



North Tyneside Council

Cabinet

4 October 2019

Monday, 14 October 2019 Room 0.02, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00pm.**

**Agenda
Item**

Page(s)

1. Apologies for Absence

To receive apologies for absence from the meeting.

2. To Receive any Declarations of Interest and Notification of any Dispensations Granted

You are invited to **declare** any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.

You are also invited to **disclose** any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

3. Minutes

To confirm the minutes of the meeting held on 9 September (Ordinary) and 17 September 2019 (Extraordinary) (previously circulated).

4. Report of the Young Mayor

To receive a verbal report on the latest activities of the Young Mayor and Young Cabinet.

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call (0191) 643 5320.

Agenda Item		Page(s)
5.	Local Government Association Corporate Peer Challenge - Report and Action Plan (All Wards)	21-44
	To note the Peer Challenge Feedback report and to agree the Action Plan.	
6.	North Tyneside Highway Asset Management Plan Annual Information Report 2019 (All Wards)	45-82
	To consider an annual information report outlining the highway and infrastructure work undertaken over the last 12 months, future planned work activities, and other items of relevant interest.	
7.	Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy (All Wards)	83-188
	To consider a review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy.	
8.	Fostering Strategy (All Wards)	189-236
	To seek approval for the proposed Fostering Strategy for the three year period 2019 to 2021.	
9.	Better Care Fund Plan for 2019-20 (All Wards)	237-248
	To consider a proposed plan for the Better Care Fund covering the financial year 2019/20.	
10.	Council Tax Empty Homes Premium (All Wards)	249-260
	To seek approval to consult upon the introduction of a Council Tax Premium for domestic properties that have been unoccupied and unfurnished for a period in excess of two years.	

Exclusion Resolution

This is to give further notice in accordance with paragraphs 5(4) and 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to consider item 11 below in private.

Cabinet is requested to consider passing the following resolution:

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

Reasons for taking the item in private: it contains information relating to the financial or business affairs of any particular person (including the authority holding the information).

11. Delivering Housing Growth through the North Tyneside Trading Company (All Wards) 261-289

To seek approval for the Final Business Case prepared by Aurora Properties (Sale) Limited to develop 7 executive homes for open market sale on the site of the Former Backworth Primary School.

12. Date and Time of Next Meeting(s)

Monday 25 November 2019 at 6.00pm.

Circulated to Members of Cabinet: -

N Redfearn (Elected Mayor)
Councillor G Bell
Councillor C Burdis
Councillor S Cox
Councillor S Day
Councillor P Earley
Councillor R Glindon
Councillor M Hall
Councillor C Johnson
Councillor B Pickard (Deputy Mayor)

**Young and Older People's Representatives and Partners of
North Tyneside Council**

Cabinet

9 September 2019

Present: Mrs N Redfearn (Elected Mayor) (in the Chair)
Councillors G Bell, S Cox, S Day, P Earley,
R Glindon, M Hall and C Johnson

In Attendance: A Ferris (Young Mayor)
D McNally (Age UK)
M Almond (Voluntary and Community Sector)
T Bridges (Business Representative)

CAB39/09/19 Apologies

Apologies were received on behalf of Councillors C Burdis and B Pickard.

CAB40/09/19 Declarations of Interest and Dispensations

No declarations of interest or dispensations were reported.

CAB41/09/19 Minutes

Resolved that the Minutes of the previous meeting held on 29 July 2019 be confirmed and signed by the Chair.

CAB42/09/19 Report of the Young Mayor

The Young Mayor reported on the following activities in which she and Young Cabinet Members and/or Youth Councillors had been involved:

- UK Youth Parliament Member Oscar had spoken in support of the Air Quality motion during the Big Debate at the British Youth Council Conference in Leeds.
- Oscar had also been involved in sending out the Make Your Mark consultation, the largest young people's consultation in Europe which at the end of the process, would be debated by Members of UK Youth Parliament at the House of Commons in November.
- Youth Councillors had raised £335.06 from the bag pack at Morrison's in Whitley Bay and over £100 from the sale of sweets which would go towards their fundraising total for St John's Ambulance. So far, they had raised £553.89. A further bag pack was planned for December.
- The Youth Transport Forum group had met with other young people from the North East region at the Open Lab in Newcastle to develop a website being created with the Digital Civics Department at Newcastle University, to pull together transport information into one place to make it easier for users to find out the information that they wanted.
- The Anti-bullying group had met with the web designer and had suggested some changes for the Your Present Your Future Anti Bullying website. The group's creative writing and poetry competition was open for entries from young people who lived or study in the borough. Entry form flyers had been sent out to schools, colleges and libraries with more being given to Youth Councillors for them to take to their schools. Entries closed on 30 September.

- Schools had been informed about the opportunity to participate in a range of activities over Local Democracy Week in October. Children's Councillors had worked on the school council event which would take place during that Week.
- The Planning Group were working on the arrangements for the Equality and Diversity Conference to be held in January 2020 and places would be offered to Young People.
- The Young Cabinet Member for Environment Abi Tang and Environment Group had met with the Cabinet Member for Environment and Transport, Councillor Johnson and officers from Environmental Sustainability to support them in putting together an action plan in respect of the carbon footprint of North Tyneside Council. She had also asked what schools could do.

The Elected Mayor thanked the Young Mayor for the report and commended her on the excellent work and projects she, Young Cabinet Members and Youth Councillors had been involved with.

CAB43/09/19 2019/20 Financial Management Report to 31 July 2019 (All Wards)

Cabinet considered the second monitoring report outlining the Authority's 2019/20 financial position which provided an update on the expected revenue and capital financial position of the Authority as at 31 March 2020.

The report covered the forecast outturn of the Authority's General Fund and Housing Revenue Account (HRA) revenue budget including management mitigations where issues had been identified; the delivery of 2019/20 approved budget savings plans; and an update on the Capital Investment Plan, including details of variations and reprogramming, that were recommended for approval.

The budget for 2019/20 had been approved by full Council at its meeting on 21 February 2019. The net General Fund Revenue budget had been set at £155.730m. This included £10.533m of savings to be achieved (£6.875m relating to 2019/20).

The forecast overall pressure on the General Fund was estimated at £5.243m against the approved net budget. This was driven mainly by Health, Education, Care and Safeguarding reflecting the continued pressures in Children's Services of £3.775m and Adult Services of £2.596m, partly mitigated by the contingency balances that had been created by Cabinet as part of the 2018/19 budget setting process and continued to be held centrally to reflect the on-going pressures in social care being felt locally and nationally.

Included in this projection was £2.898m of pressures in Corporate Parenting and Placements, £2.048m in Wellbeing and Assessment and £0.560m in Disability and Mental Health. The drivers for these pressures continued from 2018/19, as outlined in the report.

The other main areas of pressure existed within the Resources section, primarily due to additional costs within ICT Retained Services. It was anticipated that the overall outturn forecast would improve over the course of the financial year as planned remedial actions began to impact on both expenditure and income.

The HRA was forecast to have year-end balances at 31 March 2020 of £6.533m, which was £2.662m higher than budget which was set at £3.871m. The higher than forecast balances were mainly as a result of higher opening balances due to the impact of the previous year's

financial performance (£1.101m) but there was also an in-year estimated overall underspend of £1.561m, against an in-year budget of £2.331m, due to additional income of £0.061m combined with reduction to expenditure of £1.500m, which was linked to savings identified following the end of the Kier JV from April 2019.

As of July 2019, 2,608 North Tyneside Homes tenants had moved on to Universal Credit and a team was working proactively with tenants to minimise arrears. This position would be closely monitored as the year progressed to identify any adverse impacts on the budget position.

Schools were required to submit their rolling three year budget plan by 31 May each year. The total planned deficit for 2019/2020 was £5.045m. As well as school balances reducing overall, some individual schools continued to face significant financial challenges. There were nine schools with approved deficits in 2018/19, five of which continued to be in deficit for 2019/20. Six schools were also new to deficit in 2019/20.

The High Needs Block had ended 2018/19 with a pressure of £0.920m. Initial forecasting of the budget position for 2019/20 indicated a similar level of pressure within the year of £0.952m. In line with the national picture, there had been a rise in demand for special school places within North Tyneside and the Authority was planning for places at the end of 2019/20 to total approximately 762. This compared to a total of 664 places at the beginning of 2018/19.

The 2019-2023 Investment Plan, adjusted for proposed programming, totalling £200.427m (£74.626m 2019/20) was detailed in the Annex to the report. The Annex also set out delivery progress to date, planned delivery for 2019/20, reprogramming and other variations identified through the Investment Programme governance process.

No new revenue grants had been received during June and July 2019.

The Authority had plans in place to deliver all elements of the Council Plan and performance against those plans was carefully monitored. The area under most financial pressure was Health, Education, Care and Safeguarding.

In common with most local authorities, and in line with the national picture, the Authority had seen costs within adult social care continue to rise. In Children's Services good progress continued to be made on engaging with children in the early years of life to ensure that they were ready for school. Safeguarding vulnerable children and maximising their educational attainment remained key priorities.

The levels of Looked After Children (LAC) and children who required supervision after leaving care continued to generate a significant financial pressure. In year data suggested that the Authority's LAC levels, whilst fluctuating were, on average, remaining constant, but were around 20 placements higher than the same period last year. There was a wide range of levels of care provided, with more complex cases now being faced.

Increasing complexity continued to drive financial pressure in 2019/20. The Authority was forecasting a pressure of £2.898m in Corporate Parenting and Placements, however, ongoing management of this pressure by the Service including the implementation of the New Model to Support Children had seen a positive movement from the outturn pressure for 2018/19 of £3.580m.

An officer led review of the Investment Plan had resulted in proposals for variations of £1.300m of which more details were set out in Section 7 of the Annex to the report. The revised Investment Plan stood at £74.626m for 2019/20 and to the end of July 2019 spend of £9.255m had been incurred which represented 12.40% of the revised plan.

The Elected Mayor thanked officers and the Cabinet Member for Finance and Resources for their work in dealing with ongoing budget pressures.

Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the forecast budget monitoring position for the General Fund, Schools' Finance and Housing Revenue Account as at 31 July 2019, as set out in the Annex to the report, be noted;

(2) the Authority's Investment Plan spend of £9.255m to 31 July 2019 and the financing of the Plan to the end of the year be noted; and

(3) the variations of £1.300m within the 2019-2023 Investment Plan be approved.

