Horizon Building on Broadland Business Park, due to further information being required; and

2. That the option to occupy Thorpe Lodge be investigated further, looking at the potential renovation of the building to make it carbon neutral, and to address the car parking issues; and
3. That the Future Office Project Joint Member Working Group should consider all the options for office accommodation and be provided with adequate officer support to complete their investigation within three months, or upon receipt of the relevant information and then to report their recommendations to the Service Improvement and Efficiency Committee and Commercial, Trading and Customer Focus Policy Committee and then on to their respective Cabinets.

### **57. DECLARATIONS OF INTEREST**

Cllr G Nurden declared a disclosable pecuniary interest in respect of item 69 - Proposal for a Second Building at the Food Enterprise Park, as he acted as an accountant for one of the company's referred to in the report. Cllr Nurden would leave the meeting when this item was considered.

### **58. APOLOGY FOR ABSENCE**

An apology for absence was received from Cllr Kelly.

### **59. MINUTES**

The minutes of the meeting held on 12 October 2021 were agreed as a correct record.

### **60. MATTERS ARISING**

*Minute No: 50 – Independent Living Assistance Policy*

The Chairman advised the meeting that Cabinet had thanked the Committee for highlighting the removal of the cap on the Care and Repair service as an area of concern and that he had been assured by the Portfolio Holder for Housing and Wellbeing that there were other elements in the Policy that would ensure that no residents were disadvantaged by the removal of the cap.

### **61. SCRUTINY OF BUDGET QUESTIONS**

The questions for Cabinet were agreed, subject to the following amendment:

6. The aspiration should be to set a balanced budget, *with no need to impact on service levels*, draw on reserves or increase Council Tax. Does Cabinet believe this will be feasible for 22/23?

There was a discussion around linking question 8 to the Household Support Fund and it was decided that this issue would be raised when this item was considered.

### CABINET REPORTS

#### 62. TREASURY MANAGEMENT QUARTER 2 REPORT 2021/22

The Capital and Treasury Accountant introduced the report, which set out the Treasury Management activities for the first six months of the financial year 2021/22 and reported on financial indicators.

During the period investments totalled £57,005 million, with interest received on external cash investments during the financial year forecast to be around £380,000.

There had been no need to borrow externally so far this financial year and there had been no breaches of the Council's Prudential Indicators.

The Committee was advised that the Council had a proportion of its investments in ethical and green funds and that this figure was increasing, although it also had to be balanced against achieving a fair return on investment for the District.

The Portfolio Holder for Environmental Excellence informed the meeting that the Environmental Strategy Review, which would be brought to the 30 November 2021 meeting of the Committee would include an update on the Council's approach to environmental procurement.

A member also suggested that the Council should have a robust policy to ensure that the Council did not invest in countries with a record of human rights abuses. In response, the Director for Resources confirmed that the list of countries approved for investment was an element of the Treasury Management Strategy and could be reviewed as part of the budget setting process when it was considered in February 2022.

Following further discussion on investments it was generally felt that the Council should seek to develop a more green and ethical Treasury Management Policy.

This was duly seconded and following a show of hands it was:

#### **RECOMMENDED TO CABINET**

Options (1, 2 and 3)

To

1. Endorse the treasury activity for the first half of the year and that it complies with the agreed strategy; and
2. Note the 2021/22 prudential indicators for the first six months of the year; and



3. *That the Council adopts a commissioning policy that encapsulates a green and ethical approach to treasury management.*

### 63. HOUSEHOLD SUPPORT FUND

The Director of People and Communities introduced the report, which sought approval to spend Household Support Funding provided by central Government on supporting those households who needed additional financial help this winter.

Members were informed that Norfolk County Council had been awarded £6,696,806 from the fund and had allocated £128,000 to Broadland. The allocation had been assessed on the level of benefits claimants per district.

The Council aimed to take a proactive approach to help vulnerable individuals and families who were most in need of support.

In answer to a suggestion that the funding should also be used to support training to address skills shortages the meeting was informed that the funding criteria had been set by Government and was limited to support with the costs of:

- Food.
- Energy and water.
- Essentials linked to energy and water.
- Wider essentials. These may include, but were not limited to, support with other bills including broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle or paying for fuel.

However, the Director for People and Communities confirmed that funds for training could be allocated from other Covid-19 funding sources.

A member commended the support fund and noted that it was for the immediate needs of food and heating, rather than for longer term issues such as training.

The Committee was informed that receipt of support through this fund would not adversely affect Universal Credit claimants.

In response to concerns expressed that people on legacy benefits (i.e. benefits not yet replaced by Universal Credit) could be excluded, the Director for People and Communities reassured members that the funding was based upon need, not benefit criteria. He also confirmed that the Assistant Director for Individuals and Families would provide a briefing for members on the funding and support the scheme provided for vulnerable residents, which was part of a range of measures in place for those in need in the District.

Following a show of hands it was unanimously:

### RECOMMENDED TO CABINET

(Option 1)

To delegate the spend of the Household Support Fund to the Assistant Director of Individuals and Families in conjunction with the Portfolio Holder for Housing and Wellbeing.

#### **64. STRATEGIC PERFORMANCE AND FINANCE REPORT FOR QUARTER 1 AND QUARTER 2**

The Strategy and Programmes Manager introduced the report, which provided an overview of the performance of the Council against the key outcomes set out in the Delivery Plan for 2021/22.

Members were informed that 17 measures were currently meeting the year-end success criteria. Four measures were currently not meeting the year-end target or had missed the target by a narrow margin and had light touch monitoring in place. Three measures had not met the year-end target by a significant amount and close monitoring had been put in place. Three other measures were being baselined to determine a target.

Areas highlighted were:

- Over 1,360 vulnerable residents had been supported by a range of discretionary prevention services during Quarters 1 and 2, well over half of the year-end target of 2,000 for both Broadland and South Norfolk combined.
- In Quarter 1, over £5.7m had been secured from the European Regional Development Fund to deliver the Broadland Food Innovation Centre. In Quarter 2, £675,000 was secured as Broadland's allocation from the Norfolk Business Rates Pool.
- The collection of Business Rates, which was rated red in Quarter 4 20/21 was now amber. However, collection rates were still lower than the historical average pre-pandemic. The Economic Development Team continued to provide ongoing support to businesses in the District.
- Council Tax collection rates were also amber but were slightly ahead of this time last year (Q2 55.36% compared 55.19% 20/21). However, collection continued to be challenging in the aftermath of a very difficult 2020/21.
- The percentage of planning decisions made within statutory timescales – minors/others and householders was red, with 76 percent

of planning application decisions in the first two quarters of the year made within statutory timescales. This was below the target of 90 percent and had resulted from a surge in the number of applications being submitted. The Planning Department had appointed additional resources to address this issue.

In answer to a query about the planning decisions performance the Director of Place informed members that it was below target due to the particular circumstances of the pandemic. He confirmed that sanctions were only implemented by the Government if performance was poor over a two year period and that the Council's performance had only dipped for a brief period under exceptional circumstances. He also confirmed that there was no compensation payable for delays and that officers worked closely with applicants to advise them if extensions to the process were required. Members were also informed that recent most vacancies in the Planning Department had now been filled and that further discussion about increasing resources to meet the anticipated level of growth in the District was ongoing.

In answer to a query about recycling, the Portfolio Holder for Environmental Excellence informed the meeting that the results of the campaign to reduce contamination had not been analysed yet. She also confirmed that residents were not encouraged to leave additional recycling in cardboard boxes beside their bins, as if the boxes got wet they could not be recycled.

In response to a question about the proposal to allocate £500,000 to a new accommodation reserve, the Director for Resources informed members that this sum was proposed to be set aside for any due diligence work that needed to be carried out as part of the accommodation review.

A budget of £45,000 was also proposed for the Queen's Jubilee celebrations. A report on this would be taken to Cabinet in due course.

In answer to a question about progress towards delivery of £8.6m savings through collaboration it was confirmed that both costs and savings were split 45/55 (BDC/SNC). It was currently forecast that by year 5 of collaboration, savings would be £8,294m, as some savings had been delayed due to the pandemic.

A member noted that some of the collaboration savings were predicted, rather than actual and he was requested that members be provided with a breakdown of actual savings achieved, as well as the transitional costs, which should be separated from the One Team transitional staff costs.

It was confirmed that the Director for Resources would provide the Committee with the information, as requested.

*The Committee adjourned at 11.43am and reconvened at 11.56am, when all the Committee members listed above were present, except*

*for Cllr Harpley and Cllr Hempsall.*

The Senior Finance Business Partner provided the Committee with an overview of the Council's finances over Quarter 2.

The Resources Directorate was forecasting a favourable variance against a budget of £199,000. The reasons for this underspend was due to savings from the corporate contingency budget, the ceasing of the catering service and two IT posts supporting infrastructure work being attributed to the Covid-19 spend.

The Place Directorate was forecasting to achieve a favourable variance against budget of £162,000.

The main reasons for this underspend were:

- A change in contractor for street lighting maintenance.
- Increased income received from land charges.
- Favourable variance against budget due to vacancies across a number of services in the first half of the year which had now being recruited to.

The People and Communities directorate was forecasting to achieve a favourable variance of £528,000.

The reasons for this underspend were primarily:

- Waste Procurement fees had not utilised the full budget.
- Recurring savings from the delivery of the Clinical Waste service currently procured through a contract with the County Council's service provider.
- Increased income through the bulky waste service, due to the pandemic.

The actual spend against budget in the Capital Programme was £3,669,000, with an estimated outturn of £14,737,000.

In response to a query the Director for Resources confirmed that the spending proposals were to utilise £583,000 of the savings already achieved, rather than waiting until year-end.

The Committee was also informed that suggestions put forward by members at their Budget Workshop for using the underspend had been collated and shared with Portfolio Holders and would be brought forward in due course

A member suggested that the Accommodation Reserve seemed a large sum to be put aside for this purpose. However, another member noted that the size of the reserve could be adjusted as necessary.

Generally the Committee considered that it was premature to allocate £500,000 to an Accommodation Reserve and following a show of hands it was:

### **RECOMMENDED TO CABINET**

Options (1, 2 and 3)

1. Note the revenue and capital position (variance details in Appendix 1).

1a. To *not* agree proposals for the usage of this year's potential underspends (the Committee viewed the proposal to set aside £500,000 in a new Accommodation Reserve as premature in the light of the recommendations of the Joint Working Group and the subsequent recommendations by the Service Improvement and Efficiency Committee).

2. Note the 2021/22 performance for Quarters 1 and 2 combined (detail in Appendix 2).

3. Note the update of the Delivery Plan for 2021/22 (detailed in Appendix 3).

### **65. UPDATE ON MEMBER IT**

The Chief of Staff introduced the report, which provided the Committee with an update on the progress to date with the Member IT project, as well as the outcomes from the recent survey. The report also included information about a new electronic committee system and the plan for trialling options for member IT ahead of the May 2023 elections.

During the summer a survey of members was conducted to understand their use of iPads and to identify if any issues remained. Unfortunately only 11 responses were received.

Members were asked to note that Cabinet had agreed that a trial would commence in spring 2022 to look at the best option that could be adopted from May 2023 and that the new electronic committee system would bring further benefits for Members.

Following a show of hands it was unanimously.

### **RECOMMENDED TO CABINET**

(Option 1)

To accept the report on current IT provision for Members and note the plans for the trial period.

### **66. FORWARD PLAN**

The Committee noted the Council's Forward Plan.

New items included a report on the introduction of a District Wide Food Waste Collection Service that would be considered at the 8 February 2022 Cabinet.

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

#### **RESOLVED**

That the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

### **68. AWARD OF CONTRACT – BURE VALLEY RAILWAY FENCING**

The Community Assets Manager introduced the exempt report, which sought approval for the award of a contract for the replacement of a boundary fence along the Bure Valley Railway (BVR).

The Chairman commended the tender evaluation process, which had been undertaken with the cost element removed in order to review them from a technical perspective only.

It was also noted that there was currently no high priority work to be carried out on BVR bridges during 2021/22.

Following a show of hands it was:

#### **RECOMMENDED TO CABINET**

(Options 1 and 2)

1. Cabinet to agree to award the contract for replacement of the boundary fence.
2. Cabinet to approve the use of funding allocated capital improvements on the Bure Valley Railway for the purpose of installing a boundary fence.

*Cllr Nurden left the meeting at 12.38am.*

### 69. PROPOSAL FOR A SECOND BUILDING AT THE FOOD ENTERPRISE PARK

The Growth Delivery Manager introduced the exempt report, which proposed building a second building at the Food Enterprise Park.

During discussion the local member informed the meeting that he would not support the proposal.

Members considered and discussed the risks involved in the development, as well as the benefits for developing and encouraging business growth and job creation in the District

The Chairman proposed an additional recommendation to ensure that the next steps of the project were closely monitored by the Portfolio Holder for Economic Development.

This was duly seconded and following a show of hands it was:

#### **RECOMMENDED TO CABINET**

Options (1, 2 and 3)

1. That Cabinet recommend to Council that £200,000 is added to the Capital Programme for 2021/2022 in order to progress the design aspects of this scheme. The intention is that this sum will be split 50/50 with the New Anglia LEP, in the event that the Investment Agreement identified in item 2.2 can be formalized; and
2. That Cabinet agree for officers to enter into discussions with New Anglia LEP in relation to a 50:50 joint venture to deliver a second building at the Food Enterprise Park, comprising 4 commercial units. These discussions will be based upon the assumptions made in item 2.2. This project will further support the growth of the Food Enterprise Park's agri-food and tech cluster by providing much needed grow on space; and
3. *That the proposed next steps for the project, to be brought to Cabinet in early 2022, be closely monitored by the Portfolio Holder for Economic Development on an ongoing basis.*

(The meeting concluded at 1.16pm)

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Chairman





# CABINET

Minutes of a meeting of Cabinet held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on Tuesday 19 October 2021 at 6.00pm.

**Cabinet Members Present:** Councillors: S Vincent (Chairman), T Mancini-Boyle (Vice-Chairman), J Copplestone, J Emsell, S Lawn, J Leggett and F Whymark.

**Other Members in Attendance:** Councillors: E Laming and S Riley.

**Officers in Attendance:** The Director for People and Communities, Director of Place, Chief of Staff (Monitoring Officer), Assistant Director of Finance, Assistant Director Community Services, Housing Standards Senior Manager, Help Hub and Communities Senior Manager and Democratic Services Officers (LA, JO).

Before the commencement of the meeting the Leader asked those present to join him in a minute's silence in remembrance of Sir David Amess MP and Ben Whitmore (Finance Business Partner).

The Leader advised the meeting that the One Team had recently been crowned overall winner for Best Local Authority at the East of England Local Government Authority Senior Management Challenge.

The One Team were finalists in all five categories and won the awards not only for Best Local Authority, but also Best Stakeholder Engagement and Best Chief Executive.

Cabinet congratulated the six members of staff who took part for their outstanding achievement.

## 45 DECLARATIONS OF INTEREST

Cllr Vincent declared a non-pecuniary interest in respect of item 59 - Review of the Material Recycling Facility Contract, as a Director of NORSE Environmental Waste Services Ltd.

## 46 MINUTES

The minutes of the meeting of Cabinet held on 14 September 2021 were agreed as a correct record

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**47 MATTERS ARISING**

*Minute No: 38 – Minutes*

The Director for People and Communities confirmed that a report setting out the benefits of Hydrotreated Vegetable Oil fuel would be brought to Cabinet in November and a report on the implementation of the Waste Contract in the New Year.

*Minute No: 39 –Matters Arising*

Cllr Eleanor Laming asked the following question to the Portfolio Holder for Environmental Excellence:

*I note that the Strategic Environmental Services Contract has been awarded to a company who will be using some 2nd hand Euro 6 compliant vehicles. Although these would need replacement when 10 years old providing the Council with the flexibility to introduce electric refuse vehicles, I would argue that we need to be using EV's now. I also note that a report has been requested on the environmental benefits of using Hydrotreated Vegetable Oil fuel to reduce CO2 together with detail on how the Council's incentive payment mechanism would be used to encourage HVO fuel use. This would at best be a very short term interim solution as HVO still locks the council in to use of internal combustion engines and contributes to air pollution.*

*Would the council be willing to state its intention to move towards using EV's or hydrogen cell fuelled vehicles as soon as possible, and request a more expansive report to be provided which gives details of alternative fuel uses and their CO2 output, rather than just HVO?*

**Response from the Portfolio Holder for Environmental Excellence**

*Reducing the environmental impacts of our waste collection services was a key strategic outcome when we were re-tendering the Environmental Services Contract. We actively looked at and discussed with all the bidders the various options available to reduce the environmental impacts of the service. They were required within their bid documents to demonstrate how they would work with the authority to improve and reduce the environmental impacts.*

*We explored the potential to introduce electric Refuse Collection Vehicles (RVC's) from day one of the contract, but all the bidders indicated that the technology was not yet viable to provide the operational certainty required. In fact, in October 2020 Veolia trialled a 26T Dennis eCollect electric RCV, but unfortunately this trial clearly demonstrated that the vehicle was not capable of completing a full round due to the mixed urban/rural nature of the District.*

*Following further discussions with the bidders the specification was changed to allow bidders to come forward with a mixed aged fleet option, as long as all vehicles were Euro VI compliant and less than ten years old, meaning some vehicles could be replaced during the life of the Contract when electric RCVs would be both cheaper and more operationally reliable. Currently electric RCVs are in excess of £400K, more than twice the cost of diesel RVCs.*

*In the case of the successful bidder, they are proposing to utilise five existing Euro VI RVCs out of a total of 24, which will be replaced in April 2025 with electric RCVs or other technology such as hydrogen cell fuelled vehicles. They will also explore the options for retrofitting electric motors and batteries to the existing diesel RVCs as and when the technology becomes viable.*

*As it became clear that it would not be possible to introduce electric RCVs from the commencement of the contract, the Council, looked at other ways of reducing the amount of CO2 that would be produced. At the final tender stage, the Council introduced a match funding pot of up to £50,000 to encourage bidders to utilise 100 percent HVO fuel, in their final submissions all bidders proposed to use 100 percent HVO fuel. In the case of the successful bidder the use of 100 percent HVO fuel will reduce the amount of CO2 being emitted by the vehicle fleet from 1,110T to 22Ts – 98 percent.*

*Other environmental features that will be incorporated include dust suppression technology on mechanical sweepers to minimise the impact of PM10 and PM2.5 on air quality and electric bin lifts will be fitted on all new RCVs.*

*Prior to the commencement of the Tender process the Council commissioned Groundforce Norfolk (2020) to undertake a Greenhouse Gas Audit of the waste service, the report highlighted a range of options that could be considered to reduce the CO2, concluding that the use of electric RCVs would offer the greatest benefits, but that the technology was not currently available.*

### **48 REPRESENTATIONS FROM NON CABINET MEMBERS**

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

### **49 OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman of the Overview and Scrutiny Committee advised Members on the views expressed by the Committee when it reviewed the Cabinet Agenda on 12 October 2021, as each item was considered.

### **50 PLACE SHAPING POLICY DEVELOPMENT PANEL**

Cabinet received the Minutes of the meeting held on 4 October 2021.

### **51 WELLBEING POLICY DEVELOPMENT PANEL**

Cabinet received the Minutes of the meeting held on 6 October 2021.

**52 ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL**

Cabinet received the Minutes of the meeting held on 7 October 2021

**53 INDEPENDENT LIVING ASSISTANCE POLICY**

The Senior Housing Standards Manager introduced the report, which proposed an Independent Living Assistance Policy, which would align the Disabled Facilities Grant with a range of other services that would streamline how the Council enabled vulnerable residents of all ages live independently in their homes.

The Policy included grants to assist a resident move to an adapted property, rather than adapting an existing property as well as others such as an Architect Grant for complex cases.

It was noted that supplementary information had been provided in response to issues raised at the Overview and Scrutiny Committee, regarding the removal of the £1,500 cap on the Care and Repair fee.

The Policy also proposed retaining the existing land charge procedures for a land charge of up to £10,000 for grant values between £5,000 and £15,000, which would be redeemed if the property was sold or otherwise disposed of within ten years of completion of adaptation to further assist vulnerable residents.

The Portfolio Holder for Housing and Wellbeing advised the meeting that the Policy would improve support for vulnerable residents and highlighted that the community was at the heart of the Council's decision making process. He added that recommendation 2 (A revised Care and Repair fees procedure) should be amended to a recommendation to Council, to meet the requirements of the Constitution.

In response to a query, members were advised that it was not intended to promote the Policy, rather it was an additional tool that would help the Council assist residents that previously had been difficult to help.

The Chairman of the Overview and Scrutiny Committee informed Cabinet that the Committee had supported, by a split vote, an amendment to recommend that Cabinet ensured that the removal of the cap on the Care and Repair service did not adversely affect the service. He noted that the supplementary information supplied by officers had been helpful in clarifying the position on this matter.

The Portfolio Holder for Housing and Wellbeing advised members that although the cap was being removed there were other elements in the Policy that would ensure that residents were not disadvantaged and the money saved by removing the cap would be used to fund even more discretionary assistance.

Following a show of hands it was unanimously:

**RESOLVED**

To approve:

1. The Independent Living Assistance Policy; and
2. The revised Land Charges procedure.

**RECOMMENDED TO COUNCIL**

To adopt the revised Care and Repair fees procedure.

**Reasons for Decision**

To improve and enhance the housing service that the Council provides for vulnerable residents in the District.

**54 WARM HOMES FUND – ADDITIONAL FUNDING**

The Senior Housing Standards Manager introduced the report, which explained how the Council led a consortium of all seven Norfolk local authorities in the delivery of the Warm Homes Programme and set out proposals to expand and renew contracts for its delivery.

The Council had already been awarded sums of £1.24m and £1.78m to help deliver the scheme and a further bid of £3.75m had been submitted to expand the delivery of energy efficiency and renewable heating technologies. If this bid was successful, modifications to existing contracts, as well as new contractual arrangements would be required.

With supply chain issues in the construction industry, it was considered essential to secure the necessary contractors as soon as possible to deliver existing and future commitments to improve the warmth and efficiency of the homes of fuel poor residents across Norfolk. Cabinet approval was therefore sought to expand and renew current contracts through Efficiency East Midlands and Eastern Procurement Frameworks, as well as accessing additional contracts within the Fusion 21 Procurement Framework. All three organisations provide OJEU (Office Journal of the European Union) compliant national procurement frameworks facilitating the public sector to deliver energy efficiency and renewable heating measures.

In answer to a query about delivery, Cabinet was advised that expenditure of £320,000 through one contract equated to between 40 and 50 cases, many of which were to provide insulation for poor quality mobile homes. If the bid for a further £3.75m was successful, £1.7m would be set aside for additional energy measures such as solar panels, double glazing, loft and cavity insulation and heat efficient doors.

The Portfolio Holder for Housing and Wellbeing noted that the recommendations would help the Council deliver the programme more efficiently and he suggested that there should be an additional recommendation to provide Cabinet and the Environmental Excellence Policy Development Panel with progress reports on the delivery of the Warm Homes Programme on a six monthly basis. He added that he

would like to see details of the number and type of installations, interventions and assistance being provided in the report.

Following a show of hands it was unanimously:

### **RESOLVED**

1. To agree to the development of contracts to complete the £1.78m allocated through LAD1b for energy efficiency and heating measures to support residents in Norfolk to live in warm homes.
2. To agree to the delegation of procuring future successful funding bids to procurement frameworks, to the Assistant Director of Individuals and Families in consultation with the Portfolio Holder until July 2023.
3. That Cabinet and the Environmental Excellence Policy Development Panel be provided with progress reports on the delivery of the Warm Homes Programme on a six monthly basis.

### **Reasons for Decision**

To provide an extended and enhanced delivery of warm homes in Norfolk.

## **55 MOBILE HOMES FEES AND CHARGES POLICY**

The Senior Housing Standards Manager introduced the report, which had been drafted in response to new legislation, which introduce an offence for a protected mobile home site to operate unless the Council was satisfied that the occupier or the appointed site manager was a fit and proper person to manage the site.

The Housing Standards Team currently administered a Mobile Homes Procedure, including the application processes of site licences and site inspections. A fee was charged for this service to recover costs.

The new Regulations only affected relevant protected sites where residents had rights regarding occupancy and rents as detailed in the 1983 Mobile Homes Act. Private family residential sites and holiday sites were not included in the requirement.

Registering as a fit and proper person required a comprehensive application procedure involving a Criminal Records Bureau check, land ownership details, financial capability and a test to determine whether the relevant person could secure the proper management of the site, including compliance with the site licence and the long-term maintenance of the site.

The Council currently had four sites that were used for business purposes, where homes were freely brought and sold by the residents.

It was proposed to implement a new fee structure as part of the application and

registration process, as detailed in the legislation, although it was not considered necessary to introduce an annual fee as this was already incorporated in the existing policy. Members were also advised that the recommendation to approve the fee structure detailed in the revised Mobile Homes Fees Policy should be amended to a recommendation to Council, to meet the requirements of the Constitution.

It was also proposed to delegate the decision process for determination of a Fit and Proper Person application to the Housing Standards Senior Manager.

In answer to a query from the Leader about concerns that the fee would be passed on to residents, the Housing Standards Senior Manager confirmed that he had received no complaints regarding this issue and as the fee covered five years, if it was passed on it would only be a very small amount. Moreover, residents felt more protected by the new legislation and they were also protected by the 1968 Rent Act against undue increases in their rent.

Following a show of hands it was unanimously:

**RESOLVED**

1. To include the enforcement of the new regulations as part of the Housing Standards responsibility; and
2. To delegate authority to the Housing Standards Senior Manager to approve Fit and Proper Person applications.

**RECOMMENDED TO COUNCIL**

To approve the fee's structure detailed in the revised Mobile Homes Fees Policy.

**Reasons for Decision**

To meet legislative requirement.

**56 SOCIAL PRESCRIBING: CONTRACTING WITH THE NHS**

The Help Hub and Communities Senior Manager introduced the report, which provided an update on the development of social prescribing in Broadland and recommended expanding the service by entering into a contract with North Norfolk Primary Care.

Cabinet was reminded that Social Prescribing was a means of providing support in a medical setting and referring residents to a range of local non-clinical services and that officers undertaking social prescribing (community connectors) were effectively an outreach arm of the Help Hub sited in GPs surgeries.

Currently there were two Community Connectors operating in the District, but if the new contractual arrangement with the NHS was agreed this would increase to four in areas covered by Primary Care Networks NN3 and NN4. The service would be

externally funded through the NHS, by £344,000 over the next two years. Moreover, the NHS had discussed expanding the service in the future to meet increased demand in growth areas.

Cabinet was informed that the proposed expansion of the service would place the Council in a very good position to move to the next phase, which would look at expanding the service across the urban fringe. Members were also asked to note that Community Connectors were accessible through the Council's website and that it was not necessary to make a GP appointment to access the service.

The Portfolio Holder for Housing and Wellbeing noted that Social Prescribing in Broadland had come about as a direct result of the successful delivery of the service in South Norfolk by the Team. He also noted that the Contain Outbreak Management Fund money might be looked at to extend the service to the urban fringe in the near future.

The Leader thanked officers for their work in bringing this service to Broadland, which was based on a very good model already being delivered in South Norfolk.

Following a show of hands it was unanimously:

### **RESOLVED**

1. Cabinet to agree to contract with North Norfolk Primary Care to deliver social prescribing, effective from December 2021. Once the contract is signed, Cabinet agree to recruit community connectors to bring the complement to four full time equivalents.
2. Cabinet agrees to delegate authority to the Assistant Director Individuals and Families to enter into this contractual arrangement.

### **Reasons for Decision**

To enhance and expand the Council's Social Prescribing service.

## **57 FORWARD PLAN**

The Portfolio Holder for Finance noted that a review of Licensing Fees and Charges was being brought to the February 2022 Cabinet, as she understood that fees and charges were to be considered en bloc, with a view to aligning them with fees at South Norfolk.

In response, the Assistant Director for Finance advised members that to look at fees and charges en bloc would be a considerable task, but he confirmed officers would look at the best way to progress this work.

The Leader noted that budget meetings with Portfolio Holders were ongoing and fees and charges should be considered as part of this.



The Portfolio Holder for Environmental Excellence advised the meeting that the Regulatory and Enforcement Policy, to be considered by Cabinet in December, had been incorrectly listed as confidential on the Forward Plan.

Cabinet noted the Forward Plan.

**58 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

that the press and public be excluded from the meeting for the remaining item of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

**59 REVIEW OF THE MATERIAL RECYCLING FACILITY CONTRACT**

The Assistant Director for Community Services introduced the exempt report, which summarised the negotiations that had recently been carried out in respect of the Material Recycling Facility contract to 2027.

An additional recommendation was proposed by the Assistant Director for Community Services to delegate him authority to finalise the agreement in consultation with the Portfolio Holders for Environmental Excellence and Finance.

Following discussion and consideration of the report members went to the vote and with a show of hands it was unanimously:

**RESOLVED**

1. To approve the recommendations as outlined at paragraph 9 of the report; and
2. To delegate the final details of the agreement to the Assistant Director for Community Services, in consultation with the Portfolio Holders for Environmental Excellence and Finance.