(Reason for decision - it is important that Cabinet continues to monitor performance against the budget, especially given the current level of financial pressures faced by the public sector.)

CAB44/09/19 2020-2024 Financial Planning and Budget Process incorporating the associated Engagement Strategy (All Wards)

Cabinet considered a report seeking approval to the proposed 2020-2024 Financial Planning and Budget process including information on the key decision milestones; and as part of the process, the proposed approach to Budget Engagement.

The report outlined the national context within which local authorities were required to manage their finances. The financial outlook for local government and public services remained challenging and uncertain. Local government had faced significant funding reductions, and these were likely to continue.

Medium-term financial planning remained difficult and reflected the continuing funding cuts for local government, coupled with welfare reform and increased demand for social care and other unfunded pressures arising from pay and price inflation. There had been indications that many authorities were overspending against budgets for both Adults and Children's Services in order to meet increasing cost due to the increased complexity of service users' needs. These pressures were evident in the Authority, and as a consequence the Authority would need to explore new financial and organisational initiatives to meet this significant challenge.

At a local level, there were changes in North Tyneside's demography with an increasing population and a growing number of the Authority's most vulnerable residents requiring complex health and social care support. The Authority, wherever possible, aimed to manage demand as effectively as possible, targeting services at those residents with greatest need. This could only contain, or at best slightly reduce, the overall size of the population in receipt of these services. However, the average cost of these services had risen due to the increased average complexity of the needs of those clients.

The last few years had been uncertain but financial planning for 2020/21 was particularly

difficult. The Social Care Green Paper was two years late, the promised Comprehensive Spending Review had yet to emerge, the Fair Funding and Business Rates Retention review was in doubt and the future of Government grants such as the Better Care Fund and Troubled Families was also uncertain.

As a result of the delay to Brexit until 31 October 2019, political uncertainty remained high and this was causing a delay to many decisions throughout Whitehall. Details of the Spending Round had yet to be released but it was expected that this would be completed in September 2019. A one-year settlement was likely to be on the basis of a roll-forward with current resources remaining the same as those in 2019/20. In real terms, this would mean that the settlement would be “cash flat” with the potential for additional funding for social care.

A one-year settlement would have implications for the Fair Funding Review (FFR) and reform of the Business Rate Retention Scheme (BRRS). The FFR had been scheduled for implementation from April 2020 alongside a move to 75% BRR. Uncertainty would remain as to future local government allocations post 2020/21. Significant risks remained to the Authority’s funding around the principles yet to be agreed for fair funding distribution and how the move to 75% BRR was implemented.

The current Medium-Term Financial Plan (MTFP) covered the period to the end of 2022/23. Whilst there was a great deal of financial uncertainty, recommended practice suggested that due consideration was given not only to the short-term but to how the Authority would continue to finance its activities in the medium-term. It was therefore recommended at this stage that the MTFP covered the four-year period 2020/21 to 2023/24. The MTFP was a key part of the Authority’s Budget and Policy Framework which aimed to ensure that the Authority had the financial capacity and capability to achieve its strategic aims with due consideration to the long-term financial sustainability of the organisation. As part of the 2020-2024 Financial Planning Process, a review of the MTFS would be carried out. It was proposed this would set out the following:

- Analysis of the current financial situation, which included the main sources of income, the main financial commitments and the levels of reserves currently held;
- Provision of a longer term financial “vision” for the Authority which was consistent with the overall strategic aims; and
- A set of actions that set out how the financial vision was to be achieved with appropriate timescales that could be integrated into the medium- and short-term financial plans.

The Authority had previously agreed a set of principles as part of the process to develop the MTFP Plan and Budget. These were set out in detail in the report and would also be refreshed as part of the update to the Financial Strategy.

The current “Our North Tyneside Plan” had been approved by Council on 15 February 2018. The Plan set out the overall vision and policy context within which the Financial Plan and Budget proposals were set. These key policy priorities informed the direction of resource allocation when developing the Budget and MTFP.

With regard to the Housing Revenue Account, the 2019/20 financial year marked the end of the four-year 1% per annum rent reduction for all housing stock introduced by Government in the Welfare Reform and Work Act 2016. From April 2020 the Government had announced

that rent policy would return to being based on increases of Consumer Prices Index (CPI) + 1% per annum for at least the next 5 years in order to give housing authorities greater planning certainty. The Authority was also facing the impact of the continued roll-out of Universal Credit and other welfare reforms.

The 2020-2024 Financial Planning and Budget process would include a review of the current plan and the Capital Investment Strategy with a view to the development of a five year Investment Plan for the period 2020/21 to 2024/25. The Treasury Management Strategy would be reviewed in light of the refreshed Investment Plan and the overall MTFP for both the General Fund and the HRA.

In terms of the 2020-2024 General Fund Financial Plan and Budget, although there was a great deal of uncertainty, overall it was estimated currently that the Authority would need to close a funding gap of £31.730m by 2023/2024. This funding gap was summarised in Table 1 of the report. The figures included in the table did not include any assumptions on Council Tax increases in the period of the MTFP.

Reserves were reviewed during the financial year and Table 2 in the report showed the estimated use, following review of all General Fund reserves over the period to March 2024. In assessing the adequacy of reserves, consideration was given to the level of un-earmarked reserves available for the management of financial risk to the Authority. There was anticipated use of the Redundancy and Remuneration Reserve and the Support Change Fund Programme Reserve over the period of the MTFP leaving the Strategic Reserve as the only material un-earmarked reserve. Table 3 set out the level of un-earmarked general fund reserves held at the end of the 2018/19 financial year and the forecast position at 31 March 2024 as a proportion of Gross Expenditure budget and General Fund net revenue budget over the period of the MTFP.

Un-earmarked reserves were lower than most in the region; however, the Chief Finance Officer considered that those reserve levels were adequate, particularly when considered against the degree of uncertainty surrounding local government finance. She also considered that the Strategic Reserve should be sustained at least at this level over the period of the four-year medium-term financial plan.

The report referred to the Authority's responsibilities under the Equality Act 2010 and Public Sector Equality Duty, part of which was to ensure that the potential effects of decisions on those protected by the Equalities legislation were considered prior to any decision being made. The effect of the Authority's budget setting process and decision-making would continually be monitored by using Equality Impact Assessments.

Key aspects of the 2020/2022 Financial Planning and Budget process timetable were set out at Appendix A to the report. This highlighted key decision milestones in the process.

The Elected Mayor and Cabinet were responsible for formulating the Council Plan and the Authority's Budget. The Cabinet Member for Finance and Resources, in close consultation with the Elected Mayor, had been nominated as the lead Cabinet Member for the overarching 2020-2024 Financial Planning and Budget Process. The Head of Resources would be the project sponsor.

Details of the Budget Engagement Strategy for 2020/2021 were set out at Appendix B to the report. The aim of the Strategy was to reach different sectors of the population through an approach that encompassed engagement with residents as a whole and customers/users of services as well as particular groups of people, including those with protected characteristics. The approach also ensured reach with particular interest groups and also ensured that targeted activity with specific external and internal stakeholder groups.

Cabinet considered the following decision option: to agree the recommendations as set out in paragraph 1.2 of the report. The Authority's Constitution and Budget and Policy Framework Procedure Rules set out the stages to be completed in relation to agreeing the Budget of the Authority. There were no other options available in relation to this. The Budget Engagement Strategy formed part of the 2020-2024 Financial Planning and Budget Process.

Resolved that (1) the proposed outline 2020-2024 Financial Planning and Budget process, which incorporates the key decision milestones and dates, as set out at Appendix A to the report, be approved;
(2) the Budget Engagement Strategy as part of the 2020-2024 Financial Planning and Budget Process, set out at Appendix B to the report, be approved; and
(3) The Chief Executive, in consultation with the Elected Mayor, Deputy Mayor, Cabinet Member for Finance and Resources, Cabinet Member for Community Safety and Engagement, the Head of Law and Governance and the Head of Resources, be authorised to make any changes necessary to the 2020-2024 Financial Planning and Budget process following the outcome of the Constitution review as described in paragraph 1.4.2 of the report.

(Reason for decision: The recommendations are mainly legal in nature, as stated in paragraphs 2.1 and 2.2 of the report.)

CAB45/09/19 Risk Based Verification (All Wards)

Cabinet considered a report seeking approval to proposed changes to the verification of evidence to support Housing Benefit and Council Tax Support claims.

On 9 March 2015 Cabinet had approved the implementation of a Risk Based Verification (RBV) process to administer new Housing Benefit (HB) claims and Council Tax Benefit Support (CTS) as the number of new claims to HB and CTS had been steadily rising. RBV provided an opportunity to improve administration and reduce the burden on claimants to provide as much evidence to support their claims. There was also the potential to drive out fraud and error by targeting higher risk claimants to provide more evidence in support of their claims.

A new system to implement the RBV process had subsequently been procured and on 1 April 2015 RBV had been implemented.

In 2015/16 the number of new claims received had peaked to over 11,000 per annum and RBV allowed the Authority to process these claims without the need to request large amounts of evidence from claimants. This had improved administration and the speed of processing claims had improved from an average of 32 days for HB in 2014/15 to 24 days in 2015/16.

From November 2015 the Authority had been part of the national roll out of the Universal Credit Live Service, and in May 2018 Universal Credit Full Service had been implemented.

Both changes had had an impact on the number of new claims to HB that the Authority dealt with as working age claimants now claimed housing costs through Universal Credit. Alongside this, the number of new claims for CTS was also reducing. In 2018/19 the overall number of new claims the Authority dealt with annually had reduced to less than 8,000 and was expected to drop further up to and following full migration of working age claimants to Universal Credit.

The profile of new claims for HB the Authority dealt with was changing and the majority were now from pensionable age claimants, with the remaining working age claims from those in supported or temporary accommodation or claimants entitled to a Severe Disability Premium.

Since the implementation of RBV in 2015 the Authority had also seen significant improvements in the access to data provided by the Department for Work and Pensions (DWP). This allowed the Authority to verify the state benefits of claimants and receive direct notification from DWP systems when incomes changed. For CTS claimants receiving Universal Credit, DWP also provided a notification to the Authority of the income they had used in awarding Universal Credit including details of earnings. A further recent development now meant the Authority also had access to earned income and private pension data held on Her Majesty's Revenue and Customs (HMRC) systems.

These improvements in access to data, the reducing number of new claims, and the change in profile of new claims, had led the Service to consider whether there was still a need for RBV and whether the Service could still process claims effectively without risk to the Authority, without using it. The number of new claims processed had been tracked since RBV was implemented in April 2015 as shown in Table 1 – Claims Data in the report. This showed that the number of claims had started to reduce from 2016 but that in 2018 the reduction was considerably higher and additionally the first three months of 2019/20 also continued to show a significant reduction.

The systems that provided the Authority with data direct from DWP and HMRC had also been examined, and it was considered that because of developments in these systems, they now provided sufficient accurate information that was reliable for assessing entitlement to HB and CTS and there was often no need to request evidence from the customer in most cases. Fraud and error in claims had also been examined and it was found since 2015/16 the creation of overpayments had reduced over the years but there was no conclusive evidence to suggest it was down to RBV. This was because there had been a number of DWP initiatives over the years that had improved accuracy of data and notifications of changes so there was less scope for error to occur.

Whilst it was considered that there was no real value to continue to use RBV in benefit processing, the Authority still needed a framework in which to ensure that evidence in support of claims was verified to a standardised process to ensure accuracy and accountability.

Prior to moving to an RBV the Service had used a standard approach to verify income, which was similar to that applied to the high-risk group under RBV for HB claims. This involved requesting original evidence. This would be now appropriate to use in HB cases as the reduced number of claims and change in profile of new claims made this now a more manageable option (CTS cases would still follow medium risk under RBV which allowed photocopies as well as originals). The improved access to data on DWP and HMRC systems provided quicker, more accurate information and removed the need to verify income with the customer in the majority of cases; only in a very limited number of cases would there be a

need to request the customer to provide supporting evidence. Many Authorities used this approach so North Tyneside would not be out of line with what others were using to verify incomes.

Cabinet considered the following decision options: to adopt a different approach to Risk Based Verification to verify claims for Housing Benefit and Council Tax Support claims as set out in the recommendations at paragraph 1.2 of the report, or, alternatively, to not approve the recommendation and request that the Service consider an alternative approach.

Resolved that the Authority replaces its current Risk Based Verification approach to verifying incomes of those claiming Housing Benefit and Council Tax Support in line with Option 1 as set out in paragraph 1.2 of the report.

(Reasons for decision: performance will not be affected; the reducing number of claims and the changing profile means there is no longer a need for an RBV approach to verifying income; the access to data from DWP and HMRC has improved the availability of accurate and reliable data to confirm claimants' incomes so an RBV approach is no longer required; and there may be savings to Engie as there will no longer be a need to pay for RBV software.)

CAB46/09/19 Review of the North Tyneside Contaminated Land Strategy (All Wards)

Cabinet considered a report which sought approval to commence consultation on an updated draft of the Authority's Contaminated Land Strategy.

The Authority had a duty under Part 2A of the Environmental Protection Act 1990 to produce a Strategy setting out how it would identify and deal with contaminated land within its area.

The review of the Strategy had been shaped by engagement with the Contaminated Land North East Regional Group and internal consultation had also been undertaken to ensure the Strategy remained up to date with current nationally published guidance.

The Local Plan, approved by Council in July 2017, emphasised that new development must be made suitable for its use and enabled contaminated land to be brought back into beneficial use. The updated draft Strategy linked to the Local Plan and highlighted development as a route to bringing contaminated land back into beneficial use and provided an opportunity to improve the environment.

The main amendments to the Strategy were:

- Mining and ground water constraints: Developer guidance had been produced by the Environment Agency and the Coal Authority to ensure protection of water courses, ground water and mine gas;
- National and local planning policy: New policies on Planning placed the onus on developers to demonstrate that development would not cause serious detriment to the environment;
- Changes in land status: There had been a reduction in local designated wildlife sites and sites of local nature conservation interest in the borough. There had been a reduction in publicly owned land;
- Prioritisation of actions relating to contaminated land: Updates to the work programme to reflect the proactive work that had been undertaken; and

- **Environmental Damage Regulations:** Inclusion of the amendments that had been made to these regulations which removed the need for formal consultation on remediation proposals.

The updated draft Strategy was included in Appendix 1 of the report. A summary of the amendments to the draft Strategy were set out at Appendix 2 to the report.

The report sought approval to commence public engagement on the updated draft Strategy. Consultation would be undertaken with the statutory bodies who were consultees to the Planning process, developers, businesses and the public. The Authority's Engagement Hub would be used as a means of publicising widely with comments being coordinated by the Environmental Health Service.

It was proposed that the engagement process would commence on 30 September 2019 for a period of 6 weeks. At the conclusion of the consultation the updated draft Strategy would be presented to Cabinet for final consideration.

Cabinet considered the following decision options: to accept the recommendations set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) that the Head of Environment, Housing and Leisure be authorised to commence public engagement on the updated draft Contaminated Land Strategy attached at Appendix 1 to the report; and
(2) a further report be received by Cabinet at the conclusion of the public engagement process to seek approval to the adoption of the updated draft Contaminated Land Strategy.

(Reasons for decision: It is a statutory requirement that the Authority has an up to date Contaminated Land Strategy. The updated draft Strategy will provide developers, businesses and residents of North Tyneside with guidance on how the Authority will determine whether land is deemed to be contaminated. When land is deemed to be contaminated it sets out what action the Authority will take.

If the preferred option is not approved, the Authority risks not being able to fulfil its statutory requirements and not being in a position to ensure that land within North Tyneside will be fit for its current use. This may result in detrimental impacts to health for the residents of North Tyneside and the wider community.)

CAB47/09/19 North Tyneside Council's Lettings Policy Review (All Wards)

Cabinet considered a report which sought approval of the reviewed North Tyneside Council's Lettings Policy.

The review of the Lettings Policy had been carried out taking into account the following: -

- **Shrinking Housing Revenue Account (HRA) budget:** Reduced rents by 1% for 4 years as a consequence of changes made by national government; and the impact on rental income due to the introduction of Universal Credit, rent arrears had increased by £594,000 in 2018/19.

- Reduction in housing stock: The Authority's housing stock had reduced from 32,000 in 1979 to 14,656 at the end of 2018/19. A total of 382 properties had been sold under the Right to Buy scheme since 2016.
- New legislation: The introduction of the Homeless Reduction Act 2017 had put new duties on the Authority as to how to manage homeless applications and prevent homelessness.
- Ensuring people with housing need were allocated available homes: There were 3,868 applicants registered on the Authority's housing register, with an average of 1,400 homes available a year. Due to the low level of available homes it was important that homes were allocated to those applicants most in need.

The review of the Lettings Policy had taken into consideration all relevant legislation, issues identified during the operation of the current Lettings Policy and feedback from consultation with Members, staff, tenants / potential tenants, residents and key stakeholders.

The feedback from the consultation on each of the proposals was provided in the Consultation Report as set out in Appendix 2 to the report. Six changes to the Lettings Policy had originally been proposed but as a result of the feedback only four were now proposed as follows:

- Homeless applicants' choice to bid
- Financial Resources
- Restricting Transfer Applicants
- Restrictions on Bidding

Further details of each of the above amendments were set out in the report.

Cabinet considered the following decision options: 1) to accept the recommendations set out in paragraph 1.2 of the report; or alternatively, 2) to accept the recommendations, subject to amendments as specified by Cabinet; 3) not to approve the recommendations and refer the content of the report back to officers for further consideration and consultation.

Resolved that the North Tyneside Council Lettings Policy, as set out in Appendix 1 to the report, be approved.

(Reasons for decision: This will support the continued efficient and effective management of the housing register and allocation of the Authority's homes and thereby continue to play an important role in meeting housing need within the Borough. The proposals contained within Option 1 reflect feedback from consultation and secure compliance with the Authority's statutory duties.

If the preferred option is not approved, the Authority will be in a weaker position to manage some of the risks associated in meeting legislative requirements, welfare reforms and managing housing need.)

CAB48/09/19 Complaints Service Report 2018-19 (All Wards)

Cabinet considered a report which detailed complaint related activity during 2018-19 and which complied with the requirement to publish a report on complaints under the relevant statutory complaints legislation.

The Authority undertook millions of transactions with its 206,000 residents and over five million visitors to the Borough throughout the year. Against that background, the number of complaints received by the Authority remained consistently low, reflecting the excellent services the Authority's customers received and its ability to resolve swiftly any issues that did arise at the first point of contact.

The number of formal complaints had decreased during 2018-19 compared to the previous year as the Authority continued to take a proactive approach to encouraging residents and service users to provide feedback. The Authority's complaint leaflet entitled 'How to complain about Council services' was widely available in the Authority's buildings and to download from the Authority's website. It was also now easy for customers to contact the Authority on-line, and Social Care Service users were provided with a complaint leaflet at the first point of contact.

Customer satisfaction with the complaints process remained relatively high and the Authority continued to resolve the vast majority of complaints at Stage 1. The Authority welcomed complaints as valuable feedback from its customers and complaint outcomes provided valuable lessons to further improve and enhance the Authority's services and procedures.

The Authority operated statutory complaint procedures for Adult Social Care and Children and Young People's Services and Public Health. It also provided a corporate complaints procedure for all other services.

During 2018-19, the Authority had responded to Local Government and Social Care Ombudsman (LGSCO) enquiries in a timely fashion and was well within the required timescale for response of 28 days. The LGSCO's annual review of complaints for 2018-19 was detailed in the report at Appendix 2.

The Authority's complaints service report for 2018-19 at Appendix 1 showed that the overall number of formal complaints had decreased by 10% in comparison to 2017-18 (973 complaints and 1,070 complaints respectively).

The number of social care complaints (relating to both Adult Social Care and Children and Young People's Services) had decreased slightly from 126 in 2017-18 to 97 in 2018-19 (42 cases in Children's Social Services and 55 cases in Adult Social Care).

A breakdown of the numbers and categories of complaints was provided in the report.

A survey of complainants' experiences of, and satisfaction with, the complaints service undertaken in respect of complaints handled during 2018-19 had resulted in 11% of forms being returned. The majority of respondents had found it easy to find information about the service and said that staff were helpful, that they were happy with the length of time taken to respond to their complaint, and that the content of the response letter had been easy to understand. Overall 59% of customers thought the complaints process was good.

A number of changes had been made to procedures and practice in services as a result of complaints resolved during 2018-19, examples of which were detailed in the report.