**Reasons for Decision**

To achieve the best value for money for the Council's Waste Recycling Contract.

(The meeting concluded at 7.27pm)

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Chairman

Mobile Homes  
Fees and Charges Policy

Mobile Home Act 2013

The Mobile Homes (Requirement for Manager of Site to be Fit and  
Proper Person) (England) Regulations 2020

Broadland District

Housing Standards October 2021

**Contents**

**Introduction**

- 1. Purpose**
- 2. Scope of Policy**
- 3. Achieve Cost Recovery**
- 4. Reviewing Charges**

## **Fees and Charges Policy**

### **Introduction**

The Mobile Homes Act 2013 introduced new Duties and Powers for Local Authorities. Section 1 of the Act provides an opportunity for Councils to charge fees for some of these services.

New regulations, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, provide certain duties and powers for the Authority. These include the requirement of assessment of Fit and Proper persons to manage relevant protected Mobile Homes Sites and a power to charge for this additional service.

Guidance from the DCLG 'The Mobile Homes Act 2013 - A Guide for Local Authorities on Setting Site Licensing Fees' and from BEIS 'A guide to local authorities on setting fees for the fit and proper person test' details the parameters on which local authorities can charge.

Before setting any fee rates, there is a requirement that the Council must prepare and publish a fees policy. This Policy provides the frame work that the Council will use to implement the charging procedure.

### **1 Purpose**

- 1.1 The policy establishes the principles for the charging for services provided by Housing Standards in accordance with procedures detailed in the Mobile Home Act 2013 (The Act) and The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. It aims to provide an accountable pricing structure for specific services to site owners.
- 1.2 The policy details the mechanisms that the Council will use when setting fees and charges for mobile home parks.

### **2 Scope of Policy**

- 2.1 The Policy can only be used on protected sites as is detailed in the Act. Within this parameter, only sites that are used for business purposes will be eligible for the fee.
- 2.2 The Council must comply with all legal requirements for setting fees or charges and generating income from this procedure to ensure the Council is not exposed to the risk of legal challenge. Therefore the fees procedures detailed in this policy are coherent with the relative guidance. For Licence fees 'The Mobile Home Act 2013 - A Guide for Local Authorities' on setting site licensing fees' is applied. With regard to fees for the Fit and Proper Person Test the Council will adhere to the BEIS document "A guide to local authorities on setting fees for the fit and proper person test"

- 2.3 The fee structure is designed to have a fair and equitable reflection of costs relative to the level of resource required and details the fees for the following services:-
- Considering applications for the issue or transfer of a site licence;
  - Considering applications for altering conditions in a site licence and
  - Administration and monitoring of site licences.
  - Considering applications for fit and proper person test.
- 2.4 Where multiple sites exist within the same curtilage with a single licensee, the sites will be combined for the purpose of setting annual fee costs.

### 3 **Achieve Cost Recovery**

- 3.1 The structure of the Fees Policy is set to meet the cost of providing the service and is restricted to those coverable services detailed in the guidance. It is designed to have a fair and equitable reflection of costs relative to the level of resource required.
- 3.2 The costs are based on the officer time and associated management costs required to deliver the service and uses midrange points on the Councils pay scale to define officer and management costs. These costs will be adjusted each year in line with the Councils pay structure. The time taken for each service delivery is evaluated with respect to the size of the site and corresponding work load.
- 3.3 Appendix 1 details the services costed against time for the provision of new Licence applications. Table one below provides a total cost. These costs do not include travel which will be individually evaluated based on HMRC mileage rates combined with actual travel time on an annual basis for the individual sites and added.

**Table One** Site Licence Costs

Number of Homes	Total Cost
0-3	£229.50
4-10	£253.80
11-50	£296.25
51+	£348.80

- 3.4 Appendix 2 details the services costed against time for the provision of a transfer of a licence. This is largely a desk top exercise as no site visit is required. The Cost is therefore constant across the types and size of sites and at current rates is set at £84.40.
- 3.5 Appendix 3 details the services costed against time for a variation of a licence. Again this is a singular cost as most variations are simplistic and relate to single issues such as the additional units and has been costed at £202.20.

These costs do not include travel which will be evaluated for the individual sites and added.

- 3.6 Appendix 4 details the service cost against time for the annual fee procedure. These are based on an annual inspection process. However, as this is a risk based approach, Appendix 5 details how the annual cost is divided by the period of inspection which is linked to the risk rating. These costs do not include travel which will be evaluated for the individual sites and added.
- 3.7 Appendix 6 details the services costed against time for the Fit and Proper Person application procedure. This is largely a desktop exercise in considering each application and therefore is a singular cost set at £270.24. Where an application is rejected and a further application regarding a different person received, a further fee of £270.24 will be required.

#### **4. Reviewing Charges**

- 4.1 This fee policy is based on minimal charges for the mobile home function. The risk based approach ensures that sites will not be over charged for the services. There will be a presumption that charges will be increased annually in line with the council's pay review and corresponding midpoint pay scale.
- 4.2 It may be that costs through variant circumstances are increased in a single year for a particular site. In this case the guidance allows for the increase in the following year to compensate. Therefore the charges will be reviewed annually to ensure the fee is relevant to the cost of providing the service for the individual sites.

## Appendix 1 - Initial Application and Licence

<b>Task</b>	<b>Officer</b>	<b>Rate</b>	<b>1-3</b>	<b>Cost</b>	<b>4-10</b>	<b>Cost</b>	<b>11-50</b>	<b>Cost</b>	<b>51+</b>	<b>Cost</b>
Initial enquiry	CEO	45.04	10	£ 7.51	15	£ 11.26	15	£ 11.26	15	£ 11.26
letter/telephone calls to make appointments and send out forms	CEO	45.04	35	£ 26.27	40	£ 30.03	50	£ 37.53	60	£ 45.04
updating hard files/computer system	CEO	45.04	25	£ 18.77	25	£ 18.77	25	£ 18.77	25	£ 18.77
processing licensing fee	CEO	45.04	25	£ 18.77	25	£ 18.77	25	£ 18.77	25	£ 18.77
Land reg check & fee	CEO	45.04	10	£ 7.51	15	£ 11.26	17	£ 12.76	20	£ 15.01
review necessary documents	CEO	45.04	25	£ 18.77	25	£ 18.77	25	£ 18.77	25	£ 18.77
site inspection at planning stage or immediately after	CEO	45.04	25	£ 18.77	25	£ 18.77	48	£ 35.77	60	£ 44.78
download photographs	CEO	45.04	10	£ 7.51	10	£ 7.51	15	£ 11.26	15	£ 11.26
preparing report on contraventions	CEO	45.04	10	£ 7.51	10	£ 7.51	15	£ 11.26	20	£ 15.01
preparing draft and final licences	CEO	45.04	20	£ 15.01	23	£ 17.34	25	£ 18.77	40	£ 30.03
review with manager	CEO	45.04	16	£ 11.81	20	£ 15.01	20	£ 15.01	20	£ 15.01
updating public register	CEO	45.04	10	£ 7.51	10	£ 7.51	15	£ 11.26	10	£ 7.51
second visit following issue of new licence.	CEO	45.04	15	£ 11.26	20	£ 15.01	25	£ 18.77	45	£ 33.78
carry out risk assessment	CEO	45.04	10	£ 7.51	15	£ 11.26	15	£ 11.26	25	£ 18.77
reviews of decisions or defending an appeal	CEO	45.04	60	£ 45.04	60	£ 45.04	60	£ 45.04	60	£ 45.04
				<b>£229.50</b>		<b>£253.80</b>		<b>£296.25</b>		<b>£348.80</b>

Appendix 2 - Licence Transfer (Desktop Procedure).

<b>Task</b>	<b>Officer</b>	<b>Time</b>	<b>Rate</b>	<b>Cost</b>
Initial enquiry to transfer	CEO	5	45.04	3.75
Post application form	CEO	10	45.04	7.51
Application received - check correct forms, fee etc. received	CEO	30	45.04	22.52
Review application details	CEO	20	45.04	15.01
Determine app & issue licence	CEO	32	45.04	24.34
			45.04	
Update Flare	CEO	15	45.04	11.26
				<b>£84.40</b>

### Appendix 3 -Amending Conditions.

<b>Task</b>	<b>Officer</b>	<b>Time</b>	<b>Rate</b>	<b>Cost</b>
Initial enquiry to amend	CEO	5	£45.04	£3.75
post application form	CEO	15	£45.04	£11.26
application received	CEO	30	£45.04	£22.52
Review application details	CEO	30	£45.04	£22.52
site inspection inc traveling time	CEO	45	£45.04	£33.78
Determine app, third party consultation	CEO	45	£45.04	£33.78
consult with manager and draft licence	CEO	54	£45.04	£40.81
consult with site owner and issue licence	CEO	30	£45.04	£22.52
Update Flare and public register	CEO	15	£45.04	£11.26
				<b>£202.20</b>



#### Appendix 4 – Service Costs.

Task	Officer	Rate	A <3 Time	Cost	B(3-10)	Cost	C(11-50)	Cost	D(51-100)	Cost	E(100+)	Cost
Letter writing/telephone call to make appointment	CEO	£45.04	15	£ 11.26	15	£ 11.26	15	£ 11.26	15	£ 11.26	15	£ 11.26
handling enquiries and complaints	CEO	£45.04	30	£ 22.52	40	£ 30.03	55	£ 41.20	70	£ 52.55	84	£ 63.17
updating hard files and Flare	CEO	£45.04	28	£ 21.09	31	£ 23.23	32	£ 24.02	25	£ 18.77	30	£ 22.52
Processing the licence fee	CEO	£45.04	15	£11.26	30	£ 22.52	30	£ 22.52	30	£ 22.52	30	£ 22.52
reviewing necessary documents and certificates	CEO	£45.04	15	£11.26	30	£ 22.52	30	£ 22.52	45	£ 33.78	45	£ 33.78
downloading photographs	CEO	£45.04	10	£7.51	10	£ 7.51	10	£ 7.51	15	£ 11.26	15	£ 11.26
preparing report on contraventions	CEO	£45.04	27	£ 20.34	35	£26.27	60	£ 45.04	90	£ 67.56	100	£ 75.07
review with manager	CEO	£45.04	15	£11.26	10	£ 7.66	15	£ 11.26	15	£ 11.26	15	£ 11.26
carry out risk assessment	CEO	£45.04	15	£11.26	15	£ 11.26	25	£ 18.77	29	£ 1.42	30	£ 22.52
Pre-Programmed Full Site Inspection	CEO	£45.04	30	£22.52	35	£ 26.27	45	£ 33.78	70	£ 52.55	100	£ 75.07
Follow Up inspection to check compliance.	CEO	£45.04	20	£15.01	25	£18.77	40	£ 30.03	45	£ 33.78	45	£ 33.78
				<b>£165.30</b>		<b>£207.30</b>		<b>£267.90</b>		<b>£336.70</b>		<b>£382.20</b>

#### Appendix 5 - Risk Applied Service Costs.

risk rate	severe	High	medium	low
inspection interval	1	2	3	5
<3	£165.30	£82.90	£55.10	£33.35
small (3-10)	£207.30	£103.65	£68.75	£41.45
medium (11-50)	£267.90	£133.95	£88.95	
Large (51-100)	£336.70	£168.85		
Extra Large (101+)	£382.20	£191.10		

Appendix 6 - Fit and Proper Person application.

<b>Detail</b>	<b>Minutes</b>
Initial enquiries;	15
letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the application process;	30
sending out forms;	10
updating files/ computer systems and websites;	20
processing the application fee;	20
land registry searches;	15
time for reviewing necessary documents certificates;	30
preparing preliminary and final decision notices;	60
review by manager or lawyers of applications, representations made by applicants or responses from third parties;	60
updating the public register;	10
carrying out any risk assessment process considered necessary;	30
reviews of decisions or in defending appeals.	60
<b>Total</b>	<b>360</b>

Total cost at Officer rate of 45.04 = £270.24

# CABINET

**Minutes of a meeting of Cabinet held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, held on Tuesday 23 November 2021 at 6.00pm.**

<b>Cabinet Members Present:</b>	Councillors: S Vincent (Chairman), T Mancini-Boyle (Vice-Chairman), J Copplestone, J Emsell, S Lawn and J Leggett.
<b>Apologies</b>	Councillor: J Whymark.
<b>Other Members in Attendance:</b>	Councillors: E Laming and M Murrell
<b>Officers in Attendance:</b>	The Managing Director, Director of Resources, Director of Place, Director of People and Communities, Chief of Staff (Monitoring Officer), Assistant Director of Planning, Assistant Director IT/Digital and Transformation, Strategy and Programme Manager, Senior Finance Business Partner, Capital and Treasury Accountant, Growth Delivery Manager, Community Assets Manager and Democratic Services Officers (LA, JO)

The Leader advised members that following the meeting of the Service Improvement and Efficiency Committee on Friday 12 November 2021 it had been concluded that further work was required on the Accommodation Review and, therefore, it had been decided to withdraw the report from today's Cabinet agenda.

## 204 MINUTES

The minutes of the meeting of Cabinet held on 19 October 2021 were agreed as a correct record.

## 205 REPRESENTATIONS FROM NON CABINET MEMBERS

Cllr E Laming asked the following question in relation to the Delivery Plan (to be considered at item 11- Strategic Performance and Finance Report).

*The Vision for our place in the BDC Delivery Plan 2021-2022 states that it will take proactive steps to preserve the natural environment, but mentions nothing specific about the need to reduce CO2 emissions or reach net zero. This need is not mentioned in the delivery measures table which tracks service performance.*

*In the programme of work (H5) there is a brief mention of the need to reduce the Council's carbon footprint but no specific targets or carbon budget.*

*Since climate change is the biggest issue likely to affect Broadland, I would suggest that it should have more of a focus. Would the Council be willing to reconsider its Vision and Strategy in the light of this?*

In response the Portfolio Holder for Environmental Excellence advised the meeting that: *'Cllr Laming's question refers to the Delivery Plan, which was written to cover the current period, up to March 2022. During 2021 the Council had recruited a dedicated member of staff to deliver the Environmental Strategy in which it had committed to reducing its carbon emissions and to achieving Net Zero. A Carbon Audit has been commissioned and this is due to report in January 2022. At the same time, the Council's future office accommodation is under review with a strong environmental theme. The Council's Environmental Strategy sets a target for Net Zero for our estate and, once the Carbon Audit is completed, we will know our starting point for a Decarbonisation Strategy. I expect that this will focus on options, measures and targets for achieving net zero. These would then be incorporated into the business planning process and updated Environmental Strategy as appropriate.'*

### **206 OVERVIEW AND SCRUTINY COMMITTEE**

The Vice-Chairman of the Overview and Scrutiny Committee advised Members on the views expressed by the Committee when it reviewed the Cabinet Agenda on 16 November 2021, as each item was considered.

### **207 SERVICE IMPROVEMENT AND EFFICIENCY COMMITTEE**

Cabinet received the Minutes of the meeting of the Service Improvement and Efficiency Committee held on 25 October 2021.

### **208 TREASURY MANAGEMENT QUARTER 2 REPORT 2021/22**

The Capital and Treasury Accountant introduced the report, which set out the Treasury Management activities for the first six months of the financial year 2021/22 and reported on financial indicators.

During the period investments totalled £57.005 million, with interest received on external cash investments during the financial year forecast to be around £380,000. Interest rates remained low, but there were indications that these could rise during 2022.

There had been no need to borrow externally so far this financial year and there had been no breaches of the Council's Prudential Indicators.

The Portfolio Holder for Finance advised the meeting that she was aware that the Overview and Scrutiny Committee had made an additional recommendation regarding a green and ethical approach to treasury management. She reminded Cabinet that the Treasury Management Strategy would be reviewed as part of the budget setting process in the New Year and drew attention to the following paragraph that was already in the current Treasury Management Strategy:

*The Council, in making investments through its treasury management function, supports the ethos of socially responsible investments. We will actively seek to communicate this support to those institutions we invest in as well as those we are considering investing in by:*

- *encouraging those institutions to adopt and publicise policies on socially responsible investments;*
- *requesting those institutions to apply council deposits in a socially responsible manner.*

The Portfolio Holder for Finance confirmed that when the Treasury Management Strategy was next reviewed consideration would be given to making this policy more stringent.

Following a show of hands it was unanimously:

## **RESOLVED**

To

1. Endorse the treasury activity for the first half of the year and note that it complies with the agreed strategy; and
2. Note the 2021/22 prudential indicators for the first six months of the year.

## **Reasons for Decision**

The report was a factual account.

## **209 HOUSEHOLD SUPPORT FUND**

The Director of People and Communities introduced the report, which sought approval to spend Household Support Funding provided by central Government on supporting those households who needed additional financial help this winter.

Members were informed that Norfolk County Council had been awarded £6,696,806 from the fund and had allocated £128,000 to Broadland. The allocation had been weighted by the level of benefit claimants per district.

The Council aimed to take a proactive approach to help vulnerable individuals and families who were most in need of support.

The funding criteria had been set by Government and was limited to support with the costs of:

- Food.
- Energy and water.
- Essentials linked to energy and water.

- Wider essentials. These may include, but were not limited to, support with other bills including broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle or paying for fuel.

The funding could not be used for mortgage payments or debt advice.

The Leader informed the meeting that the Portfolio Holder for Housing and Wellbeing (who could not attend today's meeting) had made the following comment about the Fund:

*I am pleased that we are proactively working to support our most vulnerable residents.*

*This support is focused upon need and not benefit criteria. With ever increasing food and fuel bills this Fund will ensure no Broadland resident will be cold or hungry this winter.*

In answer to a query, the Director of People and Communities confirmed that the recipients of the Fund would be identified through the Norfolk Vulnerability Hub, which was a database used by partners and voluntary bodies across the county. Using the Hub, ensured access for those most in need, whilst mitigating against the possibility of the Fund being abused.

A key priority would be to ensure the Fund would be spent or committed by 31 March 2022. If this was spent there might be the possibility of accessing more from the overall County pot if funds remained available.

It was confirmed that Household support would commence as soon as the funding was received from the County Council.

## **RESOLVED**

To delegate the spend of the Household Support Fund to the Assistant Director of Individuals and Families in conjunction with the Portfolio Holder for Housing and Wellbeing.

### **Reasons for Decision**

To support the most vulnerable households in the District this winter.

## **210 STRATEGIC PERFORMANCE AND FINANCE REPORT FOR QUARTER 1 AND QUARTER 2**

The Strategy and Programmes Manager introduced the report, which provided an overview of the performance of the Council against the key outcomes set out in the Delivery Plan for 2021/22.

Members were informed that 17 measures were currently meeting the year-end success criteria. Four measures were currently not meeting the year-end target or had missed the target by a narrow margin and had light touch monitoring in place. Three measures had not met the year-end target by a significant amount and close monitoring had been put in place. Three other measures were being baselined to determine a target.

Areas highlighted were:

- Over 1,360 vulnerable residents had been supported by a range of discretionary prevention services during Quarters 1 and 2, well over half of the year-end target of 2,000 for both Broadland and South Norfolk combined.
- In Quarter 1, over £5.7m had been secured from the European Regional Development Fund to deliver the Broadland Food Innovation Centre. In Quarter 2, £675,000 was secured as Broadland's allocation from the Norfolk Business Rates Pool.
- The collection of Business Rates, which was rated red in Quarter 4 20/21 was now amber. However, collection rates were still lower than the historical average pre-pandemic. The Economic Development Team continued to provide ongoing support to businesses in the District.
- Council Tax collection rates were also amber but were slightly ahead of this time last year (Q2 55.36% compared 55.19% 20/21). However, collection continued to be challenging in the aftermath of a very difficult 2020/21.
- The percentage of planning decisions made within statutory timescales – minors/others and householders was red, with 76 percent of planning application decisions in the first two quarters of the year made within statutory timescales. This was below the target of 90 percent and had resulted from a surge in the number of applications being submitted. The Planning Department had put additional resources in place to address this issue.

The Portfolio Holder for Transformation and Organisational Development commended the report, which confirmed that the Council was going in the right direction even during these very difficult times.

The Portfolio Holder for Finance noted the gradual improvement in Council Tax and Business Rates collection and emphasised the work being undertaken by the Council to support and engage with residents and businesses in the District.

In respect of planning decisions made within statutory timescales, the Portfolio Holder for Planning stressed that this was due to the unusual number of applications during the pandemic and that the additional resources put in place would move this measure back on track by Quarter 4.

The Portfolio Holder for Economic Development drew members' attention to the £5.7m in European funding and £675,000 from the Norfolk Business Rates Pool that had been secured in Quarters 1 and 2 that would be used to support economic growth in the District.

Cabinet was informed by the Portfolio Holder for Environmental Excellence that the figures on missed waste bin collection had seen an increase due to an administrative error in how they were recorded. This had since been rectified and the correct figures should be available for the next quarter. She added that hygiene ratings for food businesses were high with 98 percent of businesses in the District rated 'Good' or 'Very Good'.

The Portfolio Holder for Housing and Wellbeing had sent in comments commending the Communities and Housing Team and Early Help Teams for continuing to support Broadland's most vulnerable residents through these very difficult of times. In particular he noted how they were working with partners to provide discretionary services, which were essential during the pandemic. Also of note was the Council's housing offer and the Housing Allocation Policy, which was to be reviewed to further enhance the level of service provided.

The Leader commended the excellent report, which was well put together and demonstrated the high level of performance being delivered by the Council.

The Managing Director drew members' attention to the high level of staff satisfaction, with 90 percent of staff feeling supported by their line manager and 75 percent of staff survey respondents feeling positive about hybrid working. Staff retention rates were also consistently high and an emphasis was being placed on increasing the number of apprentices and graduate entry roles at the Council, all of which was very positive.

The Senior Finance Business Partner provided the Committee with an overview of the Council's finances over Quarter 2.

The Resources Directorate was forecasting a favourable variance against a budget of £199,000. The reasons for this underspend was due to savings from the corporate contingency budget, the ceasing of the catering service and two IT posts supporting infrastructure work being attributed to the Covid-19 spend.

The Place Directorate was forecasting a favourable variance against budget of £162,000.

The main reasons for this underspend were:

- A change in contractor for street lighting maintenance.
- Increased income received from land charges.
- Favourable variance against budget due to vacancies across a number of services in the first half of the year, which had now being recruited to.

The People and Communities directorate was forecasting a favourable variance of £528,000.

The reasons for this underspend were primarily:

- Waste Procurement fees had not utilised the full budget.
- Recurring savings from the delivery of the Clinical Waste service currently procured through a contract with the County Council's service provider.
- Increased income through the bulky waste service, due to the pandemic.

The actual spend against budget in the Capital Programme was £3,669,000, with an estimated outturn of £14,737,000.

The Portfolio Holder for Finance drew members' attention to the proposals for utilising the one-off pot generated by the underspend. She advised the meeting that further work



needed to be undertaken on how these funds should be spent and, therefore, proposed that recommendation 1a. (to agree the proposals for the usage of this year's potential underspends) should be deleted.

This proposal was duly seconded and following a show of hands it was:

**RESOLVED**

To

1. Note the revenue and capital position; and
2. Note the 2021/22 performance for Quarters 1 and 2 combined; and
3. Note the update of the Delivery Plan for 2021/22.

**Reasons for Decision**

The report was a factual account.

**211 UPDATE ON MEMBER IT**

The Chief of Staff introduced the report, which provided an update on the progress to date with the Member IT project, as well as the outcomes from the recent survey. The report also included information about a new electronic committee system and the plan for trialling options for member IT ahead of the May 2023 elections.

During the summer a survey of members was conducted to understand their use of iPads and to identify if any issues remained. Unfortunately only 11 responses were received, which was disappointing, but might indicate that there were only a few members who continued to have any issues with their IT.

Members were asked to note that Cabinet had agreed that a trial would commence in spring 2022 to look at the best IT option that could be adopted from May 2023 and that the new electronic committee system would bring further benefits for Members.

The Portfolio Holder for Transformation and Organisational Development noted that member use of iPads had been successful in making savings in printing and postage and that the introduction of Office365 had further improved the technology.

In response to a request, the Chief of Staff confirmed that officers were looking into producing videos with IT hints and guidance for members. The Committee Services Team would also be trained to assist members with their iPads.

Following a show of hands it was unanimously:

**RESOLVED**

To accept the report on current IT provision for Members and note the plans for the trial

period.

**Reasons for Decision**

The report was a factual account.

**212 FORWARD PLAN**

Cabinet noted the Forward Plan.

**213 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**

That the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

**214 PROPOSAL FOR A SECOND BUILDING AT THE FOOD ENTERPRISE PARK**

The Growth Delivery Manager introduced the exempt report, which proposed building a second building at the Food Enterprise Park.

Members confirmed that they had considered the business case for the proposal and it had been determined that they did not want the Council exposed to the risks involved with the development.

Following a show of hands it was unanimously:

**RESOLVED**

To not proceed with the project.

**Reasons for Decision**

To protect the public purse.

**215 AWARD OF CONTRACT – BURE VALLEY RAILWAY FENCING**

The Community Assets Manager introduced the exempt report, which sought approval for the award of a contract for the replacement of a boundary fence along the Bure Valley Railway (BVR).

Cabinet was advised that, if approved, work would commence early in the New Year.

Following a show of hands it was unanimously:

**RESOLVED**

To

1. Agree to award the contract for replacement of the boundary fence; and
2. Approve the use of funding allocated capital improvements on the Bure Valley Railway for the purpose of installing a boundary fence.

**Reasons for Decision**

To bring the boundary fence of the Bure Valley Railway up to the required standard.

(The meeting concluded at 6.56pm)

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Chairman

## DECISIONS ON APPLICATIONS – 6 October 2021

App'n No	Location	Description of Development	Decision
20172208	Land adj Mahoney Green, Rackheath	Residential Development for up to 205 dwellings and associated works (Outline)	Delegate Authority to <b>APPROVE</b> subject to no objections and to conditions and a section 106 agreement.
20211222	Haveringland Hall Coach House, Haveringland Hall Park, Haveringland, NR10 4PN	Application for listed building consent for demolition of interior walls and external door steps; removal of plasterboard ceilings; alteration to external doors; and, courtyard surfacing works	<b>APPROVED</b> subject to conditions
20211331	Broadland Country Park, Felthorpe	Resurfacing to improve the path surface for all users (pedestrians, wheelchair users, pushchairs, cyclists and horse riders) along this short circular route through Broadland Country Park; and to implement biodiversity enhancements at the same time, as highlighted in the Preliminary Ecological Appraisal	<b>APPROVED</b> subject to conditions

**DECISIONS ON APPLICATIONS – 3 November 2021**

<b>App'n No</b>	<b>Location</b>	<b>Description of Development</b>	<b>Decision</b>
<b>20211329</b>	The Stables,15 Church Hill, Reepham, NR10 4JL	Change of use from commercial premises	Approved subject to conditions
<b>20211604</b>	Units 1 - 12, Aylsham Business Park, Richard Oakes Road, Aylsham, NR11 6FD	Change of use of existing units to E(c), E(d), E(e), E(g), F1(a) & B8	Approved subject to conditions

**DECISIONS ON APPLICATIONS – 1 December 2021**

<b>App'n No</b>	<b>Location</b>	<b>Description of Development</b>	<b>Decision</b>
20211482	The Old Apple Store, Woodbastwick Road, Ranworth, NR13 6HS	Demolition of existing building and replacement with dwelling	Approved subject to conditions
20211316	54 Freeland Close, Taverham, NR8 6XR	Single storey side extension	Delegated authority to Approve subject to conditions

Minutes of a meeting of the **Standards Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 26 July 2021** at **10.00am** when there were present:

Cllr N J Brennan – Chairman

### **Elected Members**

Cllr K G Leggett MBE

Cllr D Roper

### **Co-opted Parish and Town Council Members**

Ms M Evans

Ms R Goodall

Mr K Wilkins

Cllr K Lawrence (subject of the complaint) and Cllr S Riley (accompanying the subject of subject of the complaint) were also in attendance.

Officers in attendance were the Monitoring Officer, Deputy Monitoring Officers (LM, EG and SW) and the Democratic Services Officer (JO).

Also in attendance were Ms F Anthony (Investigating Officer, Solicitor - nplaw), Ms K Hulatt (Head of Legal Services nplaw), Mr M Hedges (Independent Person), Mr D Lowe (complainant) and Mr B Goose and Mr S Clark (witnesses).

## **1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

Cllr D Roper declared that he was the Liberal Democrat Group Leader. He confirmed that he had not discussed the matter to be considered with anyone prior to today's meeting.

## **2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Cook and Cllr Ryman-Tubb.

## **3 MINUTES**

The minutes of the meeting held on 3 April 2019 were confirmed as a correct record.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

The Committee considered if the hearing should be held in private or public and following discussion it was:

**RESOLVED**

That the meeting be held in public and that the reports appended to the Agenda be published on the Council's website.

It was confirmed that determination of the complaint would be held in private.

**5 CONSIDERATION OF COMPLAINT AGAINST COUNCILLOR LAWRENCE**

**Monitoring Officer Report**

The Monitoring Officer introduced her report, which explained that the Council had received a complaint from Mr David Lowe of the Bure Valley Railway (BVR) on 25 November 2020, against Cllr Karen Lawrence.

The complaint stated that on a number of occasions in late November 2020 Cllr Lawrence used the public footpath alongside the railway to approach the worksite and interacted with individuals undertaking vegetation management by challenging the necessity of the work being undertaken in a terse, intimidating and confrontational manner.

The Monitoring Officer advised that nplaw was instructed to conduct an investigation into the complaint. The investigation had concluded that Cllr Lawrence had breached the Code of Conduct in respect of the following three principles:

**3.5** *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*

**3.10** *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*

**3.11** *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.*

Cllr Lawrence disputed the allegations and the findings within the report, therefore the Monitoring Officer and the Independent Person had elected that



this case should be referred to a hearing of the Standards Committee in order to evaluate the complaint and make a final determination.

The Monitoring Officer highlighted the following issues that the Committee might like to consider during its deliberations:

- Was Cllr Lawrence acting in her capacity as a councillor on all occasions referenced in the complaint?
- Had Cllr Lawrence provided sufficient evidence to prove that she sought any relevant advice required from the Council regarding the works being undertaken and that she had listened to the views of BVR staff?
- What weight should be given to the new evidence provided by Cllr Lawrence in the form of an additional witness statement?
- Did the questions asked of BVR staff constitute a 'reasonable challenge' based on legitimate concerns?

A member suggested that as principle 3.5 related to making decisions it was not applicable to this case. In response, the Committee was advised that the reasons for the inclusion of this part of the Code was set out in the Investigators Report.

### **The Investigating Officer**

Fiona Anthony, Solicitor, advised the meeting that she had conducted the investigation into the complaint. She confirmed that she had had no prior dealings with either the complainant or the subject of the investigation.

The Committee were informed that the complaint alleged that:

1. In November 2020, Cllr Lawrence made several uninvited visits to a site where staff, volunteers and contractors of the BVR were working and challenged the necessity of the work being undertaken.
2. Cllr Lawrence failed to contact the management of the BVR to express her concerns about the work being undertaken or seek advice from Council officers prior to acting.
3. When interacting with staff, volunteers and contractors of the BVR, Cllr Lawrence conducted herself in an intimidating and confrontational manner.

4. Cllr Lawrence took photographs of staff without their consent despite being requested not to do so.

All those concerned in this matter had been spoken to and the above four areas had been looked at in detail.

The first stage of the investigation had established that Cllr Lawrence was acting in her capacity as a Councillor when the alleged behaviours took place, as confirmed by discussions with both Cllr Lawrence and the witnesses. Therefore, the Members' Code of Conduct was engaged and the complaint could be investigated in this light.

The investigation had concluded that there was no evidence that Cllr Lawrence took photographs of staff without their consent despite being requested not to do so. Therefore, complaint 4 was not upheld. However, complaints 1, 2 and 3 were upheld.

Members were advised that the following issues in Cllr Lawrence's final response to the report that needed clarification.

Agenda page 123 of (Page 3: Para 2): ERRONEOUS fact and fabricated claim: *report states that [Cllr Lawrence] "had been informed by residents that someone was burning vegetation along the footpath on the 19th November and she took a bike ride there the following day"* – Cllr Lawrence claims that there was no evidence of burning being reported on the 19th of November, no email submitted. In fact no burning had taken place on that day, no one made a claim to this. This fact has been fabricated.

Fiona Anthony informed the Committee that the above reference was taken from Cllr Lawrence's complaint response dated 12 December 2020, where she stated; 'I was informed by residents that someone was burning vegetation along the footpath on the 19th Nov.'

She added that another area that the Committee might like to consider was the witness statement of Mr John Buck, who claimed that a man was shouting at Cllr Lawrence and waving his arms. It was notable that Cllr Lawrence did not claim that this took place and that a long time had elapsed between the incident and the statement. The investigator therefore questioned whether any weight should be given to the witness' statement.

Mr Ben Goose was then called to speak to the Committee. He advised members that he was the proprietor of B J Goose Digger Hire Ltd and he had been operating a tractor on 20 November 2020 using a mechanical flail for the management of vegetation. He informed the meeting that Cllr Lawrence arrived at the location and threw her bike on the ground and started shouting and screaming in a very agitated manner that he was destroying habitat.

He found her behaviour unsettling and directed her to speak to Stuart Clark, who was supervising the work.

Mr Stuart Clark informed the Committee that he was a volunteer and a contractor for the BVR and he also carried out contract work for Broadland District Council. He told members that Cllr Lawrence spent 90 minutes arguing and shouting at him and refusing to listen to the reasons for the vegetation management taking place. Her body language and manner were disturbing and she did not treat him with respect, by not listening to him. He was also unnerved that she knew his name and that he was a shareholder in the BVR.

These visits became very regular over the course of two weeks and he informed all his staff to not engage with Cllr Lawrence and instead refer her to him. He also told her at a very early stage not to take photographs of staff, but she persisted in doing so, which felt like harassment.

Fiona Anthony then informed the Committee that from the information that she had collated during her investigation she was of the view that the Code of Conduct had been breached by Cllr Lawrence in respect of paragraphs 3.5, 3.10 and 3.11. In regard to a member's suggestion that paragraph 3.5 was not applicable, she emphasised that this principle was also about listening to the interests of all parties and remaining objective, and it was clear from the evidence that Cllr Lawrence had not listened Stuart Clark when he tried to explain the reasons for the work being undertaken.

The investigator concluded that Paragraph 3.10 had been breached by Cllr Lawrence's confrontational manner and 3.11 had been breached as, although she championed the views of some member of the local community, she did not show leadership and was challenging and hostile to the BVR.

### **The Complainant**

Mr David Lowe, the complainant, addressed the Committee and drew members' attention to Cllr Lawrence's accusation that his complaint had been malicious, vexatious and abusing the process. He explained that he had complained to officers of the Council about the matter and had been advised that making a formal complaint under the Members' Code of Conduct would be the appropriate course of action, given the severity of his allegations. Mr Lowe stated that he felt that officers had conducted a rigorous and thorough investigation. He was asking for an apology from Cllr Lawrence and a recognition that her behaviour was wrong and that this would not happen again.

Mr Lowe stated that residents often stopped to ask workers brief questions as they passed by. He concluded that if Cllr Lawrence had engaged briefly with the workers in a simple conversation, and then gone away to request a formal

meeting to state her concerns, through the appropriate channels, the confrontation and hostility which had led him to make his complaint could have been avoided.

### **Subject of complaint - Cllr Lawrence**

Cllr Lawrence addressed the Committee and apologised that she had incorrectly alleged that the investigator had fabricated evidence about the burning of vegetation on the footpath on 19 November 2020. She confirmed that she had not realised this statement had been included in her response to the complaint, and furthermore that there was no evidence to support that any burning of vegetation had taken place on this date.

Cllr Lawrence informed the meeting that when she went to the location on 20 November 2020 she understood that no work had been contracted and she had thought that damage was being done to the embankment with a bucket, on the tractor rather, than a flail.

She admitted that she had spoken sharply and with authority, as there was nothing to indicate that the work was being done in an official capacity. She also informed members that she was expressive with her hands when talking, which might have been misconstrued.

She outlined that the people she spoke to undertaking the work to the railway were passionate about the BVR, but the local community was equally passionate about wildlife and complained to her about the work being undertaken at the site. She advised that she felt that she was in the middle of them both.

Cllr Lawrence next addressed the issue of not contacting the BVR directing regarding her concerns. She outlined that the reason that she did not contact the BVR management directly was because she was awaiting details of the lease from an officer and she did not feel it was appropriate to do so prior to receipt of the information. It was subsequently explained to her at a meeting on 24 November 2020 that the BVR was responsible for the railway track and the Council was responsible for the pathway.

When asked about her witness Mr Buck, she confirmed that she had not remembered until recently that he had passed by during the early stages of her conversation with Stuart Clark on 20 November 2020. She apologised that she had not remembered this during the investigation and explained that this was the reason for the elapse of time between that day and the submission of the statement. She confirmed Mr Buck had written the statement himself.

In answer to a query, Cllr Lawrence informed members that she saw herself as acting as a councillor when she had her Council iPad and was acting on

official business, and as a private individual when she was not. In response, the Chairman suggested that he saw himself as a district councillor all the time and conducted himself accordingly.

Cllr Lawrence told the Committee that she conducted herself in the same way whether as a councillor or a private individual and she had not behaved as the witnesses had described.

Turning to the aspect of the complaint regarding taking photographs of staff, she confirmed that she did not have any photographs containing people's faces.

*The meeting adjourned at 12.55pm and reconvened at 13.21pm when all those named above were present.*

### **The Independent Person**

Mr Mark Hedges, the Independent Person, advised the meeting that he considered that Cllr Lawrence was clearly acting in her capacity as a councillor when the initial interaction with the BVR staff took place.

He considered that, although Cllr Lawrence had failed to contact the BVR management, principle 3.5 was not necessarily relevant to the complaint, which had not included making decisions. Therefore, he identified no breach of the Code in this respect.

He preferred the evidence of the witnesses to that of Cllr Lawrence in regard to principle 3.10 and he, therefore, concluded that this had been breached, as staff working at the site had not been treated with respect.

He suggested that Cllr Lawrence was right to take a view on the work taking place, but she should have taken a more formal approach given her position. However, he considered that principle 3.11 had not been breached in respect of leadership.

### **Final thoughts of the subject of the complaint - Cllr Lawrence**

Cllr Lawrence informed the Committee that she did not shout at the BVR staff, whom she had treated with respect. Nor did she compel Mr Clark to talk to her for 90 minutes. No formal approach to the BVR had been possible, as the complaints process had been triggered on the 25 November 2020, which she was surprised and disappointed at. She added that she would be happy to apologise for anything said that had been taken in a way she had not intended.

The Committee then

### **RESOLVED**

To adjourn the meeting to deliberate the case in private.

*The Complainant, the Witnesses, Cllr Lawrence, Cllr Riley, a member of the public and the legal advisors from nplaw left the meeting whilst the complaint was considered and a decision made on whether the Code had been breached. They were then re-admitted and the Chairman announced the decision.*

### **Decision of the Committee**

The Chairman advised the meeting that the Committee had considered all the evidence that had been placed before it and had found that Cllr Lawrence had breached paragraph 3.10 of the Code of Conduct by not treating the staff at the BVR with respect.

The Committee found that Cllr Lawrence had not breached paragraph 3.5 and 3.11 of the Code of Conduct.

### **RESOLVED**

1. That Cllr Lawrence undertake training with the Monitoring Officer on standards matters; and
2. That Cllr Lawrence makes a written apology to the complainant.

The Chairman confirmed that the Committee's decision was final and there was no right of appeal. A notice of the decision would be placed on the website, but no press notice would be published.

*The meeting closed at 2.26pm*

## AUDIT COMMITTEE

**Minutes of a meeting of the Audit Committee of Broadland District Council, held on Thursday 23 September 2021 at 10.00am.**

**Committee Members Present:** Councillors: G Nurden (Chairman), P Bulman, A Crotch, S Holland and G Peck

**Officers in Attendance:** The Assistant Director of Finance (R Fincham), the Head of Internal Audit (F Haywood), the Corporate Accountant (D Slowther) and the Internal Audit Trainee (E Voinic)

**Also in Attendance:** Mr M Hodgson, from Ernst & Young (EY)

### 15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr K Vincent (with Cllr G Peck substituting).

### 16 MINUTES

The minutes of the meetings of the Audit Committee held on 24 June 2021 and 8 July 2021 were agreed as a correct record.

### 17 MATTERS ARISING

On behalf of the Committee, the Chairman congratulated the Head of Internal Audit on the completion of her qualification and appointment to the role.

*Minute No: 63 – Annual Audit Letter*

The Chairman requested an update on whether the PSAA had made a determination regarding the proposed scale fee increase. Mr Hodgson advised the committee that the PSAA were due to respond that week, but that at the time of the meeting, no response had been received.

*Minute No: 4 – External Audit Plan 2020/21*

Members queried when the Annual Audit Report would be produced and presented to the Committee, as it was noted that the report should be produced within three months of the audit completion. Mr Hodgson confirmed that it was EY's intension to present both the audit plan and the Annual Audit Report at the January 2022 meeting of the Committee.

**18 AUDIT PLAN ADDENDUM – VFM RISK ASSESSMENT**

Members considered the Audit Plan Addendum – VFM Risk Assessment from Ernst & Young (EY), where it was reported that EY had not identified any risks of significant weaknesses in the Council's arrangements, as a result they had no risk-based procedures to carry out.

Mr Hodgson further explained that EY would revisit the risk assessment prior to issuing the audit opinion on the 2020/21 accounts, but at that stage anticipated no matters to report on VFM.

It was then,

**RESOLVED**

To note the contents of the report.

**19 STATEMENT OF ACCOUNTS 2020/21**

The Assistant Director of Finance introduced his report, which provided members will an update on the 2020/21 Statement of Accounts. He advised the Committee that there had been delays on the auditing of the accounts, which had been common across the country. The accounts were completed and published on 30 July 2021, which, whilst within the statutory deadline, was past the target date agreed with EY of 12 July 2021. As a result, EY would now complete the audit of the accounts in December 2021 – January 2022.

One member queried whether there was a possibility that the December 2021 – January 2022 date for the EY audit of the accounts could be brought forward or delayed. Mr Hodgson explained that EY had planned each phase of their audit work back in February 2021, with each local authority notified of their phase/timeslot. As multiple authorities were allocated to each phase, it was considered highly unlikely that the audit would be brought forward. Mr Hodgson further explained that contingencies had been built in, to reduce the



risk of EY postponing the audit, if the audit was to be delayed it would be because the Council had missed their deadline.

In response to a question on the cause of the delay, the Assistant Director of Finance explained that a number of factors had contributed to the delay in the accounts, which included; the loss of a key member of staff in June 2021 and the decision to prioritise available resources on the insurance tender.

Members queried the likelihood of a delay in next year's audited accounts. The Assistant Director of Finance advised members that a plan was in place to prevent a similar occurrence next year. He further explained that the appointment of temporary staff had been discussed, if this became necessary a report would be brought to Cabinet to request the allocation of additional budget.

It was then,

## **RESOLVED**

To note the progress with the 2020/21 Statement of Accounts.

## **20 PROGRESS REPORT ON INTERNAL AUDIT ACTIVITY**

The Head of Internal Audit presented the report, which reviewed the work performed by Internal Audit in delivering the Annual Internal Audit Plan for 2021/22 for the period 1 April 2021 to 16 September 2021.

She explained that 16 days of the programmed work had been completed, which equated to 11% of the Audit Plan for 2021/22. She further advised the Committee that the draft audit reports were due to be completed 10 days after the end of quarter two.

It was noted that Broadland District Council was behind on its Internal Audit Activity, which was in part due to catching up from the previous year as well as unforeseen sickness within the audit team. The Head of Internal Audit informed members that a communications piece was being produced which would highlight the remainder of planned work to be undertaken with an aim to engage officers well before the audit start date.

During further discussion, Members queried how the Internal Audit Opinion might be impacted should another unforeseen situation arise. The Head of Internal Audit explained that were this situation to arise, then the Internal Audit Plan would be reassessed, with less urgent items deferred to the following year if required.

It was then,

## **RESOLVED**

To note the progress in completing the Internal Audit Plan of work for the 2021/22 financial year.

### **21 FOLLOW UP REPORT ON INTERNAL AUDIT RECOMMENDATIONS**

The Head of Internal Audit presented the report, which informed members on the progress made in relation to management's implementation of agreed Internal Audit recommendations which were due by 13 September 2021.

She explained that of the issues outstanding, none were urgent, and a fair explanation had been provided by officers regarding the outstanding issues.

One member queried the two outstanding issues for HR/Payroll, the Head of Internal Audit explained that these related to pre- and post-payment checks, she had been advised by officers that the issues had been resolved, however she was awaiting evidence before the issue could be marked as completed.

In response to members questions on the engagement of CMLT, the Head of Internal Audit commended CMLT for their engagement and proactive work.

It was then,

## **RESOLVED**

To note the position in relation to the completion of agreed Internal Audit recommendations.

### **22 WORK PROGRAMME**

The Committee noted the Work Programme.

The Head of Internal Audit recommended that the Annual Report of the Audit Committee be moved to the 17 March 2022 meeting. This was to allow for the completion of and any follow up action which might arise from the Self-Assessment of the Audit Committee, and to progress the Strategic Risk Register.

(The meeting concluded at 10.42 am)

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Chairman

# LICENSING AND REGULATORY COMMITTEE

**Minutes and Decision of the Licensing and Regulatory Committee meeting of Broadland District Council, held on Wednesday 29 September 2021 10.00am.**

**Committee Members Present:** Councillors: D King (Chairman) K Kelly and S Prutton

**Officers in Attendance:** The Licensing Team Leader (SH) and the Democratic Service Officers (DM)

<b>Others in Attendance:</b>	Affsor Ali and Nishant Murria - Applicants Adrian Nicholas, Senior Community Protection Officer, Environmental Protection – objecting Rachel McCarthy, Deputy Clerk to Thorpe St Andrew Town Council - no objections Mr and Mrs Brown – objecting A local resident – objecting Sarah Moss, Solicitor NPLaw (the Committee's legal advisor)
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## 10 DECLARATIONS OF INTEREST

None made.

## 11 MINUTES

The minutes of the meeting held on 26 August 2021 were agreed as a correct record.

## 12 MATTERS ARISING

None raised.

## 13 LICENSING ACT 2003 – APPLICATION TO VARY A PREMISES LICENCE – MERCHANTS OF SPICE II, 127 YARMOUTH ROAD, THORPE ST ANDREW, NORWICH, NR7 0QY

The Chairman welcomed everyone to the meeting and confirmed who was in attendance. The applicants indicated they wished to share 3 photographs of the garden area of the premises with the Committee. After all present had consented, the photographs were viewed later in the meeting by all present.

## Licensing and Regulatory Committee

The matter before the Committee was the application to vary the premises licence for the Merchants of Spice II, 127 Yarmouth Road, Thorpe St Andrew as follows:

Licensable Activity:

***J. Supply of alcohol (for consumption both on and off the premises)***

*Monday to Sunday 12.00 to 22.00*

*Hours apply to new garden area only. Application is for off sales to also be added to the restaurant (indoors) part of the premises (in accordance with hours stated on current premises licence).*

The effect of the above statement is that, subject to the variation being granted, the premises would also be licensed for off sales of alcohol from the inside restaurant, Monday to Saturday 10.00 to 23.00 and Sunday from 12.00 to 22.30.

The outside area will open as follows:

*Monday 12.00 to 22.00*

*Tuesday to Sunday 12.00 to 23.00*

Representations had been received from Environmental Health (objecting) and other persons (objecting and supporting).

The Licensing Team Leader read out the officer's report. She drew attention to the anonymous representation included in the committee papers and confirmed that this had been received from a local resident who could reasonably claim to be affected by the application but who did not wish their name and address to be included in public papers. The resident was in attendance at the hearing. The Licensing Team Leader drew attention to paragraph 2.8 of the report and reference to the temporary provisions within the Business and Planning Act 2020 which permitted premises licensed for the sale of alcohol for consumption on the premises to also sell alcohol for consumption off the premises until 30 September 2021. This temporary provision had now been extended to 30 September 2022. In response to a question, the Licensing Team Leader confirmed that it was permissible for the applicant to submit a variation application to make provision for such arrangements beyond this temporary timeframe.

The Committee then heard from the applicants who explained that the COVID pandemic had hit their business hard with much lost revenue. They had decided to refurbish the land at the rear of their premises for use as an outdoor dining space and wanted to continue to do this despite a relaxation in COVID controls as some customers still preferred to eat outside. This was likely to be a seasonal use as the area was not covered and only had small heaters and was not likely to appeal to diners in the winter. The space was limited to 10 tables, approximately 50-60 people, and bookings were strictly controlled by the applicant. Outside diners tended to arrive at the earliest at 5-6 pm and would be gone by 10pm. They only offered one sitting per table outside, but two inside the premises. They also tended to attract a mature clientele rather than appealing to young people. They would not be hosting

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any weddings as they did not have the facilities to accommodate these and it was not their preference. They did not want to cause any issues for their neighbours. There would be noise from people chatting but it was not their intention to run a pub. There would always be 2 staff in attendance outside and both food and drink orders were taken and served at the table. There was very limited walking/standing around. A 2m perimeter space had been retained around the garden. The applicants had met with all neighbours to discuss their proposals and what measures they could take to help them. They stated they would be willing to close at 10pm. The legal advisor sought clarification on this point and the applicants confirmed they were happy to agree a condition to the licence to stop alcohol sales and close the garden at 10pm.

The applicants then answered questions. They confirmed it was their intention to continue to offer table service and wanted the outside bar to avoid staff having to go inside the premises to collect ordered drinks. The outside bar could be managed by a responsible person/personal licence holder. If a license was granted, the applicants confirmed they had no plans to increase the number of tables outside as they had limited kitchen facilities and were already at capacity. They did not provide a drinks only facility but did offer a drink and snack option. In response to a question about light pollution from the garden, the applicants reported that the outdoor garden area was only used for approximately 3 summer months when the evenings were light anyway and that the additional lighting was only turned on for a limited time to provide ambient light. With regard to music, the applicants confirmed that their proposal was to play low level background music at the table and there would be no live music. In response to a question raised by the applicant, the Licensing Team Leader confirmed that under their current licence food and soft drinks could be served in the outside area and customers could consume alcohol they had brought with them.

The Committee then heard from Adrian Nichols, Senior Community Protection Officer who explained why he had concerns about the application. There had been no complaints received about the premises until the use of the garden area had commenced. Concerns had then been raised about noise from customers talking in the garden which was impacting on the neighbours' enjoyment of their garden. He felt the 11pm closing time was too late. He stated it was difficult to control customers enjoying their meal and talking in the garden but because of the proximity of the domestic garden, the collective noise of 40-50 people talking was a nuisance.

The Senior Community Protection Officer then answered questions. He stated that it was difficult to suggest mitigating measures which could control this sort of outdoor noise.

The Committee then heard from Rachel McCarthy – Deputy Clerk to Thorpe St Andrew Town Council who stated that the Town Council broadly supported the application and was not aware of any issues at the premises. The Town Council recognised the valuable role of the facility to the wider community.

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They accepted there were some issues with pests/smell which could be dealt with and welcomed the reduction in the proposed hours from 11pm to 10pm.

Mrs Brown raised a concern relating to her understanding of the criteria by which the Town Council had assessed the application having attended the Town Council meeting at which the matter had been discussed. This appeared to have been wider ranging than the criteria she had been advised to have regard to. The Chairman explained that the Committee was bound to only have regard to the relevant licensing criteria despite what matters may have been considered by the Town Council.

The Committee then heard from Mr and Mrs Brown. They explained that their main concern was noise and that they were only 3ft from the boundary and 3m away from the tables in the garden. There was no separation and no way of mitigating the noise. They had double glazing and insulation and could still hear the noise indoors with windows and doors closed. They had no issues with the management of the premises but that the reality was not the peaceful dining experience portrayed. Some nights were quieter than others but there was no warning of what was coming and it was difficult to plan ahead.

Mr and Mrs Brown were asked to give some details regarding the frequency and duration of the noise experienced and they stated that it was very variable. Thursday, Friday and Saturday were the busiest and noisiest times but sometimes mid-week could be bad depending on bookings. The premises were closed on a Monday which was the only day they could guarantee no noise. The noise tended to occur from 6pm through to 10pm when the applicants very reliably closed at 10pm. They were unable to get away from the noise and get peace and could not enjoy their garden or have friends visit. They had heard bad language and had occasionally seen people standing in groups. The noise tended to increase after dark. Their enjoyment of their house was also impacted as certain rooms could not be used because of the noise. It had affected their health and wellbeing this summer and they could not continue to tolerate the noise. They recognised that the premises were a valuable asset to the community and had good relations with the applicants but the issue of concern was the noise.

The Panel then heard from a nearby resident who stated that the applicants had spoken to them about the proposals and what they could do to help mitigate the impact. Additional visual screening had been installed to avoid overlooking. The resident raised concerns about the safety of two trees on the land and felt these needed to be dealt with. The resident felt there was an issue with noise but that it was not at a level that could be regarded as excessive. With regard to lighting, it was not considered that this was an unacceptable disturbance and the lights were always turned off at 10pm. There was concern about a potential license to 11pm and this could be an issue, particularly as there was sometimes disturbance from cars parked on the adjoining street at busy times, but a finish time of 10pm was acceptable.

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In response to a question, members were given an approximate distance from the resident's property to the garden and noted this was further away than the closest neighbour.

All present were then invited to make their closing statements.

The Licensing Team Leader invited members to consider the application and the options for determining the application and drew attention to the provisions for a review of the licence should it be granted and issues were experienced.

All parties present, with the exception of the Democratic Services Officer and the Legal Advisor then left the meeting. They were subsequently readmitted to the meeting and the Chairman announced the Committee's decision.

### **DECISION OF THE LICENSING AND REGULATORY COMMITTEE**

The Committee approved the application for the variation of the premises licence to extend the licensable area to the outside rear area as defined by the plan at page 38 of the application (to allow for an outside bar) and to extend the licence for sale by retail of alcohol for off-sales as well as on-sales, subject to the condition offered by the applicant to cease the supply of off-sales alcohol for consumption in the outside area at 22.00 hours and to close this area to customers at 22.00 hours.

### **REASONS FOR THE COMMITTEE'S DECISION**

The Committee noted that the matter under consideration was principally whether the variation to the licence as requested by the applicant (extension of the licensed area to the outside area and supply of off-sales alcohol to enable alcohol to be consumed in this area) would undermine the Licensing Objectives, especially those of public nuisance and crime and disorder. This was not a review hearing to consider and review concerns about licensed activities at the premises in general. It would not, therefore, be appropriate for Members to consider matters unrelated to the impact that the variation of the licence, as sought by the applicant, may have on the licensing objectives.

With regard to the licensing objective of crime and disorder, on the evidence given at today's hearing and in the representations, the Committee could find no basis for concluding that granting the variation of the licence as sought would undermine this licensing objective.

With regard to the licensing objective of the prevention of public nuisance, the Committee came to the following conclusions:

It was noted by the Committee that as the music proposed to be played by the applicants on the tables through small speakers would be background music only, this did not require a licence as it fell within one of the regulated entertainment exemptions under schedule 1 of the Licensing Act 2003.

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The Committee noted that there were no restrictions on the applicant's premises licence prohibiting the use of the outside area, including the consumption of food and drink including alcohol. The Committee therefore noted that under the current premises licence, the applicant was already entitled to serve food and soft drinks to customers in the outside area. Consequently, the matter for consideration by the Committee was whether the supply of alcohol for consumption by customers in the outside area would undermine the licensing objectives, should the variation to the licence be granted as sought.

On the evidence given by the applicant, the Committee was satisfied that the premises were well managed and noted the efforts made by the applicant to consult with neighbouring residents prior to beginning any work and accommodate any concerns. There was no reason to suggest that the applicant would not continue to be mindful of and work with neighbouring residents to mitigate any concerns.

The Committee noted the way the premises were currently run, accepting that the restaurant was promoted as a family-orientated food establishment to appeal to older clientele, rather than young groups. It was not promoted as a public house, alcohol was not currently served without food and that was likely to remain the situation. The Committee also considered that the applicant intended to use the outside area mainly during the summer months, with only the occasional visit outside these times and there were no plans to increase numbers of customers (given that the kitchen was already at capacity) and also no intention to host weddings. Taking these into account, the Committee considered that the applicant had already put in place sensible measures to reduce any impact the supply of alcohol may have on the licensing objectives.

Further, it was noted that customers in the outside area were monitored by two trained members of staff at all times and that this would, in the Committee's opinion, provide a reasonable way of monitoring and controlling noise levels. It was also believed by the Committee that the applicant's offer to limit the supply of alcohol to no later than 22.00 hours and closing the garden to customers at the same time was a sensible and proportionate attempt to limit the impact of noise on neighbouring residents, taking into account the nature of the area.

Taking into account the evidence submitted by the neighbours living in the property closest to the premises and the Senior Community Protection Officer (through written representations and oral evidence at the hearing), the Committee had sympathy for and accepted that there did appear to be a level of annoyance experienced by the neighbours living in the property closest to the premises, principally in relation to noise. However, the Committee was of the view that there was insufficient evidence to suggest that the supply and consumption of alcohol in itself would significantly undermine the licensing objective of public nuisance to the degree that it justified refusing the variation of the licence as sought. The applicant was entitled to serve food and soft



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drinks to customers in the outside area under his existing licence and insufficient evidence had been provided to suggest that supplying alcohol would affect noise levels over and above the level that might be expected if alcohol was not supplied by the premises. Accordingly, on that basis, there was insufficient evidence to justify refusing the variation of the licence as sought.

Further, it was noted that the premises were reliably closed at 22.00 hours and the Committee was of the view that this was a proportionate closing hour to balance the interests of the residents with that of the community.