A continuing area of development was partnership working, where services were provided on behalf of the Authority in conjunction with other public, voluntary and private sector organisations. Such change had potential for complaint processes to become complex, so arrangements were in place to ensure the customer's experience was as straightforward as possible. Securing the efficient handling of complaints was a vital component of ongoing arrangements with the Authority's current and any potential future partners.

Complaints were now widely recognised as integral to the provision of quality services at both individual and strategic levels. The Authority's successful history and current good practice in effective complaint handling would be an integral service improvement driver in the current rapidly changing culture. The demands of maintaining and increasing levels of customer satisfaction, coupled with organisational changes across public and partner sectors, would be well supported by the current robust complaint handling procedures and electronic system in place.

The Mayor referred to the comparatively low level of complaints and referrals to the LGSCO and thanked the staff for their efforts particularly in the light of increasing pressures on local authority services and the number and complexity of services provided by the Authority.

Cabinet considered the following decision options: to agree the recommendations as set out in section 1.2 of the report; or alternatively, to not approve the recommendations and refer back to officers and request that further analysis and information is provided.

Resolved that (1) the complaint related activity during 2018-19, as set out in the annual complaints report, at Appendix 1, be noted;
(2) the annual complaints report be approved for publication by the Head of Law and Governance; and
(3) the Local Government and Social Care Ombudsman's annual review of complaints concerning North Tyneside Council for 2018-19, as set out in Appendix 2 to the report, be noted.

(Reason for decision: All local authorities providing social service functions including North Tyneside Council are required to publish an annual report on complaints received. Publication of a report also supports community engagement and promotes transparency and opportunities for organisational improvement.)

CAB49/09/19 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 1 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 1 respectively of Part 1 of Schedule 12A to the Act.

CAB50/09/19 Procurement Update (All Wards)

Cabinet received a report which outlined progress on returning the Procurement Service, which was currently delivered as part of the business partnership with Engie, to direct management by the Authority; and sought approval to adopt a 'Responsible Procurement Charter' which would comprise a set of ethical standards for suppliers which reflected the Authority's policy position.

It was proposed that the 'Responsible Procurement Charter' as set out at Appendix A to the report be adopted and reflected where appropriate in revised terms and conditions of contract. This would allow the Authority to mandate adherence when awarding contracts and to monitor compliance thereafter.

Cabinet considered the following decision options: to approve all recommendations as set out in paragraph 1.2 of the report, or alternatively, to approve recommendations (1) and (2) only, but not recommendations (3) and (4); or, to not approve to the recommendations.

Resolved that (1) the progress made in implementing Cabinet's decision of 15 October 2018 to returning Procurement services which were currently delivered by the Engie Business Partnership to direct management by the Authority, be noted;
(2) the Head of Commissioning and Asset Management, in consultation with the Head of Law and Governance, the Head of Resources and the Cabinet Member for Finance and Resources, be authorised to carry out the necessary steps in completing the return of Procurement Services;
(3) it be noted that a significant number of 'ethical charters' have been received and researched by the Authority, aimed at securing the adoption of various standards, many of which cover procurement activity and the supply chain; and that these charters have been evaluated for 'fit' with the Authority's policy position and the Our North Tyneside Plan, resulting in a proposed 'Responsible Procurement Charter' for the Authority; and
(4) the proposed 'Responsible Procurement Charter', as set out at Appendix A to the report, be adopted and the Head of Commissioning and Asset Management, in consultation with the Head of Law and Governance, be authorised to amend the Authority's contract terms and conditions, where appropriate, to reflect those areas set out in the Charter.

(Reasons for decision: This would enable all aspects of the Authority's procurement functions to be delivered, managed and controlled directly by the Authority thus optimising efficiency and effectiveness.

The adoption of the proposed 'Responsible Procurement Charter' further supports the priorities as set out with Our North Tyneside Plan and also the Authority's Social Value priorities within the Procurement Strategy 2017-2020.)

CAB51/09/19 Future of the Coroner Service for North Tyneside (All Wards)

Cabinet considered a report which outlined the current situation with the Senior Coroner for North Tyneside; and sought approval for the proposed way forward for the Coroner Service in North Tyneside.

Cabinet considered the following decision options: to approve all recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the settlement of the historic back-pay issue with the Senior Coroner for North Tyneside, and his retirement with effect from 30 September 2019 be approved; (2) the appointment of the Senior Coroner for Newcastle as an Assistant Coroner and subsequently as Acting Senior Coroner for North Tyneside be approved; and (3) the merger of the Newcastle and North Tyneside Coroners areas be approved in principle, subject to the development of an agreed business case.

(Reasons for decision: Given the current Coroner's desire to retire, together with the opportunity for ongoing savings within the service delivered through that retirement, Option 1 is recommended. In the event that the retirement takes place, the Authority will need to make provision for a Senior Coroner to discharge the necessary duties, and the proposed arrangements with the Newcastle Senior Coroner will allow the Authority to smoothly move towards a merger of the two areas, in line with the stated policy of the Ministry of Justice.)

CAB52/09/19 Date and Time of Next Meetings

Tuesday 17 September 2019 at 4.00pm (Extraordinary meeting)
Monday 14 October 2019 at 6.00pm (Ordinary meeting)

Minutes published on Thursday 12 September 2019.

Unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee, the decisions contained within these Minutes may be implemented immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 19 September 2019.

**Cabinet
(Extraordinary Meeting)**

17 September 2019

Present: Mrs N Redfearn (Elected Mayor) (in the Chair)
Councillors C Burdis, S Cox, P Earley, R Glindon,
C Johnson and B Pickard

In Attendance: R Layton (North Tyneside Joint Trade Union Committee)

CAB53/09/19 Apologies

Apologies were received from Councillors G Bell, S Day and M Hall and from D McNally (Age UK) and R Fry (Community and Voluntary Sector).

CAB54/09/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB55/09/19 Delivering Killingworth Moor Key Strategic Site (Killingworth Ward)

Cabinet received a report seeking approval to accept £10 million of grant funding from Homes England which would enable the Authority to construct a significant portion of the site's infrastructure works and support housing development at the Killingworth Moor site.

The Authority's Local Plan provide for the delivery of an additional 16,500 new homes across the Borough up to 2032. The Killingworth Moor site was included as a key strategic site with an allocation for 2,000 homes.

In Summer 2017, Homes England and the Ministry of Housing, Communities and Local Government (MHCLG) had launched the Housing Infrastructure Fund (HIF) to offer Local Authorities and Combined Authorities the opportunity to secure funding to deliver infrastructure on large scale housing developments to assist in realisation of housing.

The Authority had worked with representatives from Homes England, MHCLG and the landowners/developers to develop and submit a bid to Homes England for £10 million of HIF. This had been submitted in September 2017, and following an extensive assessment period, in Spring 2019, Homes England had confirmed an allocation for the Authority of £10 million. This would require the Authority to enter into a Grant Funding Agreement with Homes England and Licence(s) for Works with the relevant landowners/developers to enable construction of the HIF Funded Infrastructure.

It was proposed that the funding would deliver a significant proportion of the site's key link road which was identified in the masterplan and would unlock the site for housing development.

In line with state aid advice, the Authority would be in control of delivery of the road and would manage spend. This involved appointment of consultants to undertake detailed design

works; submission of a planning application seeking approval for development of the HIF funded works; and appointment and management of contractors appointed to construct the necessary works on site.

This would be undertaken in line with agreed governance arrangements with the Local Plan Steering Group and relevant developers/landowners.

The Authority had a Risk Register for the delivery of the HIF Funded Infrastructure, which detailed the following:

- State Aid – detailed legal advice had been sought in relation to this project.
- Non-compliance with the Grant Funding Agreement.
- Overspend – this was mitigated through appropriate risk and contingency planning being applied to the infrastructure costs and ensuring that the definition of the ‘Project’ in the Grant Funding Agreement was such as to ensure it was deliverable.
- Delays to Spend – the Project would be governed in line with the agreed Delivery Plan between the Authority and Homes England. Progress reporting would enable early identification of issues which may cause delay and allow mitigation to ensure the Project remained on time and on budget.

Cabinet considered the following options: to approve the recommendations set out in paragraph 1.2 of the report to accept the grant offer of £10 million from Homes England and enter into the Grant Funding Agreement and necessary Licence(s) for Works with relevant landowners/developers to enable the Authority to construct the HIF funded Infrastructure works, or alternatively, to not approve the offer of grant funding from Homes England and therefore not deliver the HIF Funded Infrastructure works at the Killingworth site.

Resolved that (1) the Head of Resources be authorised to accept the offer of £10 million Housing Infrastructure Fund (HIF) from Homes England; and
(2) the Head of Regeneration and Economic Development and the Head of Environment, Housing, and Leisure be authorised, in consultation with the Head of Resources, Head of Law and Governance and Deputy Mayor, to:

- a) enter into the Grant Funding Agreement with Homes England to accept grant funding of £10 million;
- b) enter into the necessary ‘Licences for Works’ with relevant landowners/developers to enable the Authority to construct the HIF funded infrastructure works; and
- c) carry out a procurement exercise to appoint a contractor for the construction of the HIF funded infrastructure works.

(Reasons for decision - The outcome requirement of the Local Plan is the delivery of 16,500 new homes up to 2032. By securing the HIF and working with the landowners/developers the Authority will facilitate the delivery of 2,000 new homes on the Killingworth Moor site, the second largest single allocation in the Local Plan.)

CAB56/09/19 Consulting on a revised option to improve air quality in Newcastle, North Tyneside and Gateshead (All Wards)

Cabinet had previously agreed the Authority's approach in responding to government's legal direction to improve air quality in the shortest possible time. Consultation feedback on different options earlier this year along with refined technical information had enabled Newcastle, Gateshead and North Tyneside councils to develop a revised proposal which, it was felt, more closely met their wider ambitions while also responding to the specific requirements of the legal order.

Cabinet received a report which sought approval to consult on a new option for measures to improve air quality while outlining measures to mitigate the impact on businesses affected by a charging clean air zone. The revised options that had been developed by the three local authorities to meet the legal requirement to achieve compliance on local roads in the shortest possible time were as follows:

- A smaller Clean Air Zone D covering Newcastle city centre only;
- A Low Emission Zone combined with tolls on city centre bridges, as set out in the original consultation; and
- A Clean Air Zone C charging older HGVs, buses, vans, taxis and private hire vehicles in Newcastle city centre only, combined with access restrictions to and from the Central Motorway between New Bridge Street and the Swan House roundabout and lane restrictions on the Tyne Bridge with the aim that this would be linked to a major maintenance scheme on the Tyne Bridge. In this option there would be no charges on private cars.