It was noted by Committee that three of the representations received were in support of the application although it was accepted that they did not live in such close proximity to the premises as the neighbours living in the adjoining property. Weight was given to the fact that the objector also attending today's hearing, while living further away the property than the adjoining neighbours, had not believed the noise from the outside area to be excessive and had no concerns as to light issues. The objector's main concern had related to the outside area remaining open until 23.00 hours, due to the likelihood of additional noise related to a longer drinking period. In relation to this, the Committee took account of the condition offered by the applicant, which, subject to the variation being granted and this condition being added to the licence, would mean that this situation would not arise. Further, Committee noted that Thorpe St Andrew Town Council had also broadly been in support of the application, subject to the garden being closed to customers at 22.00 hours.

In view of this, the Committee felt that it was important to balance the views of the neighbours living in the property closest to the premises, with the interests of the wider community as expressed in representations and evidence given today, the majority of whom supported the application and considered the premises to be an asset to the community.

Finally, the Committee noted the availability of the review process, whereby any person believing that a premises is not upholding the licensing objectives may make a representation to the Council and request that the premises' licence be reviewed.

### **RIGHTS OF APPEAL**

Rights of appeal set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal this decision by the licensing authority to either grant or not grant the application or any conditions imposed or which should have been imposed should do so within the period of 21 days from the receipt of written notification of the decision appealed against. Any appeal must be sent directly to the Magistrates' Court.

This written decision would be provided within 5 working days of the meeting and circulated to all those making representations.

## Licensing and Regulatory Committee

(The meeting concluded at 1.03pm)

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Chairman

# LICENSING AND REGULATORY COMMITTEE

**Minutes and Decisions of the Licensing and Regulatory Committee meeting of Broadland District Council, held on Tuesday 9 November 2021 9:30 am.**

**Committee Members Present:** Councillors: D King (Chairman), K Leggett and S Prutton

**Officers in Attendance:** The Licensing Team Leader (SH), the Licensing and Enforcement Officer (CN) and the Democratic Service Officer (DM)

<b>Others in Attendance:</b>	Mr Batchelor - the Applicant (for minute no:17) The applicant (for minute no: 19) Sarah Moss, Solicitor NPLaw (the Committee's legal advisor)
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## 14 DECLARATIONS OF INTEREST

None made

## 15 APOLOGIES

None made.

## 16 MINUTES

The minutes of the meeting held on 29 September 2021 were agreed as a correct record.

## 17 MATTERS ARISING

None raised.

## 18 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING

The Chairman welcomed everyone to the meeting and explained that the matter before the Committee was an application for a Private Hire Vehicle (PHV) licence for an armoured personnel carrier, model FV432, registration UBD 149G.

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The Licensing Team Leader read out the officer's report. She advised the Committee that comments had been received in relation to the application from Norfolk Constabulary who had advised that, as long as the vehicle was serviced and maintained to a high standard, they saw no issue with it. Ideally the vehicle should be inspected by the DVSA to confirm it met the required standards. They had also suggested that, as the vehicle was being proposed for hire and reward, they would like to see seatbelts installed.

The Chairman commented that both the Police and the Council's licensing policy made reference to the need for seat belts.

The Committee then heard from the applicant who explained that he had originally purchased the vehicle for personal use by family and friends. He had however received enquiries from the public to hire the vehicle and had contacted his insurance company to see if this was possible. He had subsequently been advised that he needed to have a PHV licence to carry paying passengers although he understood he could do weddings and funerals without such a licence. With regard to the issue of seat belts, the vehicle pre-dated the legal requirement for vehicles to be fitted with seatbelts but one seat had been fitted with a seat belt for his child who was under 3. The legislation was a bit unclear as to whether this was required by law or not but he had chosen to install one. He was not sure if the vehicle could be fitted with belts to all seats. He added that the vehicle was limited to travelling at 20mph and was steel armour plated so there would be limited impact for a passenger should an accident occur. With regard to reference in the report to the significant step serving the main rear door, he commented that he had provided a portable step to facilitate easier access.

The applicant then answered questions. In response to a question from the Council's legal advisor, regarding whether the vehicle was legally permitted to be used on a public highway, Mr Batchelor stated the vehicle was registered with the DVLA and had a VC5 registration certificate (log book). It was 15 tonnes in weight and he was always mindful of ensuring it was only driven on suitable roads. He had also contacted Norfolk Police who had confirmed the vehicle could be used subject to meeting normal safety/MOT requirements. The Legal Advisor asked Mr Batchelor if he was aware of the Road Vehicle (Construction and Use) Regulations 1986 (as amended) to which Mr Batchelor responded that he was not.

A question was raised about the effect on passengers should the vehicle be forced to an emergency stop. It was suggested that the vehicle when forced into an emergency stop may suddenly tilt forward with a potential impact on any passengers not wearing seatbelts. Mr Batchelor commented that whilst he had encountered a situation where he had stopped sharply, coming to a quick standstill, he had not attempted an emergency stop with an immediate halt in movement such as to cause tilting. Mr Batchelor went on to confirm that the vehicle did not have any windows for passengers to see outside but that there was a TV in the vehicle which could be linked to camera's on the outside to

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offer a view of the outside if required. The top hatch could also be opened. The Vehicle had a total of 4 access doors. With regard to the issue of brake lights, Mr Batchelor was unsure if these were currently functioning but would investigate this further. (He subsequently confirmed that the vehicle did have brake lights fitted although it couldn't be confirmed that they were fully-functioning).

At this point in the meeting the Committee adjourned to view the vehicle. They noted that the vehicle appeared to have facility for the connection of seat belts. A comment was made that a grab rail would assist with easier access/egress.

On the meeting being reconvened, all present were then invited to make their closing statements.

The Licensing Team Leader invited the Committee to determine the matter and Mr Batchelor invited the Committee to support his application.

Mr Batchelor and the Licensing Officers then left the meeting. They were subsequently readmitted to the meeting and the Chairman announced the Committee's decision.

### **DECISION OF THE LICENSING AND REGULATORY COMMITTEE**

The Committee unanimously decided not to grant a private hire vehicle licence.

### **REASONS FOR THE COMMITTEE'S DECISION**

In its role as the Licensing Authority, the Committee carefully considered all the information presented to it, including the submissions put forward by the Applicant, the paperwork including guidance and photographs presented by the Licensing Officers and inspection of the vehicle itself.

In coming to their decision, the Committee had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, noting that they should not grant a private hire vehicle licence unless they were satisfied that the vehicle was: suitable in type, size and design for use as a private hire vehicle; and safe. The Committee were mindful of their obligation to ensure the safety of the public.

With regard to this, the Committee were of the understanding that according to government guidance, all vehicles to be driven on public roads in Great Britain must comply not only with insurance and licensing requirements, and registration with the DVLA requirements, but also the applicable construction and use regulations, namely the Road Vehicles (Construction and Use)

## **Licensing and Regulatory Committee**

Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended), to ensure that the vehicle meets accepted standards of construction and can, therefore, be legally driven on public roads. The Committee also understands that with reference to the Road Vehicles (Authorisation of Special Types) (General Order) 2003, there is a restriction of use under section 43(2), which prohibits any track-laying vehicle not complying with all aspects of the Road Vehicles (Construction and Use) Regulations 1986 from being used for hire or reward. Further, the Committee understands that registration of the vehicle with DVLA does not exempt compliance with the Road Vehicles (Construction and Use) Regulations 1986.

The Applicant having confirmed that he had no knowledge of the Road Vehicles (Construction and Use) Regulations 1986 and had believed that he was permitted to use public roads on the basis of confirmation from Norfolk Police, the Committee were of the opinion that due to the many specialised and technical provisions of the Road Vehicles (Construction and Use) Regulations 1986 and Road Vehicles Lighting Regulations 1989 (as amended) they could not be satisfied that the vehicle met all aspects of this legislation and could legally be driven on public roads. Any decision to grant a licence may, therefore, be unlawful given the restriction of use under section 43(2) for track-laying vehicles not being in full compliance with the Road Vehicles (Construction and Use) Regulations 1986. The Committee were of the opinion that the relevant authority to decide whether the vehicle in question was in full compliance with the applicable legislation was the Department of Transport.

Further, applying the requirements of the council's own policy, the Committee had various concerns as to the safety of the vehicle for fee-paying passengers in terms of the lack of brake lights, grab rails, and sufficient numbers of seat belts for all passengers, which the Committee felt affected whether the vehicle was safe for use as a private hire vehicle. However, the principal reason for refusing the application was that the Committee could not be satisfied as to the vehicle's compliance with the applicable construction regulations and subsequent concerns as to the lawfulness of granting a licence, given the restrictions on use for a track-laying vehicle. Should confirmation that the vehicle does comply with the applicable legislation be obtained, the Applicant was invited to make a new application.

### **RIGHTS OF APPEAL**

Rights of appeal are set out in S.48(7) of the Local Government Miscellaneous Provisions Act 1976. Any person wishing to appeal this decision by the licensing authority to refuse to grant the application, or any conditions imposed on the licence should do so within the period of 21 days from the receipt of written notification of the decision appealed against. Any appeal must be sent directly to the Magistrates' Court.

## **Licensing and Regulatory Committee**

This written decision would be provided to the applicant within 5 working days of the meeting.

### **19 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

to exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

### **20 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING**

The Committee considered matters involving an application for a private hire vehicle driver licence, as detailed in the exempt appendix to the signed copy of these minutes and made the decision below and detailed in full in the appendix.

#### **RESOLVED**

To grant the licence but attach a written warning.

(The meeting concluded at 12.40pm)

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Chairman

## LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Committee of Broadland District Council, held at the council offices on Wednesday 17 November 2021 at 11am.

**Committee Members Present:** Councillors: D King – Chairman, J L Thomas, K G Leggett MBE, S M Prutton,

**Others in attendance:** David Lowens (NPLaw) – legal advisor to the Committee

**Officers in Attendance:** The Assistant Director – Regulatory (NH), the Food, Safety and Licensing Team Manager (LC), the Licensing Team Leader (SH) and the Democratic Services Officer (DM)

### 20 DECLARATIONS OF INTEREST

No declarations of interest were received.

### 21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs R Foulger and K Kelly. The chairman expressed his disappointment that other members not in attendance had not offered their apologies.

### 22 MINUTES

The non-exempt minutes of the meeting held on 31 July 2019 were agreed as a correct record.



## 23 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 - REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS

The Licensing Team Leader introduced the report which detailed a review of the Authority's Hackney Carriage and Private Hire Vehicle Policy and Conditions document. The draft document had been consulted upon and the results of the consultation were set out in the report. With regard to the consultation responses, these had where stated, been included in the revised policy and were currently denoted by tracked changes. With regard to references to disability training, the Licensing Team Leader updated members on progress being made to identify a number of options to deliver disability awareness training for drivers. A suggestion was made that, in the light of the recent terrorist related attack in Liverpool where the terrorist had utilised a taxi, training should incorporate terrorism awareness. The Assistant Director – Regulatory commented that all local authorities were bound by the Prevent duty which would cover such matters and that this could be strengthened in the light of the recent incident. The alert level in Broadland remained low. Members were satisfied that this would be covered by way of reference in the Policy to Prevent training.

Clarification was sought regarding the proposals for 6 monthly checks with the DBS Update Service and the implementation of this as from April 2025. The Licensing Team Leader confirmed that the intention was to undertake 6 monthly reviews for all drivers, with new applicants (following adoption of the new Policy) required to register for the Update Service from the date of their application but that a lead in period (up to 3 years) was sought for existing drivers to given them opportunity to register for the Update Service at their next review date and not have to incur additional costs of seeking to register before their renewal date. This would also help to manage the extra demand on staff resources.

Members then agreed the following amendments to the draft Policy:

Policy page / paragraph no:	Proposed change
New page	A glossary of terms, acronyms and abbreviations be included at the beginning of the policy
Page 7 para 10	After the words "agrees to comply with the conditions of their licence" add "which include the byelaws and conditions relating to Hackney Carriages and Private Hire Driver Licences"
Page 10 para 4	Replace short with shortest
Page 13 penultimate paragraph	Delete paragraph and replace with the definition taken directly from the Department of Transport – Statutory Taxi and Private Hire Vehicle Standards published July 2020 : <i>Without any prejudice, and based on the information before you, would you allow a person for whom you</i>

	<i>care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?.</i>
Page 13/14	<p>Remove last paragraph on page 13 (including 2 lines on page 14) and first full paragraph on page 14.</p> <p><i>The reasons for the removal of these paragraphs related to concerns raised about the implications of potentially revisiting criminal convictions/non convictions and having heard legal advice at the meeting suggesting that adequate discretion and guidance was given by the wording of other paragraphs on page 13 and the deleted paragraphs were not required.</i></p>
Page 16 para 3	Delete the second sentence and replace with "The contents of the basic DBS check will be taken into account when deciding if they are a safe and suitable person to hold a vehicle licence".
Page 28 para 4	Insert full stop after "moving", remove "and", add "The driver will ...."
Page 29 para 2	Remove the list of examples of models and replace with "The vehicle must be an executive or prestige type vehicle and may be licensed on request and at the Licensing Officer's discretion".
Page 40 para 22	Remove words "this is a legal requirement"
Page 47	Update paragraph numbers
Page 47 para 11(b)	Change "sale of the vehicle" to "sale of any licensed vehicle"
Page 59 (row 5)	Delete "more than one conviction including" and replace with "any conviction or"
Page 60 (motoring convictions) middle paragraph	<p>Deleted "It is accepted that offences can be committed unintentionally, and". Replace "would" with "may". Add "A" before "single occurrence"</p> <p>Members had concerns about other wording in this section but noted and accepted that it was based on standardised wording promoted by the Institute of Licensing and used by licensing authorities throughout the Country to encourage a degree of standardisation of approach.</p>
Page 61	<p>Delete whole paragraph in the right hand column for "Other motoring offences" and replace with:</p> <p>"A minor traffic or vehicle related offence is one which</p> <ul style="list-style-type: none"> <li>• does not involve loss of life or</li> <li>• does not involve driving under the influence of drink or drugs,</li> </ul> <p>and has not resulted in injury to any person or damage to any property (including vehicles).</p>

	<p>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.</p> <p>Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
Page 62	<p>Members had concerns about wording in this section. Officers explained that again it was based on standardised wording promoted by the Institute of Licensing and it related to the handling of sensitive data by drivers/operators and staff and the need to ensure this was done sensitively by all. Members felt this was not clear from the information on the page nor the heading and delegated authority to the officers, in consultation with the Chairman to amend the Heading and wording on this page.</p> <p>“More than one” conviction to be amended to remove the requirement for more than one conviction.</p>
Page 64 (last section)	Remove the third bullet point relating to the administration of medication
Page 65 (last section)	<p>Heading to be amended to “Action to be taken if a Driver has concerns”.</p> <p>First bullet point: change “your” to “a Driver’s”</p> <p>Second bullet: point change “you” to “a Driver is ” and delete “but is not of an urgent matter”</p> <p>Third bullet point: change “you” to “a Driver” and delete “on a non urgent matter”.</p>
All	Reference be made to Prevent training
	Check use of apostrophes – in particular ..... driver’s
	Ensure consistent and appropriate use of singular and plural references (in particular page 62)
	References to V5 be included in the glossary and changed to V5 registration document

Subject to the amendments detailed above and to the amendments delegated to the officers in consultation with the Chairman, it was

**RESOLVED TO RECOMMEND COUNCIL**

to adopt the amended Policy and Conditions document.

**24 GAMBLING ACT 2005 – REVIEW OF GAMBLING STATEMENT OF PRINCIPLES (POLICY STATEMENT)**

Members considered the report of the Licensing Team Leader which detailed the outcome of the consultation process in respect of the review of Broadland District Council's Gambling Act Statement of Principles (Policy Statement). Members considered the schedule of responses received and agreed with the amendments proposed arising from the appraisal of the responses. It was, accordingly,

**RESOLVED TO RECOMMEND COUNCIL**

To adopt the draft Policy Statement including the table of delegations and as a consequence request the relevant amendments are made to the Constitution.

**25 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

To exclude the press and public from the meeting for the following two items of business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

**26 MINUTES**

The exempt minutes of the meeting held on 31 July 2019 were agreed as a correct record.

(The meeting concluded at 1:35pm)

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Chairman

# Draft Hackney Carriage and Private Hire Vehicle Policy and Conditions

Version 3 (November 2021)

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## 1 Introduction

Broadland District Council is situated in the county of Norfolk. The district has a population of 129,000. The Council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

### Map of the area covered by Broadland District Council

#### Location of the Broadland district within Norfolk and the British Isles





## Broadland Parishes



## 2 Purpose of Licensing

The Council has responsibility for the regulation and control of all Operators, Drivers and Vehicles which are used for hire and reward within our District. The power to carry out this function is contained within the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

## 3 Policy Aim

The Licensing Authority aims to provide a consistent and transparent service when carrying out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. We aim to balance the needs of licence holders with our duty to protect the public and in particular children and vulnerable adults.

This Council aims to achieve this by:

- Safeguarding persons using Hackney Carriage and Private Hire services
- Ensuring compliance with the Equality Act 2010 and meeting the Council's duty toward inclusivity and equality.
- Ensuring that licensed Vehicles meet emissions standards and encouraging the use of electric or low pollutant vehicles.

It is the Council's wish to facilitate well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed trade offers to the local community. The aim of the licensing process is to regulate the Hackney Carriage and Private Hire trade in order to promote safety and wellbeing of the public who utilise these services. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and its aims and objectives.

## 4 Consultation

Police  
Fire and Rescue  
Disability groups  
All current licence holders  
Legal Services  
Council website  
Council offices  
All elected Members  
National Taxi and Private Hire Association  
Portfolio Holder  
Other relevant consultees

## 5 Review of the Policy

The Statutory Guidance issued by the Department for Transport (DfT) requires local authorities to review their licensing policy every five years unless legislative changes or local circumstances dictate otherwise. Subject to any prior amendment this Policy will remain in

force until 2026 when it will be subject to review and further consultation if changes are made. At the time of the review, we will again consult with all interested parties. Minor amendments which do not materially affect or amend the essence of this policy may be made without the need to consult.

## 6 Contact

The Licensing Team Contact Address is:

Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich NR7 0DU

[licensing@southnorfolkandbroadland.gov.uk](mailto:licensing@southnorfolkandbroadland.gov.uk)  
01603 430574

## 7 Licensing Process and Delegation of Functions

Officers of the Council have the delegated authority to determine licence applications and may grant or refuse to grant a licence. Applications may also be referred to Licensing Committee for consideration and determination. All applications will be determined in accordance with this Policy unless there are compelling reasons to depart from the Policy requirements in the individual circumstances of the case.

## 8 Committee Procedure and Right to Appeal

If the application for a licence falls outside of this Policy, the Licensing Team will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the Licensing Committee. The applicant will be advised of the date that their application will be heard. The applicant will be expected to attend to give reasons why they feel that the Licensing Committee should depart from, or offer an exception to, this Policy.

Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made but in any case within 14 days. This will include information on the right of appeal where appropriate.

All Members and officers who have the responsibility for making decisions on licence applications, must have undertaken sufficient training to enable good decision making. This is in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

## 9 Fees

Fees and charges for all licences are payable in advance and must accompany the application. Applications submitted without fees will be considered incomplete and will be returned to the applicant.

Full details of all current fees and charges, updated annually, can be found on our website.

## 10 Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages and Private Hire Driver Licences. These conditions are agreed by the Licensing Committee. Once a licence is granted, the licence holder agrees to comply with the conditions of their licence, which include the byelaws and conditions relating to Hackney Carriages and Private Hire Driver licences.

## 11 Equality Act 2010

It is unlawful under the above Act to discriminate, either directly or indirectly, against any person on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

Drivers of Wheelchair Accessible Vehicles must comply with their duties under section 165 of the Equality Act 2010, unless they have been personally issued with an exemption certificate under section 166 of the Act. Section 166 of the Equality Act 2010 allows the Authority to exempt Drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the Driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

A list of all Wheelchair Accessible Vehicles will be maintained in accordance with section 167 of the Equality Act 2010 on the Council's website. This list will be periodically updated based on the details given at the time of Vehicle licensing.

## 12 Low Emission and Electric Vehicles

The Government has identified climate change as a priority focus and the Council wishes to encourage the delivery of Greener Policies. The Council recognises the positive impact that low and zero emission vehicles have on the environment and any application received for low and ultra-low emission vehicles will be considered on its own merits. The Council encourages the take up of ultra-low and zero emission vehicles.

Zero emission vehicles emit zero emissions in their life-cycle. Electric vehicles require less maintenance than hybrid or conventional vehicles as they require little or no regular maintenance of their battery, motor or associated electronics. In addition there are fewer fluids to change and less moving parts. The regenerative braking system also means there is less wear and tear on the brakes.

Fuel cell vehicles typically have a range of up to 300 miles depending on the model and can be re-fuelled within a few minutes. As with purely electric vehicles they emit no emissions during their life-cycle.

Ultra-low emission vehicles (Hybrid and E-REV) use a conventional engine to either act as an additional fuel source for the vehicle or as a fuel source for the battery. Hybrids and E-REV have lower CO<sub>2</sub> emissions as a result of improved fuel economy and the ability to operate in

electric only mode. Typically CO<sub>2</sub> emissions are between 15-30% less than conventional models when not in electric only mode. Hybrid vehicles and E-REVs still have a combustion engine and therefore require a similar maintenance schedule as for conventional vehicles. As with electric only vehicles they often use a regenerative braking system which reduces wear and tear on the brakes.

The Council are looking at ways to encourage the earlier transition to using electric vehicles. Some funding assistance may be made available for battery electric vehicles (BEV) and plug in hybrid electric vehicles (PHEV). Different funding may be available depending on the CO<sub>2</sub> emissions of the vehicle. Further detail will be provided on any such schemes as it becomes available.

It is the aim of the Council that all newly licensed vehicles (not applicable to renewal applications) from **1 April 2030** will be ultra-low or zero emission.

Vehicles, Operators and Drivers are otherwise expected to be fully compliant with all other relevant Private Hire and Hackney Carriage licensing requirements and conditions. Every application will be considered against the policy. Any person may request an exception to the policy but the applicant must be able to demonstrate sound and compelling reasons as to why the Licensing Committee should consider departure from the policy.

**Where this policy refers to the Licensing Committee, this refers to the Licensing and Regulatory Committee and will include any sub-committee or any subsequent or equivalent properly constituted body.**

# Part 1 Dual Hackney Carriage and Private Hire Driver Policy

## 1 Introduction

In the Broadland district there will be an option to issue Dual Driver Licences. The criteria to obtain a Driver licence is the same for each process. Although you may not choose to drive a Hackney Carriage vehicle upon application (at the time of writing this policy Broadland Council does not have any Hackney Carriage vehicles licensed), it does mean that if you change your mind and wish to do so, you have the authority to drive either a Hackney Carriage or Private Hire Vehicle, should Broadland issue Hackney Carriage Vehicle licences in the future.

Licences are normally issued for a **3 year** period unless the licence holder's leave to remain in the UK is time-limited then the licence will expire on the leave to remain expiry date.

## 2 Legislation

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Drivers of Hackney Carriage and Private Hire Vehicles.

## 3 Licensing Criteria

All Driver licences will be **DUAL LICENCES** and enable a Driver to drive both Hackney Carriage and Private Hire Vehicles.

Applicants must be able to meet the following criteria to be granted a licence to drive:

CRITERIA	REQUIRED STANDARDS
Age Requirement	Be over 21 years of age
Driving Licence Requirement DVLA or EU	Have held a full UK or EU member state driving licence for a minimum of one year
DVLA Driver Licence Background check	Each new or renewal application will require a DVLA issued licence to be checked to ensure the validity of the licence, classification of vehicle authorised and previous driving history. Applicants for new licences must pass a Hackney Carriage and Private Hire Vehicle Driving Assessment with a Council approved company
Medical Background Check	The Council's medical form (which is to the DVLA Group 2 Medical Standards), satisfactorily completed by a General Practitioner, must be submitted with all new and renewal applications. Once a Driver or applicant reaches 65 years of age, annual medical assessments will be required.

CRITERIA	REQUIRED STANDARDS
	The GP must confirm medical fitness to Group 2 standard to undertake this role.
Criminal Record Background Check	<p>A DBS (Disclosure and Barring Service) enhanced disclosure must be completed to provide a full record of any cautions, convictions or intelligence held on the applicant or Driver's record.</p> <p>All criminal record information must be considered for this occupation type, whether or not it might be considered 'spent' under other circumstances.</p> <p>Applicants who have lived outside of the UK must provide a certificate of good character from each relevant Embassy of the countries in which they were resident from the age of 18.</p>
Immigration Status Check	A right to work check under the Immigration Act 2016 will be carried out on the applicant before a licence is issued.
<p>Have a good command of English, both written and oral</p> <p>This is essential as the applicant will need to be able to understand and comply with sometimes complex legislation, driving standards and conditions which need to be followed.</p>	<p>Licensed Drivers MUST be able to communicate with their passengers. This means to understand written and verbal instructions and requests and be able to respond appropriately.</p> <p>Further tests may be required, as determined by the Licensing Authority, such as an assessment regarding written and oral skills.</p>

## 4 Fit and Proper Person

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "A district council shall not grant a Drivers' licence to drive a Private Hire or Hackney Carriage vehicle unless they are satisfied that an applicant is a fit and proper person"

The standards set by the legislation state that the applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle must be a 'Fit and Proper' person. The Council has to determine that an applicant is fit and proper to hold a licence. This means that the applicant must be suitable and safe. The Council consider this to mean:

- Honest and trustworthy;
- Not abusive, exploitative, violent or threatening;
- A competent and safe Driver fully conversant with relevant road traffic legislation and licence conditions;
- Conversant with the area that they are working in to ensure passengers are carried by the shortest route;
- Able to communicate effectively with passengers and can read, speak, write and understand English;

- In good physical and mental health;
- Must hold a full Driver Licence and not be disqualified from driving.

These standards must be upheld during the validity of the council issued Driver licence.

The following table provides the standards required by Broadland District Council.

(a) For all new applications

REQUIRED STANDARDS	METHOD OF ASSESSMENT
Safe and comfortable Driving Standards	Driving Assessment  A first-time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by a Council approved provider (a list of which can be found on our website) confirming that they have taken and passed a Driving Assessment for Taxis and Private Hire Vehicles. The applicant will be required to provide their own vehicle in which to complete the test. This will be implemented for new licence holders. Existing licensed Drivers will not have to complete the test, unless the renewal period of their licence exceeds a 28-day period or at the Authorised Officer's request.
Medical Fitness	DVLA Group 2 Medical Assessment Standards Medical to be undertaken and satisfactorily completed.
Convictions and Criminal History  DBS Checks <b>must</b> be through the local authority and will not be accepted from any other source.	DBS enhanced check to include checks against the 'other workforce' barred lists, as well as subscription to the DBS Update Service to enable 6 monthly criminal record checks.  A Criminal record check or alternatively a Certificate of Good Conduct from any Embassy in the countries which the applicant has resided since the age of 18. See <b>Appendix 1</b> - Convictions Policy.
Must be the holder of a full Driving licence; Validity and issue date of Driving Licence and Driver History and Driver Category check	DVLA Driving Records Check in respect of penalty points and any other relevant issues.
Safeguarding and Disability Awareness Training	The Council has in place a requirement to undertake this training with a Council approved provider.
PREVENT Training	Drivers may be required to undertake PREVENT training, at the discretion of the Licensing Authority.
Right to Work in the UK	A right to work check under the Immigration Act 2016 will be carried out before a licence is issued.
Information regarding previous licences, revocations or refusals	Checks will be made with the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or Private Hire licences.



Ability to speak and communicate effectively in English.	New applicants for Driver licences may be required to undertake an English speaking and comprehension test with a provider recommended by the Council.
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Any Driver whose DVLA driving licence has been suspended or revoked will automatically have their Private Hire Driver licence suspended by an Authorised Officer as they will no longer satisfy the prerequisites for a Private Hire Driver licence. The Driver will then be required to appear before Committee for consideration of the future of their licence.

(b) For all renewal applications

REQUIRED STANDARDS	METHOD OF ASSESSMENT
Medical Fitness	DVLA Group 2 Medical Assessment Standards Medical to be undertaken upon every three year renewal application and satisfactorily completed.
Convictions and Criminal History	The DBS Update Service will be utilised from 1 April 2025. Drivers who have not subscribed to the update service by 1 April 2025 will be required to complete a new enhanced DBS disclosure every six months. Any DBS disclosure certificate must be no older than 30 days at the time of application.
Be the holder of a full Driving licence; Driving Licence and driving history check	DVLA Driving Records Check
Safeguarding and Disability Awareness Training	The Council has in place a requirement to undertake this training with a Council approved provider. ALL Drivers will be expected to have undertaken this training prior to the renewal of their licence. Failure to do so may result in the suspension of the licence until the course is undertaken.
Ability to speak and communicate effectively in English	Where the Council has concerns regarding an existing licensed Driver's ability to communicate in English they will be required to undertake an English language assessment with a Council approved provider.

All documents must be provided for a renewal application to be processed. An incomplete application may be returned to the applicant.

## 5 Convictions, Cautions and Penalty Points Policy

All applications are considered against the Council's Convictions and Penalty Points

Policy. This may be found at **Appendix 1**.

In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the DBS enhanced disclosure report in so far as it is relevant to the application for a licence.

Upon receipt of a DBS enhanced disclosure Licensing officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having any relevance to the application as to whether the applicant is a 'fit and proper' person to hold a licence.

Licensing officers will refer an application before the Committee where the number and/or nature of the convictions, formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority may defer the determination of the application until that outcome has been established.

The Committee determines applications that do not meet the pre-licensing criteria. Whilst each case is judged on its merits, matters revealed by an enhanced DBS check will be of particular concern if they may impact on the safety of passengers. For the information of applicants and the general public, the Authority has regard to its 'Convictions Policy' which is published on the Council website.

When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a 'fit and proper person' on the 'balance of probabilities', rather than 'beyond reasonable doubt'. As such, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may have regard to formal cautions, criminal charges, police intelligence or any other material provided during the application process.

The consideration of the Committee is on a balance of probabilities whether the applicant is a 'fit and proper person' to hold a Driver Licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

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?

More weight will be added to those committing offences whilst acting as an Operator or a Driver of a Hackney Carriage or Private Hire Vehicle.

Cautions are considered similarly to convictions for the purpose of decision making. This is because a caution may only be given on admission of guilt.

The Council will consider all cautions, convictions, spent or unspent having regard to:

- How relevant the offence(s) are to the licence being applied for;

- How serious the offence(s) were;
- When the offence(s) were committed and the date of conviction;
- Sentence imposed by the court;
- The applicant's age at the time of conviction;
- Whether they form part of a pattern of offending or indicate a pattern of unacceptable behaviour;
- Any other factors that might be relevant and the extent of any mitigating factors.

## 6 Disability Awareness and Safeguarding Training

All applicants must undertake a training course which covers Disability Awareness and Safeguarding. There is also a Safeguarding Code of Conduct which acts as a reminder to Drivers which is included at Appendix 2.

Drivers must ask any passenger with any impairment, either by sight, hearing, vulnerability, lack of ability or other condition, what assistance they may need in order to travel safely and will be expected to provide that assistance.

The Driver shall ensure he/she is conversant with all tail lifts and ramps attached to the vehicle and any wheelchair fittings and fixings.

## 7 Wheelchair Accessible Vehicles (WAVs) and Assistance Dogs - Drivers Responsibilities

Under the **Equality Act 2010**, Drivers of Hackney Carriage and Private Hire Vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

- carry the passenger in the vehicle whilst in the wheelchair;
- not make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- give the passenger such mobility assistance as is reasonably required.

Section 166 allows the Licensing Authority to exempt Drivers from the duty to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the Driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The Licensing Authority will maintain a list of designated Wheelchair Accessible Vehicles on its website.

Under the Equality Act 2010, licensed Drivers of Hackney Carriages and Private Hire Vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, Drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under sections 168-171 the Equality Act 2010, it is an offence for any Operator or Driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, Drivers can be fined up to £1,000 and have their licence revoked.

## Part 2 Hackney Carriage Vehicle Policy

### 1 Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of one year or for a lesser period if the Vehicle will reach the Council's age limits during the term of the licence. Additionally, Vehicles which reach 7 years old (from the date of first registration) will be granted licences for a 6 month period in line with the vehicle inspection regime.

### 2 Legislation

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Hackney Carriage and Private Hire Vehicles.

### 3 Hackney Carriage Vehicle Owners (Proprietors)

#### **Proprietors**

Proprietors of Vehicles will be required to undertake a Basic DBS Check. The contents of the basic DBS will be taken into account in deciding whether they are a safe and suitable person to hold a Vehicle licence.

### 4 Hackney Carriage Vehicle Licensing Criteria

All New vehicles must comply with the following:

LICENSING CRITERIA	REQUIRED STANDARDS
Proof of Registered Keeper (V5 Registration Document)	An applicant for a Vehicle licence must be the registered keeper of the vehicle. For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month.
Age Limit for licensing a vehicle for the first time	New Vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the vehicle registration document.

LICENSING CRITERIA	REQUIRED STANDARDS
Maximum Age Limit for vehicles	Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change is effective from 1 April 2027.
Condition of vehicle	<p>Before a licence application is made in respect of a Hackney Carriage Vehicle, the applicant being the Proprietor of the vehicle should ensure that:-</p> <ul style="list-style-type: none"> <li>(a) The vehicle is in a satisfactory and safe condition for the carriage of passengers.</li> <li>(b) The vehicle is suitable in type, size and design as a Hackney Carriage Vehicle</li> </ul>
Vehicle Fitness Standards	<p><b>Type Approval</b></p> <p>All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;</p> <ul style="list-style-type: none"> <li>• M1 Category European Whole Vehicle Type Approval;</li> <li>• British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or</li> <li>• Individual Vehicle Approval (from 29 April 2009) to M1 standards.</li> </ul> <p>For more information visit:  <a href="https://www.gov.uk/vehicle-approval">https://www.gov.uk/vehicle-approval</a></p> <p>Vehicles must be confirmed as fit for use in accordance with the Hackney Carriage Vehicle licence criteria by one of the Council's nominated garages/MOT Testing Station prior to a <b>new</b> application or <b>renewal</b> licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Hackney Carriages.</p> <p>Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 registration document verified) when tests will be conducted every six months.</p> <p>The detail of the Council Mechanical Test that the vehicle needs to undertake and meet the standard of may be found on the website at <a href="http://www.southnorfolkandbroadland.gov.uk">www.southnorfolkandbroadland.gov.uk</a>.</p>

LICENSING CRITERIA	REQUIRED STANDARDS
<p>All Vehicles must comply with the following requirements:-</p> <p><b>The council will not permit vehicles to be licensed for dual purposes or licensed by more than one authority.</b></p>	<ul style="list-style-type: none"> <li>• Be a vehicle fitted with four road wheels and at least three doors (see access to doors below)</li> <li>• Be a right hand drive.</li> <li>• Be capable of being identified as a Hackney Carriage</li> <li>• Have a seating capacity of not more than eight passengers in addition to the Driver</li> <li>• The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person</li> <li>• The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an Authorised Officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the Authorised Officer determine that the vehicle is not appropriate for use as a Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability.</li> <li>• The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer or vehicle convertor. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.</li> <li>• All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.</li> <li>• All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair users.</li> </ul>

LICENSING CRITERIA	REQUIRED STANDARDS
<p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the <b>new</b> criteria may continue in service until they reach the maximum age policy for such vehicles.</p>	<p>“Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</p> <p>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</p> <p>Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety</p> <p>All passenger seats must have unobstructed access to the exit doors.</p>
Seatbelts	All seats, front, rear and disabled must be fitted with three point seat belts.
Glazing	The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. (Registered from 1 April 1985)
Roof signs	Hackney Carriage Vehicles should display a roof sign containing the wording TAXI and the words FOR HIRE. These will be the only words which may be displayed on the front of the roof sign.
Taximeter	<p>All Hackney Carriage Vehicles require a calendar controlled and sealed tariff taximeter capable of complying with relevant legislation.</p> <p>Taximeters will be connected to the roof sign. Once the meter is started, the roof sign For Hire notice will extinguish.</p>
Trailers	The towing of trailers will not be permitted except with the written permission of an Authorised Officer of the Licensing Authority. The Driver will need to demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.



LICENSING CRITERIA	REQUIRED STANDARDS
	The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee.
LOLER Certificate – hoist equipment	If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/thorough examination report must be produced to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the report is to be provided within 21 days of the inspection date.

**An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.**

## Part 3 Private Hire Vehicle Policy

### 1 Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of 12 months or for a lesser period if the vehicle will reach the Council's age limits during the term of the licence. Additionally, vehicles which reach 7 years old (from the date of first registration) will be granted a licence for a 6 month period in line with the vehicle inspection regime.

### 2 Legislation

#### **Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Private Hire Vehicles.

### 3 Private Hire Vehicle Licensing Criteria

All New vehicles must comply with the following:

LICENSING CRITERIA	REQUIRED STANDARDS
Proof of Registered Keeper (V5 Registration Document)	An applicant for a Vehicle licence must be the registered keeper of the vehicle. For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month.
Age Limit for licensing a vehicle for the first time	New Vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the V5 registration document.
Maximum Age Limit for vehicles	Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change will be implemented from 1 April 2027.
Condition of vehicle	Before a licence application is made in respect of a Private Hire Vehicle, the applicant should ensure that:- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers. (b) The vehicle is suitable in type, size and design as a Private Hire Vehicle.

LICENSING CRITERIA	REQUIRED STANDARDS
<p>Vehicle Fitness Standards</p>	<p><b>Type Approval</b></p> <p>All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;</p> <ul style="list-style-type: none"> <li>• M1 Category European Whole Vehicle Type Approval;</li> <li>• British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or</li> <li>• Individual Vehicle Approval (from 29 April 2009) to M1 standards.</li> </ul> <p>For more information visit:  <a href="https://www.gov.uk/vehicle-approval">https://www.gov.uk/vehicle-approval</a></p> <p>Vehicles must be confirmed as fit for use in accordance with the Private Hire Vehicle licence criteria by one of the Council's nominated garages/MOT Testing Station prior to a <b>new</b> application or <b>renewal</b> licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Private Hire Vehicles.</p> <p>Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 registration document verified) when tests will be conducted every six months.</p>
<p>All vehicles must comply with the following requirements:-</p> <p><b>The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.</b></p>	<ul style="list-style-type: none"> <li>• Be a vehicle fitted with four road wheels and at least three doors (see access to doors below)</li> <li>• Be a right hand drive.</li> <li>• Be capable of being identified as a Private Hire Vehicle</li> <li>• Have a seating capacity of not more than eight passengers in addition to the Driver</li> <li>• The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person</li> <li>• The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an Authorised Officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the Authorised Officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle</li> </ul>

LICENSING CRITERIA	REQUIRED STANDARDS
	<p>are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability.</p> <ul style="list-style-type: none"> <li>• The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.</li> <li>• All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.</li> <li>• All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users.</li> </ul>
<p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the <b>new</b> criteria may continue in service until they reach the maximum age policy for such vehicles</p>	<p>Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</p> <p>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</p> <p>Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety</p> <p>All passenger seats must have unobstructed access to the exit doors.</p>

LICENSING CRITERIA	REQUIRED STANDARDS
Seatbelts	All seats, front, rear and disabled must be fitted with three point seat belts.
Glazing	The windscreen must allow at least 75% of light to be transmitted through it and the front side windows allow 70% of light to be transmitted through them. It is also recommended that rear windows allow a minimum of 70% of light to be transmitted through them.
Vehicle Signage – Roof signs	<p>No licensed Private Hire Vehicle may display a roof sign without obtaining prior consent from the Council.</p> <p>The Proprietor may, by written application to the Licensing Team, request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle.</p> <p>The roof sign or roof bar must be to the specification required by the council and have the words 'Pre-Booked Only' on both or all sides of the sign or bar. Private Hire Vehicles are permitted to use bus lanes and bus gates providing an approved roof sign/bar has been fitted to the roof of the vehicle.</p>
Trailers	<p>The towing of trailers will not be permitted except with the written permission of an Authorised Officer of the Licensing Authority. The Driver will need to demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.</p> <p>The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee.</p>
LOLER Certificate – hoist equipment	If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/ thorough examination report must be produced to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the report is to be provided within 21 days of the inspection date.
Transfer of Licence to a new vehicle	The Proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another

LICENSING CRITERIA	REQUIRED STANDARDS
	vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to meet the same standards as for a new vehicle application. It will be required to undertake a vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the policy and conditions for a new vehicle licence.

**An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.**

# Part 3a Private Hire Stretched Limousine Policy and Executive Hire Policy and Conditions

## 1 Stretched Limousines

A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. The majority of stretch limousine vehicles are imported from the United States and will not comply with the usual standards demanded of a Private Hire Vehicle.

It is likely that non-compliance will include:

- Vehicles will be left hand drive.
- Passenger windows will be dark/blacked out (however they must comply with current legislation)
- May not comply with age requirements
- Side facing seating arrangements

### **STRETCH LIMOUSINE – ADDITIONAL PRIVATE HIRE REQUIREMENTS**

(Please see [Guidance for Operators of Stretch Limousines 2 .pdf \(publishing.service.gov.uk\)](#))

1. The stretched limousine must hold a valid Individual Vehicle Approval (IVA) Certificate issued by DVSA. Limousines converted by recognised convertors will only be accepted and will need to be evidenced. The IVA test comprises of a visual inspection of a vehicle by DVSA and certifies its safety and roadworthiness. [Vehicle approval: Individual Vehicle Approval - GOV.UK \(www.gov.uk\)](#)
2. The Operator must declare to the Council any specific DVLA Driver category required to legitimately operate the vehicle.
3. No advertisement can be displayed on the vehicle, without obtaining prior written approval.
4. If the applicant/licence holder proposes to allow someone else to drive the vehicle they must obtain copies of their Private Hire Vehicle Driver licence and DVLA driving licence entitling that person to drive the vehicle.

### **5. VEHICLE TESTING**

Following consultation with DVSA, a limousine will be subject to **two** vehicle tests per year. If a licence is issued it will be issued for a maximum period of six months, renewable every six months.

### **6. SIDEWAYS SEATING**

Stretched limousines with side seating (facing towards the centre of the vehicle) will be considered for licensing.

### **7. SEAT BELTS**

Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion as required under seat belt regulations. There is no legal requirement to fit seatbelts in sideways-facing seats and there are no seat belts or child restraints approved for side-facing seats. However, if seat belts have been fitted to any side-facing seats they must be worn and comply with current seat belt regulations.

## 8. MAXIMUM PASSENGERS

- a) The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers. The Vehicle must not carry more than 8 passengers **at any time**.
- b) Any seats in the Driver's compartment must not be used to carry passengers. This is to ensure that passengers are not carried in the front of the vehicle in order to improve Driver and passenger safety.
- c) In any advertisement publicising their limousine service, the Operator must state that the vehicle is only licensed to carry a maximum of 8 passengers.

## 9. TYRES

The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight as specified by the convertors. Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.

## 10. FIRE EXTINGUISHER

It will be the Operator/Driver's responsibility to ensure that the extinguisher is of the correct type (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF), has the appropriate British Standard and is serviced annually. The extinguisher must be securely fitted and must not be accessed by any of the passengers. The Driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

## 11. ENTERTAINMENT

Entertainment which may be regulated includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.

- a) The Driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle - based on the age of the youngest passenger. This is to safeguard child passengers from viewing unsuitable material.
- b) Limousines which have the capability of playing recorded media for the entertainment of customers may be required to hold a Performing Rights Licence.
- c) Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements.



## ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLES - STRETCH LIMOUSINES AND/OR EXECUTIVE HIRE VEHICLES

### 1. ALCOHOL

- a) Alcoholic drinks provided in the vehicle must be in accordance with the requirements of the Licensing Act 2003 relating to the sale and supply of alcohol.
- b) The Driver must ensure that alcohol is only served while the vehicle is stationary and afterwards, all bottles are placed in a secure receptacle.
- c) If any passenger is below the age of 18, **no alcohol** should be served in the vehicle.
- d) Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

### 2. SUNROOFS

The Driver must ensure that any sunroofs fitted to the limousine are closed at all times when travelling and can only be operated by the Driver from their compartment. This is to ensure the safety of the Driver, passengers and the public.

### 3. PASSENGER COMPARTMENT SEPARATION

Where the rear seat compartment is separated from the Driver by a partition, the operation of the partition (if applicable) to be only controlled by the Driver from the Driver's compartment. If the partition is of a glass construction it must be made of toughened/safety glass and carry the appropriate safety markings.

### 4. PASSENGER BEHAVIOUR

The Driver will take all reasonable steps to ensure that passenger behaviour does not compromise public safety. Passengers need to be seated at all times when the vehicle is moving. The Driver will prevent them from opening any of the rear windows. This is to ensure the safety of the passengers and prevent public nuisance.

### 5. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

### 6. FIRE EXTINGUISHERS

It will be the Operator and Driver's responsibility to ensure that the fire extinguisher carried in the vehicle is:

- a) of the correct type (The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF),
- b) has the appropriate British Standard
- c) is serviced annually.
- d) The extinguisher must be securely fitted; and
- e) must not be accessed by any of the passengers.
- f) The Driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

Documentation required for a licence to be issued is the same as for a regular Private Hire Vehicle:

- DVLA Registration Document (V5).
- Valid Certificate of Insurance, with cover for hire and reward.

- Current MOT test certificate
- Completion of Council mechanical test

## 2 Executive Hire Vehicles, Drivers and Operators

There is no legal definition of Executive Private Hire. The same rules apply as for Private Hire Vehicles, Drivers and Operators. Bookings must be accepted by a licensed Private Hire Operator and a licensed Vehicle and Driver will be dispatched to complete the contract.

The main distinction between standard and executive private hire is the type of client catered for, which is typically business to business contracts, the type of service offered, and the cost of the service provided.

Executive Hire is expected to be:

- By written contract
- Booking and payment made in advance of the journey or by invoice
- Carried out in a high specification vehicle
- Chauffeur uniformed driver or a minimum of a collared shirt and tie
- Detailed in the business plan provided by the Private Hire Operator.

### Executive Private Hire Vehicles

The vehicle used to undertake executive private hire work will be a licensed vehicle. It will be a high value, high specification vehicle exempted from the requirement to display standard licence plates and signage, but required instead to display discreet silver identification plates, as approved by the Licensing Authority. Vehicles, Operators and Drivers are otherwise expected to be fully compliant with all other private hire licensing requirements and conditions.

Executive Private Hire Vehicles are expected to meet the same criteria as standard licensed hire Vehicles with the following exceptions:

- The vehicle must be an executive or prestige type vehicle and may be licensed on request and at the Licensing Officer's discretion.

Executive vehicles must be

- under 3 years of age when first licensed (from date of first registration stated on the V5 registration document);
- Manufacturers' window tints are permissible;
- Window Tint Film must not be applied;
- The vehicle cannot be fitted with Operator to Driver communication system (radio);
- A licensed executive Private Hire Vehicle will be exempted from displaying standard private hire licence plates. An approved silver executive plate will be required to be displayed;
- A licensed executive hire vehicle will not be permitted to display any form of advertising.

### Executive Private Hire Drivers

Drivers of Executive Private Hire Vehicles must hold a valid Private Hire Driver licence issued by the same local authority that issued the Executive Vehicle and Operator licence. The legislation requires that all

licenced Drivers (Private Hire and Hackney Carriage) are fit and proper to hold such a licence. The standards required by the Licensing Authority in terms of driving skills, medical fitness, criminal/motoring convictions, knowledge of licensing requirements, and safeguarding is the same for both standard and executive Private Hire Drivers. A Driver who holds a Private Hire Driver licence can drive standard or executive hire vehicles.

The decision as to what constitutes Executive Hire will be taken by a Licensing officer upon application.

## Part 4 Private Hire Operator Policy

### 1 Introduction

This part of the Licensing Policy sets out how the Authority will deal with applications for Private Hire Operator licences in the Broadland district.

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of users and to prevent nuisance or annoyance.

Operator licences will ordinarily be issued for 5 years unless, in the case of individual applicants, leave to remain in the UK is time limited.

### 2 Legislation

The Local Government (Miscellaneous Provisions) Act 1976 requires that a licence should be held by the proprietor of each Private Hire Vehicle and by each person who acts as a Driver of a Private Hire Vehicle or by an Operator of Private Hire Vehicles who in the course of business provides for the invitation and acceptance of bookings for such vehicles.

### 3 Private Hire Operators Licensing Criteria

1. Applicants may be an individual, partnership or company.
2. Individual applicants must be over 21 years of age.
3. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences. A basic DBS disclosure must be provided.
4. Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences. A basic DBS is required for disclosure of any relevant convictions.  
If an applicant has not been resident in the UK for the last 5 years a certificate of good conduct from the appropriate overseas embassy(ies) may be acceptable in place of a basic level disclosure.
5. Operators must ensure that all staff working at the Operator base produce a basic DBS disclosure (completed within the last month) at time of application for the Operator licence or at the time of employment, whichever is sooner. This must be produced to the Licensing Authority and recorded on the personnel file to be inspected by officers as part of the inspection process.
6. Operators must provide their policy on employing ex-offenders into office or dispatch roles and a register of staff must be maintained. As with the threshold to obtaining a Private Hire Vehicle Operator licence, those with a conviction for offences provided in the annex to this document (Annex – Consideration of Previous Convictions or Cautions for Licensing

Hackney Carriage or Private Hire Drivers), 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.

7. An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.
8. An Operator must ensure that all Vehicles operated and Drivers working for them are licensed by one Council.

## 4 The Licensing Process & Delegation of Functions

Applications may also be referred to Licensing Committee for consideration and determination. All applications will be determined in accordance with this Policy and each case will be considered individually on its facts and merits. Any applications that fall outside of this policy can only be determined by the Council's Licensing Committee.

## 5 Fees

Fees and charges for all licences must accompany the application.

Full details of all current fees and charges are obtainable from the Council website

<https://www.southnorfolkandbroadland.gov.uk/taxi-private-hire-licences>

## 6 Committee Procedure

If the application for a licence falls outside of our policies, the Licensing Section will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the relevant Licensing Committee. The applicant will be advised of the date that their application will appear before the Council's Licensing Committee. The applicant will be expected to attend to give reason as to why they feel that the Licensing Committee should depart from, or offer an exception to, the Policy.

## 7 Conditions

The Council, through its Licensing Committee, has agreed conditions relating to Private Hire Operator Licences.

# CONDITIONS

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## DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE CONDITIONS

### Broadland District Council Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of Broadland district with respect to Hackney Carriages in Broadland.

#### Interpretation

1. Throughout these byelaws “the Council” means Broadland District Council and “the district” means the district of Broadland.

#### Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
  
(b) A proprietor or Driver of a Hackney Carriage shall -
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

#### Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a Hackney Carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the Driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be

readily available for use; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the Driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or Driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and Drivers of Hackney Carriages plying within the district in their several employments, and determining whether such Drivers shall wear any and what badges**

5. The Driver of a Hackney Carriage provided with a taximeter shall -
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word “HIRED” is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or Driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or



with the seals affixed thereto.

7. The Driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired -
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of their arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause their carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or Driver of a Hackney Carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The Driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or Driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or Driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the Driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The Driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for Hackney Carriages within the district and securing the due publication of such fares**

14. (i) The proprietor or Driver of a Hackney Carriage shall be entitled to demand and take for

the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring their desire to engage by time.

- ii) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or Driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- 15. (i) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or Driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof**

- 16. The proprietor or Driver of a Hackney Carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 17. The proprietor or Driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
  - (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on their giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

# PRIVATE HIRE DRIVER CONDITIONS

## 1. ANIMALS

The Driver may not carry theirs or an Operator's animals whilst engaged in carrying a fare. Passenger owned animals may be carried at the Driver's discretion.

**A Driver cannot refuse to carry an assistance dog except in the circumstances mentioned in paragraph 3(b) below.**

## 2. APPEARANCE

- a) The Driver shall be clean and tidy in appearance.
- b) The Driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.

## 3. ASSISTANCE DOGS

- (a) No Driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- (b) Drivers with medical conditions preventing the carrying of an assistance dog, must obtain a certificate of exemption from the Licensing Authority. This will be provided on receipt of a medical declaration from a certified medical practitioner. Any charge for any necessary medical examination is to be paid by the applicant. The holder of a certificate of exemption shall ensure that it is displayed within the vehicle at all times.
- (c) Drivers must comply with the Equality Act 2010 and any subsequent or supplementary relevant legislation, at all times.

## 4. BADGES

- (a) The Driver will wear their issued Driver's badge at all times in such a manner as to be clearly and distinctly visible unless the vehicle is being used in connection with a wedding or funeral.
- (b) A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen of the licensed vehicle to enable the passengers to be able to easily identify the Driver.
- (c) Upon expiry, revocation or suspension, the licence must be returned immediately.
- (d) The badges remain the property of the Council at all times.
- (e) Where a badge is lost or stolen, the Driver must obtain a replacement. This will be at the Driver's own expense.

## 5. COMPLIANCE WITH LEGISLATION

Drivers must comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

## 6. CHANGE OF ADDRESS OR OTHER CIRCUMSTANCES

The Driver **must** notify the Licensing Team in writing of any of the following changes, within seven days of such changes taking place:

- a) change of name
- b) change of address
- c) change of Operator

## **7. ARRESTS, CONVICTIONS, CAUTIONS AND MOTORING OFFENCES**

The Driver **must** notify the Licensing Team within 48 hours of:

- a) Any arrests, convictions, cautions, motoring or otherwise (including fixed penalty notices and penalty points, or attendance on a speed awareness course),
- b) Any voluntary attendance at a Police interview in relation to a criminal investigation of which the Driver is a subject,
- c) Their vehicle being stopped by the Police for any reason,
- d) Any medical condition affecting their ability to drive. A medical examination may be required.

## **8. CONDUCT**

- (a) When a passenger is in the vehicle, a Driver should not eat or drink in the vehicle.
- (b) The radio or other music shall not be played without the express permission of the hirer.
- (c) The Driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.

## **9. DEPOSIT OF LICENCE**

If a Driver is permitted to work for an Operator, they shall provide the Operator with a copy of their Council Driver's licence before commencing work with that Operator.

## **10. DISABILITY AWARENESS AND SAFEGUARDING COURSE**

It is a condition of the granting of a Hackney Carriage/Private Hire Driver Licence that the Driver must attend and complete both a Safeguarding and Disability Awareness training course. Existing Drivers who have not completed this training, must do so before the licence can be renewed. Drivers who cannot prove having completed the course, will be suspended until proof of attendance is provided. All necessary fees must be paid by the Driver.

## **11. PREVENT TRAINING**

Drivers may be required to undertake PREVENT Training, at the discretion of the Licensing Authority, with a Council approved training provider.

## **12. DVLA DRIVING LICENCE**

Any Driver whose DVLA driving licence has been suspended or revoked must immediately notify the Licensing Authority and will automatically have their Private Hire Driver Licence suspended by an Authorised Officer. Drivers must return their badge to the Licensing Team. When considered in accordance with the Penalty Points policy, if eligible, the Driver may be required to appear before the Licensing Committee for the licence application or reinstatement to be considered.

## **13. FARE TO BE CHARGED**

The Driver shall not exceed the fare agreed between the hirer and the Operator.

## **14. GENERAL LICENCE CONDITIONS**

All Drivers shall operate strictly within the terms of any licence issued under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and Conditions issued by the Council.

## **15. INVESTIGATIONS**

The Driver shall cooperate fully in the investigation of complaints against them. An Authorised Officer of the Licensing Authority will arrange an interview, normally at the Council offices or other pre-agreed location. Drivers agree to produce any information reasonably requested during the course of such investigation. Failure to do so may be subject to further action.

#### **16. LOST PROPERTY**

The Driver shall immediately after the termination of any hiring of the vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. Any property found must be handed to the Police within 24 hours.

#### **17. OPERATORS**

- (a) Drivers are responsible for ensuring that the Operator they are working for has a valid Private Hire Operator's Licence and that the Private Hire Vehicle is insured for their use.
- (b) A licensed Driver who holds an Operator's licence must comply with all the conditions and requirements of that licence even when working for another Operator under a sub contract.
- (c) Drivers must provide a copy of their Driver's licence to the Operator before starting work.
- (d) Drivers must surrender the licence and badge to the Licensing Team immediately upon ceasing work as a Driver.

#### **18. PUNCTUAL ATTENDANCE**

Any Driver who has been pre-booked for a journey shall attend as appointed.

#### **19. REASONABLE ASSISTANCE**

The Driver shall, when requested by any person hiring the vehicle:

- (a) convey a reasonable quantity of personal luggage;
- (b) afford reasonable assistance in loading luggage at the journey commencement point;
- (c) afford reasonable assistance in removing the luggage at the drop off point.

#### **20. RECEIPTS**

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date and the fare paid, and the Driver's signature. It shall be in such a form as to identify the company and/or individual providing the receipt.

#### **21. RENEWALS**

Completed renewal applications and the required fee must be submitted with all of the additional documentation no later than 4 weeks prior to the licence expiry date.

#### **22. RESPONSIBILITY TO RESIDENTS**

To avoid nuisance when picking up or waiting for a fare, particularly during hours of darkness, a Driver shall:

- Keep the volume of radio or music playing to a minimum;
- Switch off the engine if required to wait;
- Take whatever additional action is reasonably necessary to avoid disturbance to residents in the neighbourhood.

#### **23. SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

#### **24. SOUNDING THE HORN**

A licensed Driver shall not sound their horn to announce their presence to the hirer.

#### **25. SUB-STANDARD DRIVING**

Complaints received regarding sub-standard driving may result in a requirement to undertake a further driving assessment, which will be at the Driver's expense. Failure to pass this assessment is a reasonable cause to suspend or revoke a licence.

#### **26. SUSPENSION AND REVOCATION**

A revoked or suspended licence MUST be surrendered to the Council on demand.

#### **27. TOUTING AND SOLICITING**

The Driver shall not, whilst driving or in charge of a Private Hire Vehicle:

- (a) Tout or solicit any other person to hire, or be carried for hire in any Private Hire Vehicle
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle.
- (c) Ply for hire or use any taxi rank.