As more than one package of measures now appeared to achieve compliance in 2021, the ability of the three authorities to select the option most consistent with their ambitions on fairness, public health improvement and minimising economic impact had been improved. In the short term this was considered to be the newly defined option, which was:

- a smaller charging Clean Air Zone covering only Newcastle City Centre affecting non-compliant buses, coaches, taxis (Hackney Carriages and private hire vehicles), heavy goods vehicles and vans from 2021;
- changes to the road layout on the Central Motorway, that would prevent traffic from merging on and off the slip lane between the New Bridge Street and Swan House junctions;
- lane restrictions on the Tyne Bridge and Central Motorway. These restrictions would be put in place to support air quality work but the authorities were asking government for £40m funding to ensure essential maintenance works took place at the same time, minimising disruption by aligning these much needed roadworks to update the ageing bridge with the need to implement lane restrictions for air quality; and
- changes to the local road network in Newcastle and Gateshead to reflect the Tyne Bridge restrictions and ensure public transport could run reliably.

This package was considered to have a smaller economic and traffic rerouting impact. It also enabled the authorities to target mitigation on a smaller group of users which made a package of mitigation measures more deliverable given the tight timescales to which the authorities were working.

Both Gateshead Council and Newcastle City Council were being asked to approve recommendations as set out the report.

It was proposed that the three authorities would consult affected stakeholders and residents over a period of six weeks, before bringing the outcome of consultation and a final business case for the preferred option to each authority for approval.

The delivery of the measures required would be undertaken throughout 2020: they were anticipated to be in place by January 2021, in order for the scheme to become active.

Effective delivery of the preferred option was dependent on Government action on a number of key issues, including:

- i. providing the necessary resources for implementation and mitigation in a timely fashion;
- ii. confirmation of available funding in order to allow local authorities to procure both required new systems and relevant mitigation;
- iii. provision of a national taxi and private hire database; and
- iv. provision of central systems to allow payment and processing, in order that local authorities could deliver their own Clean Air Zones.

Cabinet considered the following options: to approve the recommendations set out in paragraph 1.2 of the report, or alternatively not to approve those recommendations.

Resolved that (1) affected stakeholders and the public be consulted for six weeks on a Clean Air Zone Class C and associated traffic management measures in order to deliver compliance with legal limits for NO₂ in the Authority's administrative area in the shortest possible time;

(2) affected stakeholders and the public be consulted on possible mitigation measures to minimise the impact of the aforementioned Clean Air Zone and traffic management schemes;

(3) the Chief Executive be authorised, in consultation with the Cabinet Member for Environment and Transport, to approve the final form of the appropriate consultation materials; and

(4) the outcomes of consultation, together with a Final Business Case for the preferred option, be submitted to a future meeting of Cabinet for final approval.

(Reasons for decision – this will permit progress towards satisfying the legal direction issued by the Government requiring local authorities to create plans to address air quality issues on specific road links.)

CAB57/09/19 Date and Time of Next Meeting

Monday 14 October 2019 at 6.00pm (Ordinary meeting)

Minutes published on Thursday 19 September 2019.

Unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee, the decisions contained within these Minutes may be implemented immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 26 September 2019.

North Tyneside Council Report to Cabinet Date: 14 October 2019

Title: Local Government Association Corporate Peer Challenge - Report and Action Plan

Portfolio:	Elected Mayor	Cabinet Member:	Norma Redfearn
Responsible Officer:	Paul Hanson, Chief Executive	Tel:	0191 643 7001
Wards affected:	All		

PART 1

1.1 Executive Summary:

As Cabinet know, as part of the national sector-led improvement programme, the Authority took part in a Local Government Association Corporate Peer Challenge. The challenge took place in North Tyneside from 18th – 21st June 2019 with experienced colleagues and was led by a serving Chief Executive of a similar Authority and an Elected Mayor.

The Peer Team presented feedback on 21st June 2019 to Cabinet Members and the Senior Leadership Team. That feedback was very positive about the Borough, its communities and businesses, and the Authority. The Peer Team also made some helpful recommendations for the Authority's future planning. The feedback session was followed up with a written report which is included at Appendix 1.

Part of the Peer Challenge process is the publication of the report and the consideration of any suggested actions. This report therefore asks Cabinet to note the Peer Challenge Feedback report and to agree the Action Plan at Appendix 2.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Note the Peer Challenge feedback report at Appendix 1
- (2) Agree the action plan at Appendix 2

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 23rd August 2019.

1.4 Council Plan and Policy Framework

This report is directly concerned with the delivery of the entire Our North Tyneside Plan.

1.5 Information:

1.5.1 Background

Peer Challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the Authority's requirements and the focus of the peer challenge. Peers were selected based on their relevant experience and expertise. The peers who delivered the peer challenge for North Tyneside Council were

- Jim Taylor (Chief Executive, Salford City Council)
- Mayor Ros Jones (Elected Mayor & Leader, Doncaster Metropolitan Borough Council)
- Amy Harhoff (Director of Regeneration and Growth, Sandwell Metropolitan Borough Council)
- John Donnellon (Chief Executive, Blackpool Coastal Housing, Blackpool Council)
- Katharine Eberhart (Director of Finance, Performance and Procurement, West Sussex County Council)
- Satvinder Rana (Programme Manager, Local Government Association)

In advance of the site visit the Peer Team were sent a standard set of documents relating to the Authority's planning and financial management. In addition, they received a short statement which provided an overview of the place and the organisation. The site visit comprised of a range of meetings, focus groups and one to one discussions with a cross section of members, officers and partners.

From a combination of the background material and those discussions the Peer Team sought to answer five questions which are a core component of all Peer Challenges

- Understanding of the local place and priority setting
- Leadership of place
- Organisational leadership and governance
- Financial planning and viability; and
- Capacity to deliver.

1.5.2 Summary

In answering the questions the Peer Team were very positive about the Borough, the organisation and its partners. They saw North Tyneside as an attractive and vibrant place with members, staff, partners and residents all passionate about the Borough.

They felt the Authority was effective, well led and well managed providing good quality services and with a very positive culture. They identified successful regeneration across the Borough recognised by partners and residents.

Their recommendations focussed on four important areas; how the organisation tells its story, explains its plans and aligns its enabling services against those plans; ensuring regeneration work is inclusive; making sure a four-year medium term financial plan is in place to deliver the priorities of the Mayor and Cabinet and maximising participation and influence in the North of Tyne Combined Authority.

1.5.3 Next steps

The recommendations from this challenge are summarised in an action plan at Appendix 2. As part of the peer challenge process, the Local Government Association provide further support, advice and guidance. The process also includes a follow up visit which is expected to take place within the next two years. The Authority has already signalled it will take up this offer.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To note the findings of the report and agree the action plan

Option 2

To note the findings of the report and not agree the action plan

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons

- The report is based on material provided by the Authority and extensive discussion with relevant members, officers, partners and residents; and
- The action plan is, in part a response to the Feedback Report but is also aligned to the work set in train by the Elected Mayor and Cabinet as priorities for the new Chief Executive last summer.

1.8 Appendix:

Appendix 1: Corporate Peer Challenge Feedback Report

Appendix 2: Action Plan

1.9 Contact officers:

Paul Hanson, Chief Executive, tel. (0191) 643 7001

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no direct financial implications arising from this report.

2.2 Legal

There are no direct legal implications arising from this report.

2.3 Consultation/community engagement

2.3.1 Internal and External Consultation and Engagement

The Peer Challenge involved extensive engagement during the on-site exercise and is explained in the report.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications arising from this report.

2.6 Risk management

There are no risk management implications arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive ☒
- Mayor/Cabinet Member(s) ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy and Customer Service ☒

Corporate Peer Challenge

North Tyneside Council

18th – 21st June 2019

Feedback Report

1. Executive Summary

The Borough of North Tyneside is an attractive and vibrant place with outstanding natural assets which have been enhanced in recent years by effective Council regeneration interventions. The Council has intervened strategically and tactically to make the most of the natural assets of the local area and this comes across clearly in both the look and feel of the place. The Council's leadership role in place-shaping is based on a deep understanding of the local context and it is evident that Members, staff and strategic partners know the place and its people very well.

Members, staff, partners and residents are all passionate about North Tyneside. There is a high sense of belonging and pride of place and this was evident across the broad spectrum of people the peer team met. They recognised and appreciated the Council's effort in shaping the local area. People could see both the physical transformation of the area and the benefits of the impact the Council's interventions are having on their quality of life.

The Council itself is effective, well led and well managed, providing quality services for residents which has produced high satisfaction levels among service users. The organisational environment and culture within the Council is very positive and energetic. Nevertheless, the organisation is changing, and it is paramount that this culture is captured in a set of distinct values and behaviours so that it is not lost. This means teasing out some key words and phrases that define what North Tyneside Council is all about, what it is trying to achieve and what it will prioritise.

The Elected Mayor and Chief Executive are highly regarded both inside the Council and among partners. The Elected Mayor has a particularly strong connection with residents and is highly respected. She is viewed by residents as approachable and committed to improving the lives of local people. The Chief Executive is seen by people as someone who gets things done and also Council partners valued the very good one to one working relationship they have with him. There are very good and trusting relationships between Members and officers.

To date the Council has effectively managed services and resources to a high level but will now need a new focus on strategy going forward so that it can sustain the quality of performance in challenging times. The message of 'We Listen, We Care' is landing very well with stakeholders. Nevertheless, there is now a need to translate this commitment into tangible plans for Members, staff and external partners which describe 'what' the message looks like in practice and 'how' they can embed it in their work and through their behaviours and actions.

The Council has previously undertaken organisational restructures, in some cases without reforming the services, which is now leading to pressure on staff. Reduction in staffing levels has not necessarily led to a corresponding reduction in service provision or indeed service redesign and this has led to increased workload for staff. Beyond efficiency improvements that can be accommodated, there is a need for the Council to

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Chief Executive: Mark Lloyd

Local Government Association company number 11177145 Improvement and Development Agency for Local Government company number 03675577

further embrace public service reform and to enhance the use of digital technology for both residents and staff.