#### **28. VEHICLE PLATES**

- (a) The Driver shall not convey or permit to be conveyed any greater number of passengers than specified on the plate affixed to the vehicle.
- (b) The Operator nor Driver shall not wilfully or negligently cause or suffer any internal or external licence plate or number to be concealed from public view while the vehicle is hired. Nor shall they cause or permit the vehicle to be on hire with any such plate so defaced that any figure or material particular is illegible.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within 21 days of the issue of the licence.**

# HACKNEY CARRIAGE VEHICLE – LICENCE CONDITIONS

The Proprietor is responsible for

## 1. RENEWALS

Renewal applications and the fee must be submitted no later than 2 weeks prior to the licence expiry date. Failure to ensure the application is submitted and the fee is paid in time could result in the licence renewal being delayed.

## 2. VEHICLE STANDARDS

The Proprietor of the vehicle must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

## 3. ADVERTISING SIGNS

Advertising signs will only be permitted on or in the vehicle with prior written approval of the Council.

## 4. LICENCE AND INSURANCE

- (a) The Proprietor must ensure that every person who drives the vehicle is properly licensed and insured.
- (b) Upon the request of a Licensing Officer, Police Officer or other authorised person, the proprietor shall produce their:
  - Insurance certificate
  - V5 Vehicle registration document
  - MOT test certificate
- (c) The proprietor must ensure that the vehicle is properly insured for the duration of the licence.

## 5. INVESTIGATIONS

The proprietor shall co-operate fully in the investigation of complaints including attending the office, or other pre-agreed location, for interview, production of documents or information reasonably requested. This will include attending the Council offices to produce such information requested during the course of an investigation.

## 6. ALTERATIONS

Once a licence has been granted, no material alteration or change in the specification design condition or appearance of the vehicle shall be made without the prior approval of the Council.

## 7. HACKNEY CARRIAGE VEHICLE EXTERNAL LICENCE PLATES

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority.

- (a) Licence Plates must be secured to the rear of the vehicle below the window line.
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owner's expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The Driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate.

- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions .

## **8. HACKNEY CARRIAGE VEHICLE - INTERNAL LICENCE**

The vehicle must display an internal licence as prescribed by the Council.

- (a) The internal licence plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owner of the vehicles' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The Driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate.
- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions.

## **9. COLLISION (ACCIDENT) REPORTING**

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to an Authorised Officer within 72 hours of the accident occurring on the prescribed form.

## **10. ASSISTANCE DOGS**

No Driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.

## **11. CHANGE OF ADDRESS OR OF OWNERSHIP AND PROPRIETOR CONVICTIONS**

The Proprietor must inform the Council in writing within 7 days of:

- The sale and name and address of the new owner
- Their change of address, before the change if possible,
- The Proprietor shall disclose to the Council in writing details of any conviction imposed on him/her (or, if the Proprietor is a company or partnership, on any of the directors or partners) during the period of the licence

But no more than 7 days afterwards in either case.

## **12. ARRESTS, CONVICTIONS, CAUTIONS AND PENALTY POINTS**

- a) All Drivers must notify the Council in writing of any conviction or caution recorded against them or of any penalty points incurred, or attendance on a speed awareness course, within 7 days of such event.
- b) If a Driver is arrested for any offence, voluntarily attends a Police interview in relation to a criminal investigation of which the Driver is a subject, or has their vehicle stopped by the Police for any reason, even if they are not charged, they must notify the Licensing Authority within 48 hours.

## **13. DOCUMENTS**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- a) Dual Driver's Licence issued by the council.



- b) A duplicate identifying Driver Licence will be issued and must be displayed either in the front of the vehicle or on the partition screen between the Driver and passengers to enable the duplicate badge to be visible to them.

#### **14. DRIVERS**

The Proprietor shall not cause or procure or permit any person who is not the holder of a current Hackney Carriage licence issued by the Council to drive a licensed Hackney Carriage Vehicle.

#### **15. FIRE EXTINGUISHERS**

The proprietor of the Hackney Carriage shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

#### **16. PASSENGERS**

- a) The Proprietor or Driver shall not permit to be conveyed in the vehicle a greater number of persons exclusive of the Driver than the number of persons specified on the licence plate provided.
- b) The Driver shall not allow any person, other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

#### **17. ROOF SIGNS**

- (a) All vehicles (other than a purpose built taxi vehicle) shall be fitted with a double sided illuminated roof sign showing only the words in black lettering "TAXI" to the front and rear.
- (b) The sign must be illuminated when the vehicle is plying for hire, during the hours of darkness or where sidelights or headlights are necessary (i.e. fog).
- (c) The illuminated roof sign shall work with the taximeter so as to extinguish when hired.

#### **18. SIGNS, PLATES AND BADGES**

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an Authorised Officer.

#### **19. SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

#### **20. TABLE OF FARES (TARIFF)**

The proprietor shall ensure that a copy of the current Table of Fares (Tariff) supplied by the Council is exhibited inside the carriage at all times in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

#### **21. TAXIMETER**

The vehicle must be fitted with a taximeter and it shall not be used for hire unless such taximeter has been tested and approved by the Council. All taximeters shall comply with the following:

- a) All Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter;
- b) The taximeter shall be calibrated and sealed with a tamper evident seal following a change to the Table of Fares.

A record shall be made of the meter inspection that takes place.

#### **22. VEHICLE MAINTENANCE**

- a) Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.
- b) Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
- c) Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users.

## 23. VEHICLE TESTING

All Hackney Carriage vehicles must be tested to ensure that they are mechanically sound, road-worthy and safe for use as a Hackney Carriage vehicle. This shall be carried out at an MOT testing centre.

Vehicles will be required to be tested:

- Up to 7 years old, once a year (from date of first registration, as specified on the V5 registration document);
- Over 7 years old, twice a year.

## 24. COMPLAINTS

All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:

- Date and time of incident
- Location of incident
- Details of complainant including contact details
- Driver details and licence number
- Details of the complaint
- Outcome of investigation

Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc, the licensing authority must be informed as soon as possible.

Proprietors and Operators are legally obliged<sup>1</sup> to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within twenty-one days from the date of issue of the licence.**

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<sup>1</sup> s73 Local Government (Miscellaneous Provisions) Act 1976

# PRIVATE HIRE VEHICLE LICENCE CONDITIONS

## 1. RENEWALS

A full application for renewal of a licence, together with the documents as required by this policy, shall be submitted together with the appropriate fee not later than 2 weeks prior to the expiration of the current licence.

## 2. VEHICLE STANDARDS

The vehicle owner must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

## 3. ADVERTISING SIGNS

Advertising signs whether on or in the vehicle, will only be permitted with prior written approval from the Licensing Authority.

## 4. ROOF SIGNS

Roof Signs or Roof Bars will only be permitted with the prior written approval of the Licensing Authority.

## 5. LICENCE AND INSURANCE

- (a) The owner shall ensure that every person who drives the vehicle is properly licensed and insured for private hire use.
- (b) The owner must upon request produce the appropriate insurance documents, V5 registration document and MOT test certificate for inspection by Police or any Authorised Officer of the Council.
- (c) The owner must ensure that the vehicle is properly insured for the duration of the licence.

## 6. INVESTIGATIONS

The owner shall co-operate fully in the investigation of complaints by an Authorised Officer and shall attend the Council Offices to produce any information reasonably requested during the course of such investigation.

## 7. ALTERATIONS

Once a licence has been granted, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council.

## 8. PRIVATE HIRE VEHICLE - EXTERNAL LICENCE PLATE

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority.

- (a) New and Renewal Plates must be secured to the rear of the vehicle below the window line
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The Driver must not carry more than the number of passengers specified on the plate.

- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
- (i) Owners must not permit the use of the vehicle otherwise than in compliance with the licence conditions.

## **9. PRIVATE HIRE VEHICLE - INTERNAL LICENCE**

The vehicle must display an internal licence as prescribed by the Council.

- (a) The internal licence plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The Driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
- (i) Owners must not cause or permit the use of the vehicle otherwise than in compliance with the above and below conditions.

## **10. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS**

Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the Licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed. Proprietors who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.

## **11. COLLISION (ACCIDENT) REPORTING**

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Council within 72 hours of the accident occurring.

## **12. CHANGE OF ADDRESS AND CHANGE OF OWNERSHIP**

The owner must inform the Licensing Team within 7 days of:

- a) Their change of address (before the change if possible).
- b) Sale of any licensed vehicle to include the name and address of the new owner

## **13. DOCUMENTS**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- a) Driver's Licence issued by the council. Worn as prescribed to be clearly visible.
- b) A duplicate identification badge which will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the Driver.

## **14. FIRE EXTINGUISHERS**

The owner of the licensed Vehicle shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

## **15. PASSENGERS**

- a) The owner or Driver shall not permit or carry a greater number of persons than the number of passengers the licence plate specifically permits.
- b) The Driver shall not allow any person other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

#### **16. ISSUED BADGES, PLATES AND SIGNAGE**

All badges, plates and signage provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an Authorised Officer.

#### **17. SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

#### **18. VEHICLE MAINTENANCE**

- a) Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.
- b) Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
- c) Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users.

#### **19. VEHICLE TESTING**

All Private Hire Vehicles must be tested to ensure that they are mechanically sound, roadworthy and safe for use as a Private Hire Vehicle. This shall be carried out at an MOT testing centre.

These mechanical tests will be required for a vehicle:

- Up to 7 years old, once a year (from date of first registration, as specified on the V5 registration document);
- Over seven years old, twice a year.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within twenty-one days from the date of issue of the licence.**

# PRIVATE HIRE OPERATOR LICENCE CONDITIONS

## 1. GENERAL CONDITIONS

- a) The Operator must ensure that all Private Hire Drivers and employees are aware of the meaning of plying for hire and that Private Hire Drivers are not permitted to ply for hire under any circumstances.
- b) The Operator must not accept any booking made by a Driver on behalf of a customer.

## 2. RECORDS TO BE KEPT BY THE OPERATOR

- (a) The records required to be kept by the Operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept electronically or in a suitable pre-numbered book or other means approved by an Authorised Officer of the licensing authority, and shall be produced for examination on demand.
- (b)
  - (i) An Operator who takes a booking made by another Operator is acting as a sub-contractor for the first Operator. The Operator who accepted the booking remains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract. Full records must be kept of the booking and the company that were sub contracted.
  - (ii) The company who receive the sub-contract booking must keep a record of the booking referred to them by the first Operator.
- (c) A Driver who works for an Operator but who also holds their own Operator's licence is regarded as working for the other Operator as a sub-contractor, and is responsible for keeping their own records as required below.
- (d) The Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle accepted by them:
  - 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.
- (e) The Operator may keep records of bookings in a suitable Council approved computer programme. This must be available for inspection on demand. All records must be retained for a minimum of 3 years.
- (f) The Operator shall keep a record of all Private Hire Drivers used by them.
- (g) These records shall include:

- Name and current address of the Driver.
  - Driver's DVLA licence details.
  - Driver's Private Hire Driver licence number and date of expiry.
  - Date the Driver started working for that Operator.
  - Date the Driver ceased to work for that Operator.
- (h) The Operator shall hold a copy of the Driver's Private Hire Driver Licence during the period that they work for them.
- (i) The Operator shall keep records of all Private Hire Vehicles operated by them.
- (j) These shall include:
- Details of the owner
  - Registration number and licence plate number
  - Details of the Private Hire Vehicle licence, including the date of expiry
  - Driver
  - Any radio call sign used.
  - Date the Operator started to use the vehicle.
  - Date the Operator ceased to use the vehicle.
- (k) The Operator shall keep all records for a period of 3 years.
- (l) The Operator shall hold a copy of the owner's Private Hire Vehicle Licence during the period that they utilise such vehicle.

## Complaints

- b) All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:
- Date and time of incident
  - Location of incident
  - Details of complainant including contact details
  - Driver details and licence number
  - Details of the complaint
  - Outcome of investigation
- c) Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence, etc the Licensing Authority must be informed as soon as possible.
- d) Proprietors and Operators are legally obliged<sup>2</sup> to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay

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<sup>2</sup> s73 Local Government (Miscellaneous Provisions) Act 1976

or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

### **3. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS**

- (a) Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed.
- (b) Operators who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.

### **4. CONDUCT OF THE OPERATOR**

- (a) The Operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
- (b) No Operator may change the address from which they operate without the prior agreement of the Council and all licence requirements being met.
- (c) The Operator shall notify the Council of the sale of the business within seven days of such event taking place and the detail of the new business owner.
- (d) The Operator shall disclose to the Council in writing within seven days details of **any** convictions or cautions, motoring or otherwise that they receive.
- (e) The Operator should advise the Council of changes of Drivers within seven days of the change.

### **5. DEPOSIT OF DRIVER AND VEHICLE LICENCES**

- (a) Any Operator who employs or permits any person to drive any licensed vehicle owned by them on their behalf, must be able to prove that the Driver is properly licensed. This could be by keeping a copy of the Driver's Council issued licence.
- (b) Any vehicle employed or used by an Operator must be licensed and the owner of the vehicle shall deposit a copy of their vehicle licence with the Operator during the period that the vehicle is employed or used.
- (c) The Operator must return the licence to the vehicle proprietor at the end of the period.
- (d) A licensed Driver, driving a licensed vehicle, who is also a licensed Operator, may retain their own licences whilst sub-contracting for another Operator. It remains the responsibility of the Operator holding the contract for a hiring to ensure that they utilise properly licensed Drivers and Vehicles, even when they sub-contract that hiring to another Operator.

### **6. PLANNING PERMISSION**

The Operator is recommended to ensure that all their premises have (where planning legislation requires it) a valid planning permission authorising the carrying out of business from the premises.

The grant of an Operator's licence does not authorise the use of premises without planning permission.

### **7. NOTICES**

The Operator shall clearly display on all their premises their licence to operate Private Hire Vehicles or a copy of the same and also clearly display a copy of these licence conditions.

### **8. HIRINGS**

The Operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and:



- (a) ensure that when a Private Hire Vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purposes of booking or waiting;
- (c) ensure that where offices are open to the public for bookings that adequate seating facilities are provided;
- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; and
- (e) not permit people who are drunk to remain on the premises.

## **9. RECORDS**

All records kept by the Operator shall be kept for a period of 3 years.

The Operator may, with the prior approval of the Council, keep the above records on a suitable computer providing the records may be available to an Authorised Officer on demand.

When the Operator accepts the hiring he/she shall immediately prior to the commencement of the journey, enter all the details onto the computer system or legibly in ink in if manual records are kept. Records must be in the form prescribed.

## **10. VEHICLES**

- (a) The Operator shall ensure that all vehicles operated by them comply with the conditions of the vehicle licence and shall immediately notify the Council of any damage to vehicles, howsoever occurring as soon as they becomes aware of such damage.
- (b) The Operator shall notify the Council in writing within seven days of the operation of any additional Private Hire Vehicle, or termination of the operation of any Private Hire Vehicle.
- (c) The Operator shall ensure that every Private Hire Vehicle operated by them is covered by a Certificate of Insurance or cover note for hire and reward purposes at all times.

## **11. EMPLOYMENT OF OFFICE/DISPATCH STAFF**

- (a) The Operator shall ensure that all office or dispatch staff provide a DBS check prior to their employment with the Operator.
- (b) Operators must evidence that a basic DBS check has been conducted. A copy of the DBS Certificate for all office staff and dispatch staff, must be provided to the Licensing Team before the commencement of their employment.
- (c) An up to date register of office and dispatch staff must be kept at the Operator base.

## **12. COMPLAINTS**

- (1) The Operator shall keep a formal record of complaints made by the public. The system may be a prior approved electronic system, a book or ledger with consecutively numbered pages. The Operator must produce the complaints record book or ledger at the request of any Authorised Officer of the Council, or any Police Officer for inspection. The Operator or his nominated representative shall be responsible for the investigation of all complaints.
- (2) The Operator shall on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following:
  - (a) the Operator's business premises;
  - (b) their facilities within their premises;

- (c) the state of cleanliness of any of their vehicles or Drivers;
  - (d) the terms and conditions of any contract or purported contract of hire;
  - (e) any other matter relating to any contract or purported contract for hire;
  - (f) any other matter relating to their business;
- immediately notify the complainant of their right to forward the complaint to the Council.

- (3) The Operator shall on receipt of any complaint enter the following particulars of every complaint received by them in the complaints book or ledger:
  - (a) The date and time the complaint was received;
  - (b) the name and address of the complainant;
  - (c) how the complaint was made (i.e. personally, by telephone or in writing)
  - (d) the details of any relevant booking relating to the complaint;
  - (e) full details of the complaint, vehicle and Driver.
- (4) The Operator shall promptly investigate any complaint received and notify the complainant in writing of the outcome of their investigations and any measures they propose to take to remedy the complaint. The Operator shall record the action taken in the record complaints book or ledger.
- (5) When a complaint is received by the Council and is investigated by an Authorised Officer of the licensing authority, the Operator shall comply with all reasonable requests of the officer in respect of that complaint.

### **13. INSURANCE**

The Operator shall, at all times, ensure that Public Liability insurance to the value of £5 million pounds is in place in respect of the Operator business.

### **14. CONVICTIONS**

- a) The Operator shall disclose to the Council in writing within 48 hours, details of any arrest or convictions imposed on them.
- b) The Operator shall disclose to the Council any information they receive regarding the arrest, voluntary attendance at a Police interview in relation to a criminal investigation of which the Operator is a subject, penalty points or conviction of any Driver utilising their Operator licence, or the stopping of any licensed vehicle by the Police for any reason.

### **15. ADVERTISING**

- (a) The Operator shall ensure that all Private Hire Vehicles operated by them do not display any advertising on roof signs whatsoever.
- (b) Advertising on the vehicle must only be with the prior written approval of the Council.

### **16. RENEWALS**

Renewal applications and the fee must be submitted with all supporting documentation, no later than 2 weeks prior to the licence expiry date.

### **17. SUSPENSION AND REVOCATION OF OPERATOR LICENCES**

The Council may suspend or revoke or refuse to renew a licence on the following grounds:

- (a) The commission of an offence under, or non-compliance with, any provision contained within the relevant part of the Local Government (Miscellaneous Provisions) Act 1976.

- (b) Conduct of the Operator which in the view of the Council renders them unfit to hold an Operator's licence.
- (c) Any material change in the Operator's circumstances on the basis of which the licence is granted.
- (d) Any other reasonable cause (Section 62 Local Government (Miscellaneous Provisions) Act 1976).

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within 21 days of the issue of the licence.**

# CCTV CAMERAS IN LICENSED VEHICLES

Hackney Carriage proprietors and Private Hire Vehicle owners may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible Closed Circuit Television surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review. These conditions are therefore subject to change following the introduction of any relevant legislation.

The installation and operation of CCTV shall comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).

## Installation

All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

CCTV equipment should be e-marked or CE marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the Driver, passenger or other road users.

## Image security

Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

## **Retention of CCTV images**

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

Images must not be downloaded onto any kind of portable media device (eg CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

## **Use of information recorded using CCTV**

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the Data Protection Act 2018, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

## Signage

If an approved camera is fitted:

- (a) The vehicle owner or proprietor must register with the Information Commissioner's Officer (ICO)
- (b) A sign must be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.
- (c) Similar signs shall be displayed inside the vehicle, visible to passengers, stating 'Closed Circuit TV surveillance in operation'.

In accordance with the Information Commissioners document (at page 37) "A data protection code of practice for surveillance cameras and personal information", it states a sign must include the following:

- The purposes of the scheme
- The name of the Data Controller
- The Data Controller's contact telephone number/email
- That it includes audio recording

## Audio Recording

Audio recording should only be used in exceptional circumstances where there is a demonstrated need and must be in compliance with the Information Commissioner's Office guidance.

## Guidance

Vehicle owners and proprietors who wish to consider the installation of CCTV Cameras may like to familiarise themselves with the following documents:

[cctv-code-of-practice.pdf \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-information-commissioner/cctv-code-of-practice)

[Surveillance Camera Code of Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/surveillance-camera-code-of-practice.pdf)

[Code of practice - A guide to the 12 principles \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/code-of-practice-a-guide-to-the-12-principles.pdf)

[12 principles diagram v3.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/12-principles-diagram-v3.pdf)

# ENFORCEMENT

We recognise that well-directed enforcement activity not only benefits the public but also responsible members of the Hackney Carriage and Private Hire Vehicle trades.

The Council will follow the principles laid out in the Regulators' Code:

[Regulators' Code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/regulators-code)

The Licensing Authority shall take enforcement action where it considers it necessary and proportionate to do so. Enforcement will be risk-based, intelligence-led and targeted and managed in line with the Council's own Enforcement Policy (available on the website).

In addition, the Council has a long established Council Penalty Points system which is used for less serious breaches. A copy of the Penalty Point system can be found at **Appendix 3**.

## **The Council also operates a 'Vehicle Defect Scheme'**

A vehicle which fails an inspection/safety check during the currency of a licence with Broadland District Council will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to ensure that the vehicle is re-inspected and passes the check will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an Authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an **Unfit Vehicle Notice** to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the Authorised Officer or police officer is so satisfied. If the Authorised Officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence will be revoked under s60 of Part II, Local Government (Miscellaneous Provisions) Act 1976 and a notice of revocation and the grounds for the revocation will be issued to the responsible person. An Authorised Officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

A record of any enforcement and/or disciplinary action taken, whether formal or informal, will be recorded on the licence holder's file and in the event of formal action becoming necessary, will be brought to the attention of the Licensing Committee, Sub-Committee or the Court.

The Civil burden of proof applies to matters brought before the Licensing Committee (less stringent than for criminal matters). This means that a case will be considered "on balance of probability" when formal action is taken.

It should be noted that some circumstances will necessitate the need to consider and take formal action immediately in certain cases, for example where a series of breaches or a more serious offence or breach is occasioned.

## APPENDIX 1 Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers

A Driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions, cautions or unacceptable behaviour will be taken into serious consideration before a licence is granted or retained.

Where an applicant has any conviction, or caution, reprimand, warning or other reprehensible behaviour which could indicate a pattern or tendency irrespective of time since the conviction (caution, reprimand, warning or other reprehensible behaviour), serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

OFFENCE	REQUIRED STANDARDS
<b>Crimes resulting in death OR Intention to cause death or serious injury of another person</b>	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 <b>they will not be licensed.</b>
<b>Exploitation</b>	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, <b>they will not be licensed.</b>  <b>This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</b>
<b>Offences involving violence</b>	Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, <b>a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</b>
<b>Possession of a weapon</b>	Where an applicant has a conviction for possession of a weapon or any other weapon related offence, <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>
<b>Sex and indecency offences</b>	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, <b>a licence will not be granted.</b>  <b>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.</b>



OFFENCE	REQUIRED STANDARDS
<b>Dishonesty</b>	Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>
<b>Drugs</b>	<p>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, <b>a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</b></p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, <b>a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</b></p> <p><b>In these circumstances, any applicant will also have to undergo drugs testing, with a Council approved provider at their own expense to demonstrate that they are not using controlled drugs.</b></p>
<b>Discrimination</b>	Where an applicant has a conviction involving or connected with discrimination in any form, <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>
<b>Motoring convictions</b>	<p>Hackney Carriage and Private Hire Drivers are professional Drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.</p> <p>A single occurrence of a minor traffic offence may not prohibit the grant of a licence or may not result in action against an existing licence.</p> <p><b>Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.</b></p>
<b>Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving</b>	<p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.</b></p> <p><b>In these circumstances, any applicant will also have to undergo drugs testing, with a Council approved provider at their own expense to demonstrate that they are not using controlled drugs.</b></p> <p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving,</p>

OFFENCE	REQUIRED STANDARDS
	<b>a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</b>
<b>Other motoring offences</b>	<p>A <b>minor traffic or vehicle related</b> offence is one which</p> <ul style="list-style-type: none"> <li>• does not involve loss of life, or</li> <li>• does not involve driving under the influence of drink or drugs, and has not resulted in injury to any person or damage to any property (including vehicles).</li> </ul> <p>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences,  <b>a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</b></p> <p>A <b>major traffic or vehicle related</b> offence is one which is not covered above; and also any offence which resulted in injury to any person or damage to any property (including vehicles).</p> <p>It also includes driving without insurance or any offence connected with motor insurance.</p> <p>Where an applicant has a conviction for a major traffic offence or similar offence, <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p>
<b>Hackney Carriage and private hire offences</b>	<p>Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity (excluding vehicle use),  <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p>
<b>Vehicle use offences</b>	<p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles),  <b>a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p>

## **Data Protection Requirements and Consideration of Previous Convictions, Cautions etc for Private Hire Operators and their staff**

### **Data Protection Act 2018 and the U.K. General Data Protection Regulation (GDPR)**

A private hire Operator (“an Operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed and act as a Private Hire Driver).

However, in performing their duties Operators obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the Operator or their staff for criminal or other unacceptable purposes. Operators must only use any personal data held by them as necessary in the course of their business.

Operators must ensure that all staff employed within the business (either as direct employees or as independent contractors) comply with the above requirements under data protection legislation.

### **Basic Criminal Records Check**

All staff employed within the business (either as direct employees or independent contractors) who have access to personal information will be subject to a basic criminal records check conducted with the Disclosure and Barring Service (DBS).

Where an applicant or employee has any conviction, caution, reprimand, warning or has behaved reprehensibly, serious consideration will need to be given as to whether they are a safe and suitable person to hold a licence or carry out duties under the terms of a Private Hire Operator licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the Council’s Convictions Policy will be applied to Operators in the same way as it is applied to Drivers, as outlined above.

## Consideration of Previous Convictions or Cautions for Vehicle Proprietors

Vehicle proprietors (both Hackney Carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to Drivers, which are outlined above.

## APPENDIX 2 SAFEGUARDING CODE OF CONDUCT

Private Hire Vehicle and Hackney Carriage Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, must ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect and that any concerns about the welfare of passengers is reported.

On occasion, Drivers may become aware of, or have suspicions that, their passengers are the victim of abuse, neglect or exploitation, either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the possible misinterpretation of the Driver's actions or conversation.

Therefore, Broadland District Council has introduced this **Code of Conduct** which is aimed at protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately as well as minimising the risks for Drivers. Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing Committee. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

### Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

### And comply with the relevant conditions specified for each of:

- Ensure the safety and well-being of passengers
- use appropriate language
- Be mindful of the vulnerability of children and adults and Passengers with special needs
- Comply with any instruction given about the care or first aid requirements of a passenger
- Respect personal beliefs and standards, including dress and religion
- Beware of actions which may be misread by Passengers

### Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner's Office

- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
- Phone or send text messages to passengers other than directly concerning the hiring of their vehicle
- Swear, make personal or humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on their mobile phone or any other electronic device

### Safeguarding:

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these concerns should not be ignored. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working in accordance with a Norfolk County Council contract then documents and guidance procedures issued by that Council should be followed in addition to any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have:

### Action to be taken if a Driver has concerns:

- If a Driver's concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999** (or **112** from a mobile telephone).
- If a Driver is concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation please call the Licensing Team.
- If a Driver would prefer to speak to the police then call them on
  - **101** and follow the directions for Norfolk Constabulary.

## APPENDIX 3 PENALTY POINTS SYSTEM

The penalty points which can be imposed on the Drivers of Private Hire Vehicles and Hackney Carriages, proprietors of Vehicles and Operators of Private Hire Vehicles are shown below. This system is designed as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension/revocation or prosecution. The intention is to encourage all Drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

If an individual concerned accrues a total of 9 points within a 3 year period then he/she will automatically be referred to Committee to show just cause why their licence should continue. Individuals may also be brought before the Committee at the discretion of the Authorised Officer.

Infringement	Driver	Proprietor	Operator
Failing to wear a Combined Private Hire/Hackney Carriage badge on their person where it is clearly visible at all times when under hire or available for hire	3	0	0
Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed	3	0	6
Failing to notify the Licensing Team, in writing, of a change of address within 7 days	3	3	3
Failing to notify the Licensing Team in writing, of being involved in an accident within three working days of the accident occurring	6	6	0
Failing to deal with lost property in the correct manner	3	3	0
Leaving a vehicle unattended on the rank	3	0	0
Failure to attend the Council Offices when directed by an Authorised Officer without reasonable excuse	3	3	3
Demanding more than agreed fare	3	3	0
Failure to notify the Licensing Team of any change in medical fitness to drive	6	0	0
Failing to attend at appointed time and place without sufficient cause	3	3	0
Failure to produce a valid insurance certificate/cover note within 7 days of request	0	3	3
Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the Driver	3	3	0
Failure to have the required LOLER inspection completed on a vehicle / Failure to report any defect identified as a result of a LOLER inspection.	0	3	3
Failure to display any Plates, Signs or Notices required by Broadland District Council	0	3	0
The issue of an Unfit vehicle notice for any reason other than for an accident	0	3	0
To smoke, vape or permit passengers to smoke or vape in a licensed vehicle.	3	3	3
Private Hire Operator failing to maintain their records in the correct format	0	0	3
Any breach of any term of this Policy by a Driver, Proprietor or Operator, which the Council deems, in its absolute discretion, to warrant 3 penalty points.	3	3	3

## Glossary

### Definitions of Terms

**1847 Act** – Town Police Clauses Act 1847.

**1976 Act** – Local Government (Miscellaneous Provisions) Act 1976.

**AFFF** – Foam (AFFF – Aqueous Film Forming Foam) Fire Extinguishers are suitable for use on Class A (wood, paper, material & cloth) Fires & Class B (Flammable liquids: spirits, diesel, petrol etc). Each licensed vehicle must be fitted with an AFFF fire extinguisher.