The peer team is encouraged by the recognition and collective ownership within the Council of the need to match resource to ambition, but the Council must secure a much better alignment of its financial resources to its ambition and priorities for the next 3-4 years in order to deliver in challenging times. This should ensure that everybody understands the ambition and challenges ahead and this should now happen as a matter of priority.

Overall regeneration of North Tyneside has been successful, with projects such as The Spanish City and Whitley Bay and wider regeneration on the sea frontage, which has repositioned the area. There is now an opportunity for step-change in tackling the impact of pockets of deprivation across the Borough through an inclusive economic strategy. The Council recognises that there are approximately a quarter of residents whose life chances may be impacted by deprivation, and this will require special attention. An inclusive economic strategy can concentrate minds and help everybody to better understand what the Council and its partners are trying to achieve and how each can contribute. An economic strategy will also enable the Council to demonstrate how regeneration and investments translate into lives in local communities, enabling more residents to benefit from regeneration and investment. An economic strategy for the Borough should capture not only the future investment and regeneration proposals, but also provide a comprehensive approach including skills, social value, sectoral strengths and well-being, linking a local proposal into a broader regional agenda through the North Tyne Combined Authority.

The Council is a key player in the emerging North of Tyne Combined Authority. As the North of Tyne Combined Authority develops, the demands on Members and the Council's senior staff will become more intensive. This will require the Council to extend its strategic capacity to manage the demands so that it is able to lead and help influence the sub-regional agenda and thereby capitalise on future emerging growth and funding opportunities.

The Peer Team engaged across the organisation and a common theme from both Members, council staff and residents was a clear need for the Council to develop the ability and capability of digital transformation and Information Communication Technology (ICT) to support the changes the Council needs to make. This is something the Council will need to address with its external providers in the short term if it is going to maintain the current level of services in an environment of reducing resources.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. The following are the peer team's key recommendations to the Council:

1. ***Crystalise the 'We Listen, We Care' principle and narrative into a coherent strategy and implementation plan and develop Council-wide strategic capacity to support this objective.*** This will help to translate this commitment into tangible plans for Members, staff and external partners which describe 'what' the message looks like in practice and 'how' they can embed it in their work and through their behaviours and actions.
2. ***From the existing positive culture, articulate and communicate clear key values for the organisation.*** This means teasing out the different key words and phrases and consolidating this into one clear set of values that articulate and define what North Tyneside Council is all about, what it is trying to achieve.
3. ***Realign the corporate enablers to better develop and deliver service reform with a particular focus on digital enablement.*** This means strengthening the strategic functions by having a stronger centralised intelligent client function, working with service area teams to get the best out of outsourced contracts. This will help to ensure that the outputs are aligned to the Council's ambitions and will support service reform, particularly in the progressive use of modern technologies.
4. ***Develop an inclusive economic strategy for North Tyneside having regard for commercial opportunity, sectorial strengths, skills provision and social inclusion.*** An inclusive economic strategy co-developed with communities and businesses would help in targeting growth opportunities to specific sectors, both locally and as part of the North of Tyne Combined Authority strategy. It would enable the development of skills around those sectors so that local people can benefit from the investment that may flow into the area.
5. ***Through a whole council approach, deliver a four-year medium-term financial plan to meet the challenge which will enable the Council to deliver its priorities.*** This will enable the Council to take a long-term view of its financial capacity by breaking the budget down and aligning expenditure against priorities to help the Council in delivering its ambition for people, place and the economy.
6. ***Maximise North Tyneside's influence and participation in the new North of Tyne Combined Authority with particular emphasis on joint development of priorities.*** This will enable the Council to jointly work on key agendas such as skills development, inward investment, tourism and in addressing deprivation through inclusive economic development.

3. Summary of the Peer Challenge approach

The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the Council's requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with you. The peers who delivered the peer challenge at North Tyneside Council were:

- **Jim Taylor** (Chief Executive, Salford City Council)
- **Mayor Ros Jones** (Elected Mayor & Leader, Doncaster Metropolitan Borough Council)
- **Amy Harhoff** (Director of Regeneration and Growth, Sandwell Metropolitan Borough Council)
- **John Donnellon** (Chief Executive, Blackpool Coastal Housing, Blackpool Council)
- **Katharine Eberhart** (Director of Finance, Performance and Procurement, West Sussex County Council)
- **Satvinder Rana** (Programme Manager, Local Government Association)

Scope and focus

The peer team considered the following five questions which form the core components that all Corporate Peer Challenges cover. These are the areas the peer challenge process believe are critical to councils' performance and improvement:

1. *Understanding of the local place and priority setting:* Does the Council understand its local context and place and use that to inform a clear vision and set of priorities?
2. *Leadership of Place:* Does the Council provide effective leadership of place through its elected members, officers and constructive relationships and partnerships with external stakeholders?
3. *Organisational leadership and governance:* Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. *Financial planning and viability:* Does the Council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?

5. *Capacity to deliver*: Is organisational capacity aligned with priorities and does the Council influence, enable and leverage external capacity to focus on agreed outcomes?

The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 4 days onsite at North Tyneside Council, during which they:

- Spoke to more than 80 people including a range of Council staff together with councillors and external partners and stakeholders.
- Gathered information and views from more than 32 meetings, visits to key sites in the area and additional research and reading.
- Collectively spent more than 280 hours to determine their findings – the equivalent of one person spending more than 7 weeks in North Tyneside Council.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (18th – 21st June 2019). In presenting feedback to the Council, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. The peer team appreciate that some of the feedback may be about things the Council is already addressing and progressing.

4. Feedback

4.1 Understanding of the local place and priority setting

There is an overwhelming understanding of the local context and place at all levels in North Tyneside. Everyone knows the Borough well and this is evident through all the documents the peer team read and the conversations they had with Members, staff, partners and residents. Members and staff are committed to the

locality and have a strong sense of local identity and civic pride, over 70% of the workforce of the council live in the Borough. The Elected Mayor's role and high profile in communities has been fundamental to the Council's understanding of the local place and priority setting. She is engaged with the local population and is seen as approachable and wedded to improving the quality of their lives.

As a result of this accumulated knowledge the Council has been able to deliver differentiated services and projects to residents and areas according to need. In North Tyneside it has not been a case of 'one size fits all' or 'universal services to all' but targeted services to meet the specific needs of each section of the local population. This has produced very good overall satisfaction levels among residents and strategic partners/stakeholders with the quality services they receive and the quality of the local environment. This is evident in the resident surveys and was verified through the conversations the peer team had directly with residents, strategic partners and other stakeholders. All acknowledged and appreciated the Council's role in doing its utmost for the Borough and its people.

The recent message of 'We Listen, We Care' is well articulated by the Elected Mayor and Chief Executive and is landing very well with stakeholders and staff. There is growing understanding in the organisation about the message and its importance. Nevertheless, there is now a need to translate this commitment into tangible plans for Members, staff and external partners which describe 'what' the message looks like in practice and 'how' they can embed it in their work and through their behaviours and actions.

Associated to this is the need to develop an overarching long-term strategy (and associated strategic priorities) for North Tyneside. This would help the Council to sustain the quality of performance in challenging times. Currently there are several documents and plans that set priorities such as the local plan and these need to be brought together into a coherent overarching long-term strategy that includes place, people and the economy. Having clear priorities will also help to align resources more effectively and performance manage their delivery so that the right outcomes are achieved in the right place at the right time and using the appropriate level of resource.

There are strong relationships with partners and external organisations. The Council leads the North Tyneside Strategic Partnership and takes an active role in the wider regional groups including the North Eastern Local Enterprise Partnership, the Association of North East Council and other professional networks. It is also a key player in the North of Tyne Combined Authority with senior staff spending a large portion of their time supporting the North of Tyne Combined Authority. However, as the North of Tyne Combined Authority develops, the demands on Members and the Council's senior staff will become more intensive. This will require the Council to extend its strategic capacity to manage the demands so that it is able to lead and help influence the sub-regional agenda and thereby capitalise on future emerging growth and funding opportunities. This position of strength through existing engagement should

support North Tyneside in developing the strategy so that stakeholders buy into the priorities.

4.2 Leadership of Place

North Tyneside is an ambitious Council and is absolutely focused on its place, its people and on its economy.

There is effective leadership of 'place' delivered through regeneration projects in North Tyneside. The Spanish City and Whitley Bay, Richardson Dees Park in Wallsend, Cullercoats, Tynemouth, North Shields Town Centre, North Shields Fish Quay, and other such projects are great examples of the impact regeneration projects are having in North Tyneside. The Council's plans to deliver 5,000 homes together with associated community infrastructure facilities at Murton Gap and Killingworth Moor, and its plans to develop North Tyneside as an attractive visitor destination demonstrates active and effective leadership of 'place'.

There is effective leadership of 'people' delivered through good quality services to meet the specific needs of each section of the local population. The Council's strong performance in providing services for children and adults resulting in high education standards, high satisfaction levels among residents and strategic partners with the quality of other frontline services. This is further exemplified by the way the Council interfaces with health partners to get to the unusual situation of no Delayed Transfers of Care (DTOCs) which demonstrates the role the Council plays in providing leadership of 'people'.

There is also effective leadership of the 'economy' delivered through several large-scale economic growth projects such as Cobalt and Quorum Business Parks and plans for Swans Centre for Innovation and the Indigo Park to develop the economy and to deliver good quality employment. The Borough's growth potential has not yet been fully reached and there are numerous opportunities to increase the North Tyneside "pound" by exploiting its assets further and developing policies to ensure the outcomes are inclusive for all communities, particularly those highlighted as most deprived.

There is a well-defined tourism, cultural and heritage offer delivered, for example, through the Mouth of the Tyne festival, the ruins of the Benedictine Priory, the Blue Flag beaches, and the plans the Council has for the development of the Segedunum Museum at the end of Hadrian's Wall are all regionally significant. To ensure these opportunities are fully maximised there is potential to exploit them nationally through a clear destination marketing strategy and build on the 5.8 million visitors to North Tyneside. Again, using the North of Tyne Combined Authority it may be possible to deliver more value through a regional approach.

Whilst previous regeneration projects are to be commended there is now a need to develop an inclusive economic strategy for North Tyneside having regard for commercial opportunity, sectorial strengths, skills provision and social inclusion.

An inclusive economic strategy would help in targeting growth opportunities to specific sectors and developing the skills around those sectors so that local people can benefit from the investments that may flow into the area.