**Authorised Officer/Agent** – An officer of the Council (or agent acting on behalf of the Council) authorised in writing, or Police Officer.

**Byelaws** – Hackney Carriage byelaws are specifically adopted by the Licensing Authority. They regulate how Hackney Carriages are to be furnished or provided.

**CCTV** – Closed Circuit Television.

**CSE** – Child sexual exploitation. Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships.

**Data Controller** – Any person or organisation that collects and processes the personal data of individuals is considered a 'data controller'.

**DBS** – The Disclosure and Barring Service is a non-departmental public body of the Home Office. The DBS is responsible for completing criminal records checks and issuing certificates which confirm an individual's criminal record history. An **Enhanced disclosure** check shows full details of a person's criminal record such as cautions, reprimands, warnings, spent and unspent convictions.

**DfT** – The DfT (Department for Transport) is a government department which supports the transport network.

**Driver licence** – In relation to the Driver of a Hackney Carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the Driver of a Private Hire Vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976.

**Dual Driver Licence** – this permits the holder to drive both a Hackney Carriage and a Private Hire Vehicle.

**DVSA** – The Driver and Vehicle Standards Agency is an executive agency of the Department for Transport and is responsible for setting and improving standards for driving, including the roadworthiness of vehicles.

**DVLA** – The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport and maintains registers of Drivers and vehicles in Great Britain.



**Fit and Proper Person** – A standard that any licensed Driver must meet. The DfT defines this as, “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?”

**Hackney Carriage** – See Taxi.

**Hackney Rank/Stand** – A designated place adopted by the Council where Hackney Carriages can wait for the arrival of a hirer.

**Hirer** – The person entering into a contract with the Private Hire Operator or Hackney Carriage Proprietor/Driver for the purposes of completing a journey in a licensed vehicle.

**ICO** – Information Commissioner’s Office. The UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

**Identification plate** – The plate issued by the Council for the purpose of identifying the vehicle as a Private Hire Vehicle.

**IoL** – The Institute of Licensing is a membership body for licensing officers, licensing lawyers and the licensed trade.

**Mechanical Test** – All licensed vehicles, on first application and at renewal, must undergo and pass a mechanical test at any MOT registered testing station.

**Medical fitness** – All licensed Drivers must be assessed and certified as medically fit to the DVLA Group 2 standard.

**NALEO** – The National Association of Licensing and Enforcement Officers is a professional body for licensing officers.

**National Anti-Fraud Network Database (NR3)** – Launched by the Local Government Association, (LGA), NR3 has been created to keep track of all major penalties incurred by PHV and Black Cab Drivers. The first of its kind, it works nationwide. Operated on behalf of the LGA by the anti-fraud service, NAFN.

**Operate** – In the course of business, to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.

**Operator licence** – A licence issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976

**PHV** – See ‘Private Hire Vehicle’.

**Ply for hire** – To be hailed in the street to pick up a passenger. This can only be done by a Hackney Carriage.

**Private Hire Vehicle** – Private Hire Vehicles (PHVs) include a range of vehicles including minicabs, executive cars, limousines, and chauffeur services. They must be pre-booked and cannot be hailed by people on the street.

**Proprietor** – The person for the time being shown on the Hackney Carriage or Private Hire Vehicle licence as the proprietor of the vehicle. Includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

**Reprehensible behaviour** – There is no precise definition, but examples are likely to include drinking to excess, taking illegal drugs or membership of a violent gang.

**Taxi** – Taxis are referred to in legislation, regulation and common language as ‘Hackney Carriages’, ‘black cabs’ and ‘cabs’. They can be hailed in the street but can also be pre-booked.

**Taximeter** – Any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**V5** – A V5, correctly known as a V5C is the logbook of a vehicle that is a physical document issued by the DVLA upon registration of a vehicle in the UK. Its primary purpose is to serve as a vehicle registration certificate and provide the details of a vehicles registered keeper.

**Vehicle Defect Scheme** – A vehicle may be inspected by an Authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an **Unfit Vehicle Notice** to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the Authorised Officer or police officer is so satisfied.

**WAV** – Wheelchair Accessible Vehicle. A vehicle specially converted so that a wheelchair passenger may travel as a passenger.

**The Council** – Broadland District Council

**The Licensing Authority** – Broadland District Council

# Gambling Act 2005

## Statement of Principles

2022-2025

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

This 'Gambling Act 2005: Statement of Principles' document has been drafted to advise all of those with an interest in the Gambling Act 2005 function. It has been updated using available Regulations, Conditions, Codes of Practice, Guidance and Legislation. Following consultation, relevant consultee responses have also been included.

This document is the fifth statement produced by this Licensing Authority and must be published by 3 January 2022 prior to its implementation date of 31 January 2022.

Changes in legislation, regulations, case-law or guidance which impact upon the content of this *Gambling Act 2005 - Statement of Principles* document, and it may be amended or updated accordingly.

The Guidance document for Licensing Authorities, updated by The Gambling Commission on 13 May 2021 has been used in producing this document.

For further information please refer to: [www.gambling commission.gov.uk](http://www.gamblingcommission.gov.uk)

*This Statement of Licensing Principles was approved by Broadland District Council on  
DD/MM/YYYY*

## GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2022-2025

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## PART A – GENERAL

### 1. INTRODUCTION

This Statement of Licensing Policy sets out the principles that Broadland District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), proposes to apply in discharging its functions to licence premises for gambling under the Act as well as:

- Designating the body responsible for advising the Authority on the protection of children from harm;
- Determining whether or not a person is an “Interested Party”;
- Exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting proceedings for offences under the Act.

It should be noted that this policy may, from time to time, be affected by revised guidance issued by the Gambling Commission or as a result of Court judgements made.

### 2. THE LICENSING OBJECTIVES

In exercising most of its functions under the Gambling Act 2005 (The Act), the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act.

The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices, The Licensing Authority should **aim to permit** the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives subject to the two points above; and
- in accordance with the Authority’s Statement of Principles, subject to the three points above.

### 3. THE LOCAL AREA PROFILE

Broadland District Council is situated in the county of Norfolk. The district has a population of 129 000. The council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

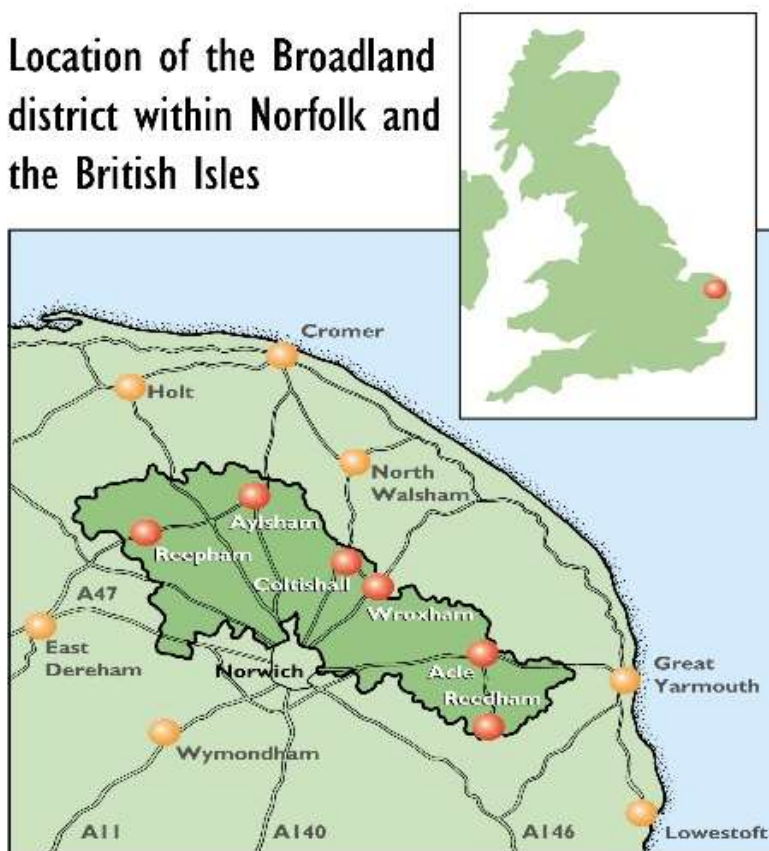
Gambling activities within Broadland currently consist of 2 betting shops, 2 unlicensed family entertainment centres and a total of 62 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 15 clubs that hold club machine/gaming permits and there are 167 society lotteries registered (July 2018).

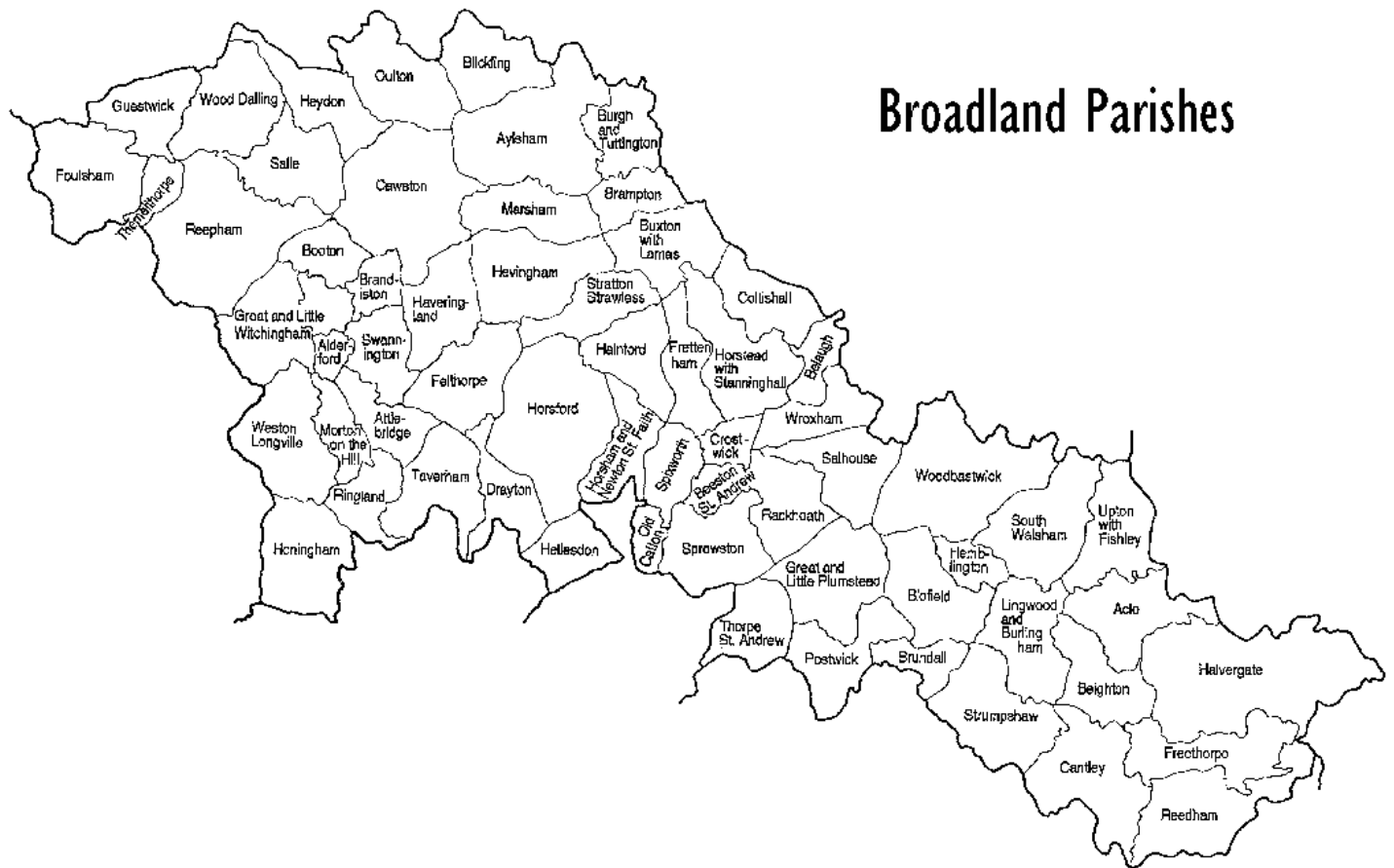
It will be seen that gambling is not a significant industry or activity within the District.

Therefore, any new gambling proposal which seeks to intensify gambling activities will be very carefully considered.

#### 3.2 Map of the area covered by Broadland District Council

**Location of the Broadland district within Norfolk and the British Isles**







Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts must be re-consulted upon. Following any amendment and consultation, the revised statement must be then re-published.

Broadland District Council consulted widely upon this statement of principles before it was finalised and published.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

The consultation took place between 20 September and 1 November 2021. A list of those consulted is set out in Annex B.

The full list of comments made and the consideration by the Council of those comments is available via the Council’s website at: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk).

The revised statement of principles was approved at a meeting of the Full Council on DD/MM/YYYY. The document is available on our website or upon request to the Licensing Team.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

#### **4. DECLARATION**

In producing this statement of principles, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted.

#### **5. LICENCE CONDITIONS AND CODES OF PRACTICE**

Operators should be mindful of the Commission’s published Licence Conditions and Codes of Practice (LCCP) which provides sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

## 6. RISK ASSESSMENTS AND LOCAL AREA PROFILES

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

The Gambling Commission issue codes of practice under section 24 of The Act regarding the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders and have the force of a licence condition, or
- ordinary code provisions – these are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.

Regarding code provisions covering risk assessments and local authority area profiles, more detail can be found by going to the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). The following are extracts relating to this aspect:

### *Social responsibility code provision 10.1.1*

#### **Assessing local risk**

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's Statement of Principles.
2. Licensees must review (and update as necessary) their local risk assessments:
  - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c) when applying for a variation of a premises licence; and
  - d) in any case, undertake a local risk assessment when applying for a new premises

licence.

### *Ordinary code provision 10.1.2*

#### **Sharing local risk assessments**

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children gather;
- the demographics of the area in relation to vulnerable groups,
- whether the premises is in an area subject to high levels of crime and/or disorder.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

#### **Local Area Profile**

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. BSNs local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of our district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this Policy and is published as a separate document. It is available by request from the Licensing Team [licensing@southnorfolkandbroadland.gov.uk](mailto:licensing@southnorfolkandbroadland.gov.uk).

## **7. RESPONSIBLE AUTHORITIES**

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than

any particular vested interest group.

In accordance with the Gambling Commission's Guidance this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk).

## 8. INTERESTED PARTIES

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as persons who in the opinion of the licensing authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph *a or b.*"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Whether a person is an interested party will be decided on a case by case basis
- This authority will not apply a rigid rule to its decision making as to who is an interested party. It may have regard to a number of factors, for example:
  - the size of the premises
  - the nature of activities the applicant proposes to provide at the premises;
  - the distance of the premises from the location of the person making the representation
  - the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
  - the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.
  - Guidance from the Gambling Commission that *business interests* should be given the widest possible interpretation (see para 6.21 of the GC Guidance)

Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the licensing authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

## 9. EXCHANGE OF INFORMATION

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The licensing authority will also *comply with any relevant requirements of the Freedom of Information Act 2000* and have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include:-

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the act then these will be made available by the licensing authority.

## 10. ENFORCEMENT

Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance (in particular Part 36), the Regulators' Compliance Code – and shall endeavour to regulate in the public interest and be:

- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly;
- Targeted: regulation should be focused on the problem, and minimise side effects

In accordance with the Gambling Commission's Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Any inspection programme which may be adopted by the licensing authority shall be risk-based.

As part of its ongoing inspection programme, the licensing authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the licensing authority expect to be advised of the results. Should the results show a failure then the licensing authority will, in the first instance, work with the operator to review and improve their policies and procedures.

The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences and Manufacture, supply or repair of gaming machines.

This Licensing Authority aims to work in partnership with and support local businesses, having regard to the stated principles and best practice guidelines published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.

Any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request.

In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

## **11. LICENSING AUTHORITY FUNCTIONS**

The Act gives Licensing Authorities a number of regulatory functions in relation to gambling. The main functions of which are to:

- Licence **premises** for gambling activities;
- Consider **notices** given for the temporary use of premises for gambling;
- Grant gaming and gaming machines **permits** in **clubs and miners' welfare institutes**;
- Regulate gaming and gaming machines in **alcohol-licensed premises**;
- Grant **permits** to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines;
- Grant **permits** for **prize gaming**;
- Consider **occasional use notices** for betting at tracks;
- Register small societies' lotteries;
- Consider applications for **provisional statements**;
- Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued;
- **Maintain registers** of the permits, notices and licences issued;
- Prepare and publish, every three years a **statement of principles** it proposes to apply when exercising its functions under the Act.

The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide betting or act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- In accordance with any relevant codes of practice;
- In accordance with any relevant Guidance issued by the Gambling Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with the Licensing Authority's Statement of Licensing Policy. 4.6

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (with the exception of Tracks).

## 12. PUBLIC REGISTER

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on

payment of a fee.

### **13. APPEALS**

Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.



## PART B - PREMISES LICENCES

### 1. GENERAL PRINCIPLES

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that conditions may be attached to licences in a number of ways:

1. automatically, having been set out on the face of the Act;
2. through regulations made by the Secretary of State
3. by the Commission, to operating and personal licences;
4. by the licensing authority, to premises licences and some permits;
5. by the licensing authority, by excluding certain default conditions on a premises licence.

#### Decision making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives (subject to the above); and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 18) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A general betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

### **Definition of “premises”**

Premises is defined in The Act as “any place”. A particular premises cannot be granted more than one premises licence under the Act at any one time. It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises.

Whether different parts of a building are genuinely separate premises will depend on the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

Consideration will be given to whether the premises is genuinely a separate premises and would merit its own licence and not an artificially created part of what is readily identifiable as a single premises.

The Gambling Commission Guidance states that Licensing Authorities should take particular care when considering applications *for more than one premises licences for a single building*, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot ‘drift’ into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;
- customers are able to participate in the principal gambling activity authorised by the premises licence.

The Gambling Commission Guidance also stipulates that Licensing Authorities should pay attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot ‘drift’ into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from

participating;

- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of guidance).

An overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.58 to 7.65). The Licensing Authority will consider:

- if a future effective date on the licence is appropriate;
- the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

#### **Location:**

Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Consideration will include the type of gambling that is proposed for the premises. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the possibility for the applicant to show how any concerns can be overcome.

#### **Duplication with other regulatory regimes:**

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety. Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a

gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

**Licensing objectives:**

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

**(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:**

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

**(2) Ensuring that gambling is conducted in a fair and open way:**

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 9 of this document), generally not expect Licensing Authorities to be dealing with issues around gambling being conducted in a fair and open way as this is usually addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

**(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:**

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities , and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term “vulnerable persons” but states that “for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

It is noted that those concerned about their use of gambling activities and facilities may contact the National Gambling Helpline on 0808 8020 133 and also [www.begambleaware.org](http://www.begambleaware.org). Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

**Conditions:**

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Policy; or
- in a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above;
- proportionate; directly related to the premises and the type of licence applied for;
- relevant to the need to make the proposed building suitable as a gambling facility;

- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- any condition on the Premises Licence which makes it impossible to comply with an Operator Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

The Licensing Authority will have due regard to these when considering the need for conditions.

The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one Premises Licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations may apply to premises including buildings where more than one Premises Licence is applicable.

Tracks (defined below) may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:

- prevent premises from becoming a source of crime or disorder; or
- protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises);
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
  - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); an
  - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.

## 2. REVIEWS

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide, *assessing each application on its merits*, whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

When considering any review request, or whether to instigate its own review, the licensing authority will have due regard to the guidance issued by the Gambling Commission and consider:

- each application on its merits
- whether matters raised in the application are frivolous or vexatious
- whether the application would cause it to amend or suspend or revoke the

- licence, or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

There is no appeal against the Authority's determination of the relevance of an application for review.

Officers of the authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

More details including time periods can be found in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.

A review application must only be determined by a subcommittee, and not an officer. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority shall have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority shall, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.



### 3. PROVISIONAL STATEMENTS

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances;
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

#### 4. TEMPORARY USE NOTICES

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to Produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices, including that a Temporary Use Notice may only be granted to a person or company holding a relevant operator licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

A 'set of premises', as referred to in section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act. It prevents one large premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12-month period.

The definition of "a set of premises" will be a question of fact in the each particular circumstance. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

The Authority will consider whether they wish to give a notice of objection in respect of a Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications they must give notice of objection to the person who gave the Temporary Use Notice.

#### 5. OCCASIONAL USE NOTICES

Occasional Use Notices apply only to tracks which are defined by the Act as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

The licensing authority has very little discretion as regards these notices aside from ensuring

that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track', *which do not need to be a permanent fixture* and whether the applicant is permitted to avail him/herself of the notice.

## 6. CASINOS

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

## 7. BINGO PREMISES

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
- only adults are admitted to the area where the machines are located

The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

## 8. BETTING PREMISES

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. The Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

### **Betting machines**

S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a

substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely replicate and automate the process that can be conducted in person, and therefore do not require regulation as gaming machines.

S.181 of the Act contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

The holder of a betting premises licence may make up to 4 gaming machines (category B,C or D) available for use.

Paragraph 19.5 of the Gambling Commission Guidance provides further details.

## 9. TRACK PREMISES LICENCES

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to

use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

The Gambling Act 2005 (Premises Licences and Provisional Statements Regulations 2007) require applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises is fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.43). Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance to Licensing Authorities, para 20.44).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

This Authority will require that the plan provides sufficient information to enable them to assess an application.

## **10. ADULT GAMING CENTRES**

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

#### **11. (LICENSED) FAMILY ENTERTAINMENT CENTRES**

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when dispensing its functions in relation to licensed Family Entertainment Centres.

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

## PART C – PERMITS, TRAVELLING FAIRS AND SOCIETY LOTTERIES

### 1. UNLICENSED FAMILY ENTERTAINMENT CENTRE (UNLICENSED FEC'S) GAMING MACHINE PERMITS

Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons.

Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.

If the operator of an Unlicensed Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section 24.4 Unlicensed Family Entertainment Centre).

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

#### Statement of Principles

The Licensing Authority will expect the applicant to satisfy it that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on matters such as:

- suspected truant school children on the premises;
- how staff would deal with unsupervised very young children being on the premises;
- children causing problems on or around the premises; and
- maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.

This licensing authority will also expect, as per Gambling Commission Guidance at para 24.9, that applicants can demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- and that staff are trained to have a full understanding of the maximum stakes and prizes.

The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' criminal records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan of scale 1:100 of the premises showing:
  - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
  - b. The location of any fixed or temporary structures.
  - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
  - d. The location of any public toilets within the boundary of the premises.
  - e. The location of CCTV cameras.
  - f. The location of any ATM or other cash/change machines.
  - g. The proposed location of the Category 'D' machines.
  - h. Details of non category 'D' machines (e.g. skill with prizes machines)

The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), the following documents will be accepted:

- basic Disclosure and Barring Service disclosure; or
- a police subject access search.

Details of up to date application requirements, including any supporting documentation, are available via the Council website at [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk) or directly from the Licensing Team.

## 2. CLUB GAMING PERMITS

Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club



Gaming Permit which authorises the premises to:

- make available for use up to 3 gaming machines of categories B3A to D,
- equal chance gaming (without restriction on the stakes and prizes); and
- games of chance as prescribed by regulations (namely pontoon and chemin de fer).

The gaming which a club gaming permit allows is subject to the following conditions:

In respect of equal chance gaming:

- a. The club must not deduct money from sums staked or won;
- b. The participation fee must not exceed the amount prescribed in regulations;
- c. The game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- i. The result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- ii. The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- iii. Only club members and their genuine guests participate

In respect of other games of chance:

- a. the game must be pontoon and chemin de fer only
- b. no participation fee may be charged otherwise than in accordance with the regulations
- c. no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

The Licensing Authority may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' club or miners' welfare

- Institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Gambling Commission or the Police

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are limited as below:

- the club is established primarily for gaming, other than gaming of a prescribed kind
- in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Gaming Permits

### **3. CLUB MACHINE PERMITS**

Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members

and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

Commercial clubs must have at least 25 members but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.

The Gambling Commission Guidance advises that Licensing Authorities may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003 (. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:

- a. the club is established primarily for gaming, other than gaming of a prescribed kind;
- b. in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c. a club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

#### **4. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- “such matters” as it thinks relevant.

This Licensing Authority considers that “such matters” will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition to, the automatic entitlement notification.

The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- Notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

It should be noted that the Licensing Authority can and may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Conditions (other than these) cannot be attached to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

## 5. PRIZE GAMING AND PRIZE GAMING PERMITS

### **Statement of principles:**

The prize gaming conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit cannot be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection matters and may

consult with the Safeguarding Children Board where necessary.

The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:

- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
- the suitability of the location of the premises in relation to any disorder concerns.

*This list is not mandatory, nor exhaustive, and is merely indicative of example measures.*

It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

## **6. TRAVELLING FAIRS**

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

## **7. SOCIETY LOTTERIES**

The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than private gain;
- and the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Council may only register a society which wishes to promote a small lottery where the society's *principal office* is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

A small lottery is defined in the Act and the current limits are published on the Gambling Commission website. Definitions of exempt lotteries are also published at this address.

The Council will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non- commercial, together with a declaration to the effect that it is non-commercial.

Details of societies registered by the council will be published in a register maintained by the Council. The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.



TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB COMMITTEE	OFFICERS/ HEAD OF SERVICE
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			Head of Service or equivalent
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

## LIST OF CONSULTEES

List of persons this authority consulted:

- Norfolk Constabulary
- Norfolk Fire Service
- Social Services and Trading Standards, Norfolk County Council
- Norfolk Local Safeguarding Children Board
- HM Revenue and Customs
- Maritime Coastguard Agency and The Broads Authority
- The Environment Agency
- Legal Services Department, Norfolk County Council
- Broadland Business Forum and Norfolk Chamber of Commerce and Industry
- Association of British Bookmakers
- BACTA
- British Beer and Pub Association
- British Holiday and Home Parks Association
- Gamblers Anonymous
- Racecourse Association Ltd
- Responsible Gambling Trust t/a Gambleaware
- Gamcare
- Gambling Commission
- National Casino Industry Forum
- The Bingo Association
- Gaming machine suppliers
- Abbotts Leisure Park Ltd
- Head offices of Ladbrokes Coral, William Hill and Betfred and Local betting shops
- Broadland Councillors, Town & Parish Councils within Broadland
- Broadland District Council Heads of Department, Directors and Chief Executive
- Relevant licence holders in the Broadland district.

## Customer Access Channels

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<b>Portfolio:</b>	Transformation and Organisational Development - Cllr Jonathon Emsell
<b>Ward(s) Affected:</b>	None

### Purpose of the Report:

The purpose of this report is to provide an overview of the customer access channels<sup>1</sup> available to our customers and the level of demand they serve. The report also provides members with the current position on the improvements and actions taken in relation to our telephone system. This report is not intended to be used as an outline of what customer service looks like and means for the One Team, nor to define customer service standards.

### Recommendations:

1. To note the range of access channels currently used to serve our customers and their levels of demand.
2. To note the actions and resulting improvements that have been made since the implementation of the improvement action plan started.

### 1. Summary

- 1.1 In September, Council requested an update on the current operational position of our telephone system to be received at the following Full Council meeting. In addition to this, the report expands to provide Council with an overview of all our customer access channels, demonstrating the level of demand and range of channels we use to serve our customers.

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<sup>1</sup> Customer Access Channel refers to a specific type of channel that can be used to provide a service to our customers.

## **2. Background**

- 2.1 Customer expectation and demand is ever-changing in the digital era. The pandemic has been an accelerant to the need to deliver customer-centric services. We need to continue to find new and alternative ways to deliver services that meet the demands, expectations and efficiencies that are required of us. Done well, our services can remain connected and responsive to the needs of our communities regardless of the channel in which they are delivered.
- 2.2 Leveraging technological advances and digital transformation forms a large part of how we adapt to better serve our customers. However, we recognise that not all customers will want to contact us via online channels. The channel that the customer chooses to access our services will vary depending on the type of query, their channel preference and ability to access those channels. Therefore, it's important that we enable our customers to continue to contact us via their 'channel of choice', at a time that suits them, receiving a consistent level of service, with query resolution as a priority.
- 2.3 The One Team continues to take significant steps to continually improve the service we provide across our access channels and to understand how our customers feel about those services. For example, the appointment of a dedicated Customer Experience and Insight Lead which is crucial to shaping and evolving customer access channels in the future, the introduction of a new complaints process and the implementation of the Customer Charter; putting the customer at the heart of what we do.