A key objective of an inclusive economic strategy will be to maximise the link between the Borough's quality education and the skills agenda. It is already a core part of the Council's pitch to potential investors and has been instrumental in landing substantial investment jobs within the Borough. Linking educational excellence with high level skills development is an attractive offer to potential investors and will ensure that employment opportunities continue to flow into the Borough.

Aligned to this will be the need to ensure that economic prosperity reaches communities in the Borough where people are more likely to experience the impact of deprivation. This will need major strategic interventions around skills and employment to improve market accessibility and mobility for the local resident working age population i.e. a comprehensive infrastructure of employment support for residents of working age that national employment programmes currently lack.

Articulating this into an inclusive economic strategy which covers regeneration, inward investments, supply chains, procurement, jobs and employment, social inclusion, tackling deprivation, skills and education, would be of great benefit. It will also be important to consider carefully how the Council uses its own local assets and land as part of this strategy.

4.3 Organisational leadership and governance

There is stable and effective political and managerial leadership in North Tyneside Council with very good relationships between Members and officers. There is trust and respect at all levels and the Council has been very effective in combining the collective knowledge and skills of both Members and officers to deliver good quality services to residents.

There is high regard for the Elected Mayor and Chief Executive both inside the Council and among partners. The Elected Mayor has a particularly strong connection with residents and is highly visible. She is viewed by residents as approachable and committed to improving the lives of local people. The Chief Executive is well regarded and visible to the workforce and is seen by people as someone who gets things done; partners valued the very good one to one working relationship they have with him.

There are positive, respectful and trusting relationships between Members and officers; Members feel supported in their political leadership roles and there is high regard and respect for lead Members. People saw the senior leadership team as adaptable and collaborative with high-order skills and excellent networking with external partners that allows them to "punch above their weight". Staff across the

Council feel empowered and supported to work on solutions and across departmental lines.

There are also strong and effective governance arrangements in place together with decision-making and scrutiny that responds to key challenges and meets current requirements. The Council can respond to issues and challenges very well and this is a major contributing factor to its success. Appropriate strategic and operational risk management arrangements are all in place. The peer team would encourage the Council to keep these under review so that as it accelerates its investments in some of its strategic assets, it is able to do so with the full understanding of risk and with appropriate safeguards in place.

Whilst the Council can respond to issues and challenges at present, there is a risk that as time and resource diminish the Council could be stretched and will need to revisit its meeting structures to make them more agile whilst maintaining effective governance. This is to ensure that people's time is not absorbed by too many meetings and that staffing resources are better used to continue delivering good quality services.

North Tyneside Council has an extremely positive organisational culture, and this runs right through the Council from the Elected Mayor to frontline staff. However, the organisation is changing, and it is paramount that this culture is captured in a set of distinct values and behaviours so that it is not lost. This means teasing out some key words on lanyards and straplines that define what North Tyneside Council is all about, what it is trying to achieve and what it will prioritise. At present there are a blend of several key messages, priorities, actions and objectives which makes it difficult to grasp what the Council is focused on achieving. For example, there is 'our people', 'our place' and 'our economy'; then there is 'we listen, we care'; the initial priorities set for the Chief Executive by the Elected Mayor and Cabinet; and 'creating a brighter future' and 'Target Operating Model' are also still present. All these are important and interlinked but they need crystallising into clear organisational values and behaviours that can help people to better understand the 'hook-lines' and get behind them. As part of this process two-way engagement with Council staff will be important to ensure the messages are co-owned and well communicated.

A number of the Council's core functions have been outsourced to external providers on long term contracts and this has diluted corporate strategic capacity, particularly to plan ahead and drive service reform. It is therefore necessary for the Council to manage these contracts in the medium term to ensure a realignment of core corporate functions to help drive and deliver service reform at the frontline. This means strengthening the strategic functions by having a stronger centralised intelligent client function for outsourced contracts and more engagement with providers so that the Council can move from being a 'thin client' to a 'thick client'. This will provide capacity to get the best out of outsourced contracts so that they are aligned to the Council's ambitions and support service delivery.

4.4 Financial planning and viability

North Tyneside Council has good financial management in place. It should be commended for maintaining financial stability since 2010 with a reduction of over 50% of revenue government funding, and yet during this period excellent front-line services have been maintained and are still highly regarded by residents. The Council is good at tapping into external funding sources, particularly for regeneration projects but current funding does not match ambition.

The Capital programme for 2019/20 has 44% of funding from grants and other external funding contributions. The balance is funded through borrowing as no capital receipts are anticipated. The projects in 2019/20 using borrowing include asset planned maintenance, local transport plan, highways maintenance, ICT, operational depot accommodation review and investment in North Tyneside Trading Company. Across the life of the approved programme, borrowing totals £40.022m. This is a significant sum and it is not clear how the Council manages the priorities between service delivery requiring revenue funding and the revenue costs of its capital ambition. The costs of borrowing are a significant pressure on the Council's revenue funding.

Financial systems and processes in the Council generally operate efficiently and are well managed. There is an organisation-wide understanding of the current tight financial position. However, whilst there is recognition of the financial challenges the peer team did not see sufficiently developed solutions to deal with the pressures. The budget for 2019/20 is balanced without the use of reserves and the Medium-Term Financial Strategy (MTFS) has been prepared on the assumption that there will be no use of reserves. The MTFS has a budget gap that rises to £27.2m by 2022/23 with limited information on how the Council plans to bridge the gap. Last year only 67% of savings were delivered and there is a programme of ongoing savings. This programme should be backed up with visible delivery plans to support the efficiency statement and regularly reported to the appropriate performance board and Members. The senior management team should ensure that this is the focus of their next set of deliberations. There is an opportunity to ensure that Council teams are full engaged in the development and ownership of the savings plan.

The Council has a medium-term financial strategy but is not clear how that has been informed by the Council's priorities. The peer team therefore strongly recommends that the Council should deliver a four-year financial strategy, through a whole Council approach, to meet its financial challenges and deliver its priorities. This will not be easy as currently around 47% of the Council's revenue budget is spent on services to support people (i.e. social care for children and adults), a further 16% is tied up in major contracts, around 15% is needed to finance borrowing (projected to rise to 18%), which leaves around 22% (reducing to 19%) over which the Council has direct control. Therefore, prioritisation will become important as the Council breaks the budget down and aligns expenditure against

those things that are going to enable it to deliver its ambitions for people, place and the economy.

4.5 Capacity to deliver

Organisational capacity in the Council has so far been fit for purpose and has enabled quality services and projects to be delivered. But going forward the Council does not currently have enough focus on strategic long-term planning to deliver the next phase of its journey.

At present senior Members and officers are very much focused on the 'here and now' and their time is preoccupied in delivering outstanding operational activity, which is to be applauded. Since the Council has the mechanisms in place for this to continue in the short term, now may be the time to shift the focus slightly. The peer team would encourage senior Members and officers to create personal capacity to enable them to take a more long-term view of their people, places and economy. This means occasionally pausing and taking stock of what the road ahead looks like so that they can position themselves and their resources to grasp any emerging opportunities and deal with the challenges. In addition, the peer team would also encourage the Council to reflect on their senior officer job titles to see if they are appropriate enough to represent and profile the Council's status externally.

The Council's operational delivery of services is changing but without an overarching and coordinated programme of service reform. There is therefore a need for the Council to develop and deliver a programme that seeks creative ways of doing things differently, more efficiently and effectively. Service reform is not necessarily about restructuring but focuses on the maximum use of modern information and communication technologies to not just communicate with people but to also deliver key services, promote collaboration with partners, manage demand, and get people to do more for themselves. The other element to consider is for the Council to have an in-house strategic lead for ICT and digital strategy so that the agenda to enable citizens to access more Council services online and for staff to be more connected can be delivered.

Externally, the additional demands in the emerging North of Tyne Combined Authority landscape will require the Council to input and position itself more strategically, through the governance and sponsorship of programmes to influence and maximise future external funding opportunities. This requires the Council to explore ways to resource and coordinate this. Currently input to the North of Tyne Combined Authority is achieved by devoting a portion of senior officer time, which is in addition to their substantive jobs. This will need to be addressed so that there is dedicated capacity to enable the Council to play a full part in the North of Tyne Combined Authority landscape. This will ensure that the work of the Council and the North of Tyne Combined Authority is given equal importance and is seen as seamless and not an addition to the day job.

5. Next steps

Immediate next steps

The peer team appreciate that the senior managerial and political leadership will want to reflect on these findings and suggestions to determine how the organisation wishes to take things forward.

As part of the peer challenge process, there is an offer of further activity to support this. The LGA is well placed to provide additional support, advice and guidance on a number of the areas for development and improvement and it would be happy to discuss this. Mark Edgell, Principal Adviser is the main contact between North Tyneside Council and the Local Government Association (LGA). His contact details are: Tel: 07747 636 910 and email: mark.edgell@local.gov.uk


In the meantime, peer team is keen to continue the relationship it has formed with the Council throughout the peer challenge. It will endeavour to provide signposting to examples of practice and further information and guidance about the issues it has raised in this report to help inform ongoing consideration.

Follow up visit

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of the visit is to help the Council assess the impact of the peer challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the original peer team. The timing of the visit is determined by the Council. The LGA's expectation is that it will occur within the next 2 years.

Next Corporate Peer Challenge

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge or Finance Peer Review every 4 to 5 years. It is therefore anticipated that the Council will commission their next Peer Challenge before 2024.



Satvinder Rana
Programme Manager

(On behalf of the peer challenge team)

Examples of good practice

The following is an example of good practice that the peer team identified during the peer challenge at North Tyneside Council which might be suitable for LGA case studies and sharing across the sector.

Business Factory

Launched 2012, the North Tyneside Council Business Factory addresses the historic low levels of self-employed residents within the area. The project provides bespoke advice, mentoring and workshops for start-up businesses. It also helps to develop innovative approaches, such as a Business Start App, which has made it quicker and easier for entrepreneurs to access support and information.

In addition to working with start-ups, the project also supports SMEs with high growth potential through its Aspire Programme by linking scale-up companies with successful business leaders based in the region to share best practice.

The Business Factory provides support to anyone in North Tyneside. It helps people through the following services:

- Starting your own business
- Growing your business
- Developing or growing a social enterprise
- Developing an innovative idea

Professional businesses advisers and development officers will work with local businesses no matter what stage they are at.

All of the support is free and people can access daily workshops, training courses, one to one advisor time and up to £1,000 worth of specialist consultancy.