### **3.0. Customer Access Channels**

- 3.1 Customer access channels span online, social media, email, telephone, letter and face-to-face. More recently, the introduction of applications such as, WhatsApp and live chat have further evolved and now act as common access channels across many organisations.
- 3.2 Most organisations are rapidly increasing the magnitude of channels which they offer to customers. However, Gartner research shows that "customer effort and customer satisfaction levels do not statistically differ between channels and, customer loyalty is not affected by use or availability of a preferred channel" (Gartner, 2019). Winning organisations are instead focusing on building and optimising self-service capability to achieve resolution, where appropriate. This indicates that an increased volume of access channels doesn't necessarily allow for a better level of customer service. It's the standard of service that's received when accessing those channels that's important.
- 3.3 The digital first principle recommended in our ICT and Digital Strategy has a focus on self-service to achieve resolution, "We will provide true end-to-end digital services that make the lives of our citizens easier, improve customer services and enable customers to interact with us in a modern and efficient way, also allowing for out of hours interactions".

- 3.4 As technology continues to evolve there will be channels that our customers expect to be able to access that may not already be available.

#### 4.0. Customer Access Channels - The Costs

- 4.1. Customer access channels carry a cost and it's important to recognise how this cost varies between the different channels to help identify where it may be most efficient to direct and manage demand. The cost of each customer access channel varies with face-to-face being the costliest, followed by post and telephone. Digital channels and social media cost the least. Whilst the methods of contact that are cheaper to service may appear desirable in terms of value for money, they may not always be appropriate to every service we deliver. Image 1.0 below illustrates how cost and resource differ across the range of customer access channels.



Image 1.0. Illustrates how resource and cost varies in relation to the range of customer access channels.

- 4.2. The One Team is yet to complete detailed costs of our contact channels. However, generally accepted benchmark costs per transaction per channel are shown in table 1.0 below. Cost per transaction by channel is an important metric to consider when looking at how we set our strategy to serve our customers and to what extent the channels we chose to offer services.

Contact Channel	Cost per Transaction*
Face to Face	£14.00
Post	£12.10
Telephone	£3.39
End-to-end online transaction	£0.08

Table 1.0. showing average cost per transaction by channel. Source: PWC, Realising the Benefits White Paper

#### 5.0. Our Customer Access Channels

- 5.1. South Norfolk and Broadland Councils operate several customer access channels with differing levels of demand, as illustrated in table 2.0 below.

It's important to note that we see customers out in the district as well as at the One Team offices at Thorpe Lodge and The House.

Contact Channel	6 months from 01/03/21
Website visits	278,486
Face to Face Broadland (Reception)	866
Face to Face South Norfolk (Reception)	647
Telephone calls	190,651
Adaptation, Enforcement and Handyman visits	909
Environmental Health	550
Community Connectors	2,163
Community Groups	60
Environmental Protection visits such as, noise & nuisance, fly-tipping etc	1,954
Business visits (including licensing)	86
Responses to social media enquiries	237
CNC Building Control	6,736

Table 2.0. showing a comparison of demand by channel across a 6-month period, some of these figures are lower than normal due to the pandemic.

- 5.2. Telephony remains one of our highest contact channels taking 190,651 calls during the last six months<sup>2</sup> through our contact centre lines, closely followed by the website with 140,490 unique visits.
- 5.3. In the last six months we have had a total of 1,513 customers in both offices. Thorpe Lodge has had 33.8% more customers visit the office compared to The House. This could be in part due to the availability of services online, as we continue to add to our offering of online services across the two councils, we may see a further decrease.

## 6.0. Telephony as a Customer Access Channel

- 6.1. Our telephony system has two main license types that allow for different functionality:
  - Contact Centre is the central point where most of our customer interactions are handled. Contact Centre allows queueing and messaging functionality and live system reporting.
  - Hunt Groups – acting as overflows where queueing functionality does not exist.
- 6.2. Contact centre lines are assigned where there are significant high levels of calls and predominately our customer facing services such as, Council Tax, Revenues and Benefits to name a few. Hunt groups tend to be used mainly for back-office lines where demand is lower with call volumes reflecting largely internal employee-to-employee calls.

<sup>2</sup> This volume of calls relates to the number of calls we received. This is not unique to a customer and nor does each call reflect the number of queries received per year.

- 6.3. Alongside license types we also use Interactive Voice Response routing (IVR). IVR routing allows us to message self-service options to customers and route them directly to the service area that aligns with their enquiry.
- 6.4. To understand the level of service we provide we monitor several key performance indicators to make improvements or changes to both the phone system and the way in which we use our phone system:
- KPI One: Abandonment rates
  - KPI Two: Average wait times
- 6.5. We have had some challenges with our telephony access channel with detailed data analysis highlighting that these exist largely within hunt groups. Hunt groups tend to be our back-office lines as opposed to our key customer contact centre lines.
- 6.6. Table 3.0. below, compares our contact centre performance against our hunt group lines over the past six months. When comparing our average abandonment rate to the industry standard ratings our contact centres are Green rated (0-8%). Whilst our hunt group lines are amber rated (9-20%).

	Contact Centre	Hunt Groups
Average abandonment rate	8%	18.8%
Average time to abandonment in minutes	2:28	0:20

*Table 3.0. showing a comparison of abandonment rates and average abandonment time across Contact Centre and Hunt Groups.*

- 6.7. It's important to note that abandoned calls on our contact centre lines are not always associated with a negative customer experience. For example, the introduction of automated messaging on the queuing system highlighting services that can be completed online may see a caller hang up and move across to an online channel to complete their transaction at their convenience. This is a positive abandonment and means that the customer chose to complete their transaction via another channel.
- 6.8. Our hunt groups show a high abandonment rate and a very low average time to abandonment. This could be explained by the large volumes of calls on our hunt group lines being internal calls, where a member of staff is calling another member of staff directly. If the call moves through the hunt group to the next available staff member because the original staff member is on another call, or on Annual Leave the caller is likely to hang up. This is also classed as an abandoned call. Unfortunately, we're unable to separate internal calls from external calls on hunt group lines.
- 6.9. Since the telephony issues emerged an action plan was put in place to investigate and further improve the service on our contact centre and hunt group lines (See appendix one for the action plan).

- 6.10. We have introduced the role of phone champions across all directorates who are trained to report and actively manage their telephones to identify trends and patterns and rectify any emerging challenges. There are 24 trained phone champions.

## 7.0. Website as an Access Channel

- 7.1. Since the joint website went live, we've had 140,490 unique visits. The most visited pages being find a planning application, find your bin collection day and pay your Council Tax bill. We continue to see an increase in the use of our digital channels.

## 8.0. Customer Satisfaction

- 8.1. Until April 2021, we did not have a consistent way of measuring customer satisfaction across the councils.
- 8.2. To address this, between April and June 2021, a 'pilot' Customer Satisfaction Survey was placed on the Broadland District Council website with an aim to the outputs informing a long-term customer satisfaction survey. Image 2.0. below outlines the results from our Customer Satisfaction Survey pilot.

Completed survey responses 61	Chose to answer additional questions 29.51%
Happy to be contacted and left their details 72.13%	What rating would you give us overall? 2.96/5.0

Image 2.0. Customer satisfaction results from pilot survey.

- 8.3. The pilot highlighted speed of service, ease of finding information online and the ease of making a payment as our key access channel strengths. Whilst areas for improvement were highlighted as "being kept informed" and "on time delivery of resolution".
- 8.4. We have since, launched our new and improved customer satisfaction survey on the website. Since October, we've received 98 completed survey responses that highlight the following:
- 80% of survey respondents rate our reputation as either very good, good or average.
  - 82% of respondents that contacted us did so using their preferred channel of choice, the majority being our website.
- 8.5. We will continue to monitor and action feedback as we receive it to service improvements and to share best practice.



## **9.0. Microsoft Teams as an Internal Access Channel**

- 9.1. Our investment in the Microsoft suite as part of our commitment to delivering on our principles set out in our ICT and Digital Strategy; enabling true collaboration and flexible working has presented an opportunity to use the Teams application as an internal access channel. The adoption of Teams is in its early stages and we're currently working on a way rollout plan to include tips and tricks to encourage it's use. This will ensure our telephony channel remains dedicated to customer-first service.

## **10.0. Proposed action**

- 10.1. To continue to monitor our customer access channels as part of our continuous improvement approach and build the customer feedback we receive into service improvements.

## **11.0. Issues and risks**

- 11.1. There is risk that if we do not continue to monitor and action customer feedback on a continuous improvement basis that could impact our reputation.

## **12.0. Resource Implications**

- 12.1. Additional responsibility provided to phone champions to report and monitor their telephony data resulting in root cause analysis and continuous improvement.

## **13.0. Legal Implications – N/A**

## **14.0. Equality Implications – N/A**

## **15.0. Environmental Impact – N/A**

## **16.0. Crime and Disorder – N/A**

## **17.0. Risks – N/A**

## **18.0. Recommendations**

- 18.1. To note the range of access channels currently used to serve our customers and the levels of demand they currently serve.
- 18.2. To note the actions and resulting significant improvements that have been made since the drive to improve the telephony system started.

## Appendix One

Action	Outcome
Deliver telephony drop-in refresher training sessions to all staff	<b>Drop-in sessions</b> took place over two weeks commencing 20th September. All staff were encouraged to attend and these covered back-office and contact centre phones. 207 staff members attended and the sessions were also recorded and have since been available on Connect for staff to use at their convenience.
Meetings were held with managers to go through their hunt group set up and refine the members of those hunt groups.	Hunt groups amended as a result.
Staff members who have access to the phone reporting system were offered reporting refresher training.	Out of the 18 people who have access to the reporting system, 7 attended the refresher sessions.
Secure an extra person per day for customer services support	To provide more cover and resilience in the customer services team.
Phone Champions established and trained	We now have 24 phone champions, 8 in Place and 8 in People and Communities, 7 in Resources and 1 in Chief of Staff. This has allowed for delegated responsibility to continually refine configuration of hunt groups and access to reporting data.

## **Monitoring Officer Report**

**Report Author:** Emma Hodds  
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**Portfolio:** The Leader

**Ward(s) Affected:** All

### **Purpose of the Report:**

This report includes a review of the size and composition of Committees, following the election of a new political group on the Council and a recommendation to change the terms of reference to the Standards committee.

### **Recommendations:**

That Council agrees:

1. that the overall number of seats on ordinary committees be increased from 101 to 104. It is recommended that the additional three seats are allocated as follows:  
Electoral Arrangements Committee – 2 seats, Licensing and Regulatory committee – 1 seat.
2. the number of seats on the Council's policy development panels be increased from 10 to 11.
3. the allocation of committee seats to each political group as set out in appendix 1
4. the appointment of members to committee seats, as set out in paragraph 4.5

5. the amended terms of reference for Standards Committee (appendix 2) and the Standards Hearing Procedures (appendix 3)
6. that the consequential amendments required to the constitution are delegated to the Monitoring Officer

## **1. Summary**

- 1.1 This report includes a review of the size and composition of Committees, following the election of a new political group on the Council and a recommendation to change the terms of reference to the Standards Committee.

### **ALLOCATION OF COMMITTEE SEATS**

## **2. Background**

- 2.1 Following the last scheduled elections, at its annual meeting in May 2019, Full Council established its committees, and decided the size and the allocation of seats to political groups for those committees.
- 2.2 Arising from three vacancies on the Council, a by-election has been held and a new political party has been elected to the Council. It has been necessary, therefore, to recalculate the political balance of the Council.
- 2.3 Accordingly, officers have undertaken a review of the representation of different political groups at committees of the council, in accordance with the political balance rules below. The impact on the Council's committees are outlined within this report.
- 2.4 The requirement for committees and sub-committees of the council to be politically proportionate to the number of the seats on the council is covered by Section 15 of the Local Government and Housing Act 1989. The principles governing political proportionality are that:
- a) No one group to have all the seats;
  - b) The group with the majority of seats on the Council to have a majority of seats on each committee;
  - c) seats are allocated on each committee in the same proportion as the overall number of seats on the Council; and
  - d) the total number of seats on committees are allocated in proportion to the overall number of seats on the Council.
- 2.5 The Local Government Act 2000 exempted Cabinet from the requirement to be politically proportionate. Licensing sub-committee panels are appointed under the Licensing Act, 2003. These panels are quasi-judicial in nature and the 2003 Act does not extend political balance requirement to them.
- 2.6 Section 16(1) of the 1989 Act provides that appointments be made in such a way as to give effect to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group.

### 3. Current position

- 3.1 With effect from 29 September, 2021, the division of member seats and percentage allocation of each political group on the Council is as follows:

Conservative Group	31 members	66%
Lib Dem Group	12 members	26%
Labour Group	2 members	4%
Green Group	2 members	4%

### 4. Proposed action

- 4.1 In accordance with the principles of the 1989 Act, a review of the representation of political parties to committees has been undertaken. To provide a more proportionate allocation of seats, it is proposed that the overall number of seats of ordinary committees be increased from 101 to 104.

Based on the percentages of each group as above (para 3.1), this would allow for an overall allocation of seats, as follows:

Conservative Group	69 seats
Lib Dem Group	27 seats
Labour Group	4 seats
Green Group	4 seats

- 4.2 A calculation has been carried out to allocate seats to each committee based on the percentages, following the principles of the 1989 Act. The calculations have resulted in fractions of seats, requiring some rounding up and down (generally 0.49% and below is rounded down and 0.50% and above is rounded up). After the precise calculations are done, there needs to be a degree of pragmatism, flexibility and reasonableness to come to whole number seat allocations that most closely reflect the political proportions on the Council.
- 4.3 The Leaders of each political party have been consulted on the calculation and the proposed allocation of committee seats. They have agreed with allocation of committee seats to political parties, as set out in appendix 1.
- 4.4 As part of this review, the seat allocation for panels was also looked at and it is recommended that the advisory panels' membership be increased from 10 to 11 seats, and the Green party are allocated a seat on each panel. This is to ensure political representation from each recognised party, as per the panels' terms of reference.
- 4.5 The Leaders have also been consulted on the appointments to committee seats and they have nominated members to be added, removed or replaced to

committees. This has resulted in a number of changes for Council to approve, as follows:

### **Conservatives**

Appeals Committee – Cllr Potter to replace Cllr Snowling

Award Panel – Cllr Foulger to be removed

Emergency Committee – Portfolio for Environmental Excellence to be added.

(Note - *No-one needs to be removed, as two vacancies existed.*)

Joint Scrutiny – Cllr Shaw to be removed

Licensing and Regulatory Committee – Cllr Shaw to be removed

Overview & Scrutiny Committee – Cllr Ryman-Tubb to be removed

Member Development Panel – Cllr Potter to replace Cllr Walker

Place Shaping Panel – Cllr Potter to replace Cllr Nurden

### **Liberal Democrats**

Emergency Committee – Cllr Karimi-Ghovanlou to be added

Joint Scrutiny – Cllr Harrison to be added

### **Labour**

Electoral Arrangements Committee – Cllr Harpley to be added

Licensing and Regulatory Committee – Cllr Harpley to be added

Environmental Excellence Panel – Cllr Harpley to replace Cllr Cook

### **Green**

Awards Panel – Cllr Laming to be added

Electoral Arrangements Committee – Cllr Laming to be added

Licensing and Regulatory Committee – Cllr Davis to be added

Overview & Scrutiny Committee – Cllr Davis to be added

Economic Success Panel – Cllr Davis to be added

Environmental Excellence Panel – Cllr Davis to be added

Place Shaping Panel – Cllr Laming to be added

Wellbeing Panel – Cllr Laming to be added

## **STANDARDS COMMITTEE**

### **5. Background/Current position**

5.1 Following the Standards Committee on 26 July, 2021, the Chairman asked for a review of the procedures and committee's terms of reference.

5.2 The Standards Committee is composed of:

a) five councillors

b) four parish or town councils in the council's area as co-opted members who will not be entitled to vote at meetings. At any time there shall be no more than two

parish members from the same parish or town council.

c) **Parish members.** Parish members will be elected through acceptable nomination among the parish and town councils in the Broadland area and will continue to hold office unless they cease to be eligible to be a parish member, cease to be a parish councillor, or resign from the standards committee

d) **Chairing the committee.** The council will appoint the standards committee chairman from amongst the council members.

e) **Quorum.** A meeting of the standards committee will not be quorate unless at least three members are present for its duration.

5.3 Accordingly, a review meeting was held with members of the committee who suggested amending the committee's terms of reference and hearing procedure. An amended terms of reference for the Standards committee is attached at **appendix 2** and a hearing procedure at **appendix 3**.

5.4 The changes within the terms of reference are that the quorum of three applies to District Councillors only.

## **6. Issues and risks**

6.1 **Resource Implications** – no implications.

6.2 **Legal Implications** – the recommendations contained within this report ensure that the Council remains compliant with legislation.

6.3 **Equality Implications** – no implications.

6.4 **Environmental Impact** – no implications

6.5 **Crime and Disorder** – no implications

6.6 **Risks** – no other risks identified.

## **8. Recommendations**

That Council agrees:

8.1 that the overall number of seats on ordinary committees be increased from 101 to 104. It is recommended that the additional three seats are allocated as follows: Electoral Arrangements Committee – 2 seats, Licensing and Regulatory committee – 1 seat.

8.2 the number of seats on the policy development panels be increased from 10 to 11.



- 8.3 the allocation of committee seats to each political group as set out in appendix 1
- 8.4 the appointment of members to committee seats, as set out in paragraph 4.5
- 8.5 the amended terms of reference for Standards Committee (appendix 2) and the Standards Hearing Procedures (appendix 3)
- 8.6 that the consequential amendments required to the constitution be delegated to the Monitoring Officer

**Background papers**

Guidance to political balance calculation

### Seat allocations – politically proportionate committees

Committee	No of seats	Cons	Lib Dem	Labour	Green
Appeals	8	6	2	0	0
Audit	5	4	1	0	0
Awards	10	6	3	0	1
Emergency Committee	6	4	2	0	0
Electoral Arrangements	10	6	2	1	1
Joint Scrutiny	6	4	2	0	0
Joint Appts. Panel	4	3	1	0	0
Licensing	13	8	3	1	1
Overview & Scrutiny	15	9	4	1	1
Planning	11	8	3	0	0
SIEC	11	8	3	0	0
Standards	5	3	1	1	0
<b>Total</b>	<b>104</b>	<b>69</b>	<b>27</b>	<b>4</b>	<b>4</b>

Changes highlighted in yellow, as follows:

- Awards Panel - redistribution of numbers as one of the larger committees. One seat to be allocated to the Green party and Conservative lose a seat.
- Emergency committee - redistribution of numbers to provide political balance, so that Lib Dems are allocated another seat and Conservative lose a seat (although this is currently two vacancies).
- Electoral Arrangements committee - two additional seats to be allocated, which will increase the numbers from 8 to 10. These seats to be allocated to the Labour and Green parties to ensure fairness and cross-party working.
- Joint Scrutiny - redistribution of numbers to provide political balance, so that Lib Dems are allocated another seat and Conservative lose a seat.
- Licensing & Regulatory – additional seat to be allocated increasing the numbers from 12 to 13. A redistribution of numbers will then provide political balance. Green and Labour parties to be allocated a seat and Conservative lose a seat.
- Overview & Scrutiny - redistribution of numbers to provide political balance, so that the Green Party is allocated a seat and Conservative lose a seat.

### Other committees

Panels	No of seats	Cons	Lib Dem	Labour	Green
Economic Success	11	7	2	1	1
Environment Excellence	11	7	2	1	1
Place Shaping	11	7	2	1	1
Wellbeing	11	7	2	1	1
Member Dev Panel	10	7	2	1	0

Changes highlighted in yellow, as follows:

- Increase membership of cabinet panels to 11 and allocate one seat to Green party. This will ensure political representation from each recognised party, as per the terms of reference. Member Development Panel remains as it is - terms of reference does not require political balance or representation from each party.

### The standards committee – terms of reference

9.1 The council meeting will establish a standards committee.

#### 9.2 **Composition**

(1) **Political balance**

*Standards committees must comply with the political balance rules.*

(2) **Membership.** The standards committee will be composed of:

- (a) five councillors;
- (b) four members of parish or town councils in the council's area as co-opted members who will not be entitled to vote at meetings. At any time there shall be no more than two parish members from the same parish or town council.

(3) **Parish members.** Parish members will be elected through acceptable nomination among the parish and town councils in the Broadland area and will continue to hold office unless they cease to be eligible to be a parish member, cease to be a parish councillor, or resign from the standards committee.

(4) **Chairing the committee.** The council will appoint the standards committee chairman from amongst the council members.

(5) **Quorum.** A meeting of the standards committee will not be quorate unless at least three district council members are present for its duration.

#### 9.3 **Role and Function**

(1) The standards committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the members' code of conduct;
- (c) advising the council on the adoption or revision of the members' code of conduct;
- (d) monitoring the operation of the members' code of conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the members' code of conduct;
- (f) receive and consider the findings and recommendations of the monitoring officer and/or the independent person in relation to alleged breaches of the code of conduct and where appropriate make subsequent recommendations to either full council or group leaders for action;
- (g) the determination of allegations of breach of the members' code of conduct and
- (h) oversight of the planning code of practice;

- (i) the exercise of (a) to (g) above in relation to the parish/ town councils wholly or mainly in its area and the members of those parish/town councils;
- (2) In the performance of their role and function co-opted parish members of the standards committee may attend meetings of the council, cabinet, committees, working groups or panels including meetings when the press and public are excluded and shall be permitted to speak to comply with council procedure rule 8 and at the invitation of the chairman on matters relating to the role and function of the standards committee.
- (3) The chairman of the standards committee shall present the minutes of the standards committee to council.

## STANDARDS HEARING PROCEDURE

### 1. Formal Introductions of those present by the Chairman

- Members introduced
- Officers introduced
  - Monitoring Officer (MO) and any Deputies present
  - Investigating Officer
  - Independent Person
  - Committee Officer

### 2. Preliminary Issues

- Confirm Members interests disclosed in accordance with Code of Conduct.
- Confirm meeting is quorate.
- If the subject member is not present, decide whether to proceed.
- Confirm role of anyone accompanying the Subject Member.
- Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Committee may decide to make their determination in private.
- Chairman to advise of the process to be followed for the Hearing.
- Determine whether any witnesses are present, and whether they have been presented by the Subject Member, Investigating Officer or Complainant. Determine whether the witnesses will be allowed to speak if no prior notice has been given.

### 3. Hearing of complaint and findings

- MO to present their report and draw the Committee's attention to areas of focus.
- Investigating Officer to present their report and findings of fact, and conclusion regarding whether the Code of Conduct has been breached. They may invite any of their own witnesses to speak.
- Complainant to make any further comments.
- Committee invited to question the Investigating Officer, complainant, and their witnesses.
- Subject member to make their representation to support their version of the fact (outlining any facts that they disagree with), make any further comments, and explain why they believe they have not breached the Code. The Subject member to invite any of their own witnesses to speak.
- Committee may question the subject or their witnesses.
- If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an

opportunity to challenge any evidence put forward by any witness called by the investigator.

- The Independent Person to present their views to the Committee.
- The Committee may ask further questions of the Independent Person, and any of the other parties present.
- The Subject Member should be invited to make any final relevant points.

#### **4. Determination**

- The Committee may resolve to close the meeting to deliberate in private.
- If so, the Committee to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room.
- Committee to determine the finding of facts and whether the member failed to follow the Code of Conduct.
- Committee to determine any sanctions or recommendations as a result of their findings as to whether the member breached the Code of Conduct.
- Committee to determine whether a formal press notice should be issued in respect of their findings.

#### **5. Confirmation**

- All parties are recalled to the meeting.
- The Chairman to summarise the Committee's deliberations and announce their findings of fact and whether the member has breached the Code of Conduct.
- The Chairman to confirm any sanctions to be undertaken (or, in respect of Parish Councillors, to be recommended to the Parish Council).
- The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection and confirm whether a press notice will be issued.
- Chairman to close the meeting.

#### **Notes on the outcomes of Standards Committee Hearings:**

The decision of the Standards Committee is final. There are no further rights of appeal.

The Committee may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

- No Sanction
- Training
- Mediation
- Public Apology
- Censure (written reprimand)
- Recommendation for removal from appointments
- Recommendation for removal of Council assets

When determining the sanctions that should be employed, the Committee may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology).

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.

In respect of Parish Councillors, the Monitoring Officer will notify the Parish Clerk within two weeks of the hearing of the outcome. The Parish Council is required to consider the Committee's findings and determine whether they agree with the findings or propose other action to be taken.

## **OUTSIDE ORGANISATIONS - FEEDBACK FROM REPRESENTATIVES**

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**Portfolio:** Leader (Policy)

**Wards Affected:** All

### **Purpose of the Report:**

The purpose of this report is to receive feedback from members on their representation on outside bodies.

### **Recommendation:**

To note the report



## **Cllr J Copplestone - Broads Internal Drainage Board- 18 October 2021**

Councillors Brennan, Kelly, and I attended the virtual meeting of the Broads IDB on 18th October 2021, which was chaired by Louis Baugh. Councillor Kelly was appointed as the Boards Health & Safety Representative.

In the period July to October 2021, several engineering pumps at the pumping stations had experienced failures and these had been repaired and reinstated. The Environmental Support Fund had been oversubscribed and the Officer Team were working to secure additional Capital Investment Grants to close the £92m funding gap for Capital works.

Business case development was key to unlocking funds for these capital projects, and £350k had been approved for the River Yare Water Level Management Improvement and an application for £450k has been made to the Environment Agency for the River Bure water Level Management Improvement.

Construction of the Horsey Wetland Demonstration site is complete, which looks to demonstrate a variety of wetland crops on peatland. The new crops filter water abstracted from Waxham Cut via an inlet structure. This project builds on the growing interest in investment for peatlands, nature based climate solutions and green jobs which helps prepare for new government and private investment in wetland farming and carbon sequestration.

The Environmental Manager reported the problem Non- Native invasive species of the plant 'Floating Pennywort' was being controlled and the Environmental Team have been working towards eradicating this prolific plant. The levels of Mink found in the area were much lower than anticipated and DEFRA were consulting with stakeholders about the possibility of re-introducing Beavers to the area.

Phil Camamile CEO reported the expected increases in the price of electricity (procured via The AF Group) would impact on expenditure for the Board when the present six-month contract ends, and the Governments derogation for the BIDB to use Red Diesel was due to end and the increased cost of changing to White Diesel would be significant. Board Members asked the CEO to consider using Hydrotreated Vegetable Oil which was predicted to reduce carbon emissions by 90% as an alternative to Diesel and the business case for this would be examined.

## **Cllr J Ward - Norfolk Arts Forum 23.9.21**

We heard from the following speakers:-

Dr John Gordon from Creative UEA, which draws on the history of a endemic excellence to deliver research which offers imaginative responses to the world's most pressing issues. It includes a Civic University Project to foster strong participation from the Arts.

Katy Boddy from Arts Council England spoke on the arts Council's four themes over the next three years:-

- Building a 'fit for the future' cultural sector
- Supporting 'Levelling Up'

- Increasing support for individuals as opposed to organisations.
- International work.

Simon Vaughn & Maddie Wilson on the Norfolk Art Trail, changing perspectives through the power of creative thinking. Five artists will be commissioned to produce a large artwork each along a 250 mile trail around Norfolk. The locations are:-

Diss Mere, North Walsham and Dilham Canal, Great Yarmouth Market Place, Boat Quay, Kings Lynn and

Reedham Ferry. Artists will be confirmed following a selection process in Jan 22. Each artist will be allocated £60k to produce their artwork and the Trail will open Oct/Nov 2022.

Veronica Newson on the 'Head East' campaign, under the banner 'All signs point east' collaborating with Norfolk and Suffolk to bring people in to celebrate Art, Culture and Heritage. There are currently 70 ads running on social media and large spreads in the Archant Press.

### **Cllr Roger Foulger - Community Rail Norfolk**

I attended two very recent meetings of Community Rail Steering Groups namely, Bittern and Wherry Lines.

Bittern Line - Norwich to Sheringham: Hoveton and Wroxham Station underpass has now been refurbished to a very high standard following my persistent requests for improvement. It is now a very suitable gateway for visitors leaving the station to access the villages. This development is very important for visitors visiting the Broads at Wroxham. In addition, Greater Anglia have plans to install new lighting early next year which will improve further the immediate area. Salhouse Station needs improvement as recently approved housing developments will increase the footfall raising it from the very limited level at the present time. Discussions are in hand to facilitate improvements.

Wherry Lines – Norwich to Gt Yarmouth and Lowestoft: I conducted the meeting of the Steering Group as Chairman of this element and the following matters were discussed.

1. Network Rail are now included as members and provide updates of work to be undertaken along the lines in the near future and which will involve updates to the bridges at Reedham and Somerleyton. They will provide regular updates of work to be undertaken and inform the parishes involved of any changes to operating timetables.
2. Station adopters who are volunteers undertake valuable improvement works at stations and several have been nominated for awards.
3. I have regularly questioned Greater Anglia regarding the wearing of masks on trains and whilst they advise passengers to wear them the level of compliance has fallen from an estimated 50% to a much lower level. The situation has now changed and insistence on compliance will now be implemented.
4. Great Yarmouth station is in a very poor condition and the Borough Council together with Community Rail are keen to have a new station building constructed. The Borough Council have applied for funding and if successful Community Rail will be able to assist financially to a certain degree. We await the outcome of the funding application.