The Business Factory has been hugely successful, supporting over 5,000 potential entrepreneurs in the community and increasing the number of self-employed residents by over 70 per cent in the last five years.

Further information at: <https://businessfactorynt.co.uk/>

Key recommendations coming out of Corporate Peer Challenge – Action Plan

	Recommendation	Action Taken	Due Date and Status
Page 39	1. Crystallise the ‘We Listen, We Care’ principle and narrative into a coherent strategy and implementation plan and develop Council-wide strategic capacity to support this objective. This will help to translate this commitment into tangible plans for Members, staff and external partners which describe ‘what’ the message looks like in practice and ‘how’ they can embed it in their work and through their behaviours and actions	1. The priorities agreed with the Elected Mayor and Cabinet were tested in team briefings across the organisation between September 2018 and April 2019. 2. The approach to an organisation-wide Customer Service Programme was agreed by Cabinet in May 2019. 3. The detail of the Customer Service Programme is being led by the Senior Leadership Team and will be overseen by a Steering Group including the relevant Cabinet Members. 4. The narrative and implementation plan are being worked up as a single story to be used from October-November 2019, including a single description that explains what the Elected Mayor and Cabinet plan for the Borough and the plan for the organisation to support that work.	Complete Complete Complete – Steering Group in place Due November 2019
	2. From the existing positive culture, articulate and communicate clear key values for the organisation. This means teasing out the different key words and phrases and consolidating this into one clear set of values that articulate and define what North Tyneside Council is all about, what it is trying to achieve.	1. The priorities agreed with the Elected Mayor and Cabinet were tested in team briefings across the organisation between September 2018 and April 2019. 2. Language to articulate a set of values was tested with a range of colleagues in the same period. 3. A set of values will be used within the organisation from October-November 2019 We Listen We Care We are Ambitious; and We are Good Value for Money.	Complete Complete Due November 2019

3.	<p>Realign the corporate enablers to better develop and deliver service reform with a particular focus on digital enablement. This means strengthening the strategic functions by having a stronger centralised intelligent client function, working with service area teams to get the best out of outsourced contracts. This will help to ensure that the outputs are aligned to the Council's ambitions and will support service reform, particularly in the progressive use of modern technologies.</p>	<ol style="list-style-type: none"> 1. Cabinet agreed a revised senior structure at its meeting in October 2018. Work to develop corporate leadership followed on from that. At paragraph 4.5 the Peer Team make specific reference to job titles and the external profile of the Council. As part of the Action Plan, if agreed by Cabinet, the Chief Executive, in consultation with the Elected Mayor and Deputy Mayor as Cabinet Member for HR, will make any appropriate adjustments. 2. Detailed discussions have been held with the senior director responsible for the Engie contract to agree an approach to strengthening these functions. 3. The narrative and implementation plan described at Recommendation 1 will include workstreams on: Our Team; Our Resources; and Our Technology. 4. Our Team: The following actions are taking place <ol style="list-style-type: none"> a. A single senior manager has been appointed to lead the team. b. A strategic approach to HR is being developed based on some simple priorities: Safe, Paid, Healthy, Happy and Capable. c. The Senior Leadership Team have agreed an overall approach to leadership and the outcomes required of this corporate function. d. Partnerships are being developed with Northumbria Health Care NHS Foundation Trust and University of Newcastle upon Tyne Business School. e. The "client" and "engie" HR teams will be co-located from autumn 2019. f. A workforce plan and organisation development plan will be prepared for implementation from spring 2020 and 	<p>Complete</p> <p>Complete</p> <p>Due November 2019</p> <p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Underway</p> <p>Due to begin autumn 2019. Complete spring 2020 Due March 2020</p>
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		<p>be directly linked to the Medium Term Financial Plan.</p> <p>5. Our Resources: The following actions are taking place</p> <ul style="list-style-type: none"> a. Building on changes made last year, the approach to budget setting is being reviewed and adjusted, with discussions taking place with Members to compare the Constitution with other Mayoral Authorities b. Discussions are being held with colleagues across the country to compare notes and assumptions, including work with the appropriate professional bodies, LGA and MHCLG colleagues. c. The Budget Proposals from the Elected Mayor and Cabinet, due to be made in November 2019, will include a four-year Medium Term Financial Plan. d. The Senior Leadership Team have agreed an overall approach to leadership and the outcomes required of this corporate function. e. Building on a joint review of the Finance function the “client” and “engie” teams will be co-located from autumn 2019 <p>6. Our Technology: The following actions are taking place</p> <ul style="list-style-type: none"> a. Governance of all technology work has been designed to report to an ICT Board – chaired by the Chief Executive and including the Cabinet Member, Senior Leadership Team representatives, senior leadership from engie and a representative from Capita. b. Building on the successful work done with the Investment Programme, a 	<p>Timetable agreed by Cabinet September 2019 Constitutional Changes considered by Task Group for consideration by Council November 2019</p> <p>Due November 2019</p> <p>Due 26th November 2019</p> <p>Complete</p> <p>Due to start autumn 2019. Due to complete spring 2020.</p> <p>Complete</p> <p>Complete</p>
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		<p>Gateway Process has been implemented to ensure clarity of accountability and progress.</p> <ul style="list-style-type: none"> c. A Digital Strategy has been developed focussing on: Data; Customers; Team; and the Borough which will be agreed by Cabinet d. The Senior Leadership Team have agreed an overall approach to leadership and the outcomes required of this corporate function. e. Engie have invested in senior leadership of the function. f. A single view of the technology programme is being developed and will match the period of the Medium Term Financial Plan. g. Discussions are being held with colleagues in local government and the sector to inform the design of a stronger client structure. h. The “client” and “engie” technology teams will be co-located from autumn 2019. 	<p>Due December 2019</p> <p>Complete</p> <p>Complete</p> <p>Considered regularly by ICT Board</p> <p>Due to complete spring 2020</p> <p>Due to start autumn 2019. Due to complete spring 2020.</p>
4.	<p>Develop an inclusive economic strategy for North Tyneside having regard for commercial opportunity, sectorial strengths, skills provision and social inclusion. An inclusive economic strategy co-developed with communities and businesses would help in targeting growth opportunities to specific sectors, both locally and as part of the North of Tyne Combined Authority strategy. It would enable the development of skills around those sectors so that local people can benefit from the investment that may flow into the area.</p>	<ol style="list-style-type: none"> 1. An update to the Ambition for North Tyneside will be considered by Cabinet at its meeting in November. That update will include agreeing the next stages to develop the Authority’s approach on commercial opportunities, sectorial strengths and social inclusion. 2. Work is also planned to update the agreed Employment and Skills Strategy to bring that and the Ambition programme into a single view of an Inclusive Economic Strategy for Cabinet consideration and to align with the work of the North of Tyne Combined Authority. 3. That strategy will be accompanied by an appropriate work programme. 	<p>Due November 2019</p> <p>Due spring 2020</p> <p>Due spring 2020</p>

5.	<p>Through a whole council approach, deliver a four-year medium-term financial plan to meet the challenge which will enable the Council to deliver its priorities. This will enable the Council to take a long-term view of its financial capacity by breaking the budget down and aligning expenditure against priorities to help the Council in delivering its ambition for people, place and the economy.</p>	<ol style="list-style-type: none"> 1. Building on changes made last year, the approach to budget setting is being reviewed and adjusted with discussions taking place with Members to compare the Constitution with other Mayoral Authorities. 2. Discussions are being held with colleagues across the country to compare notes and assumptions, including work with the appropriate professional bodies, LGA and MHCLG colleagues. 3. The Budget Proposals from the Elected Mayor and Cabinet, due to be made in November 2019, will include an updated four-year Medium Term Financial Plan. 	<p>Timetable agreed by Cabinet September 2019 Constitutional Changes considered by Task Group for consideration by Council November 2019 Due November 2019</p> <p>Due November 2019</p>
6.	<p>Maximise North Tyneside's influence and participation in the new North of Tyne Combined Authority with particular emphasis on joint development of priorities. This will enable the Council to jointly work on key agendas such as skills development, inward investment, tourism and in addressing deprivation through inclusive economic development.</p>	<ol style="list-style-type: none"> 1. Having been the Interim Mayor of the Combined Authority and following the Cabinet Members' participation in the Cabinet for the Combined Authority, much of the early work to develop priorities is aligned to the priorities of the Elected Mayor and Cabinet for North Tyneside. 2. The Elected Mayor and Deputy Mayor continue to play a full part in the North of Tyne Combined Authority, with the Elected Mayor leading on Housing and Land and the Deputy Mayor leading on the Investment Fund. 3. The Head of Corporate Strategy has been acting as a Director for the Combined Authority. The Head of Resources is the Interim Section 73 Officer. The Chief Executive is officer lead for business competitiveness and education improvement. 4. The Senior Leadership Team have reviewed engagement with the Combined Authority and the Local Enterprise Partnership to ensure appropriate engagement at the right senior level. 	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>

		<p>5. An internal officer group, chaired by the Chief Executive, works to ensure there is a consistent narrative across North Tyneside's engagement at a regional level.</p>	Complete
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North Tyneside Council Report to Cabinet Date: 14 October 2019

Title: North Tyneside Highway Asset Management Plan Annual Information Report 2019

Portfolio:	Environment and Transport	Cabinet Member:	Councillor Carl Johnson
Report from Service Area:	Environment, Housing and Leisure		
Responsible Officer:	Phil Scott, Head of Environment, Housing and Leisure	Tel: (0191) 643 7295	
Wards affected:	All		

PART 1

1.1 Executive Summary:

North Tyneside Council is responsible for an extensive highway network and feedback from our residents has consistently told us that the maintenance of roads and footpaths is a top priority.

In September 2017, Cabinet adopted an updated Highway Asset Management Plan 2017 - 2032 (HAMP) setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction which included providing a greater emphasis on our footways.

The purpose of this report is to fulfil the commitment within the HAMP to provide Cabinet with an annual information report outlining the highway and infrastructure work undertaken over the last 12 months, future planned work activities, and other items of relevant interest. This is the third annual report presented since adoption of the HAMP.

Over the last 12 months there has been an improvement in the condition of the highway network and a number of positive changes to the Highway Maintenance Service have been made such as improvements to our gully cleansing and flood response regime.

1.2 Recommendation:

It is recommended that Cabinet note the content of the HAMP Annual Information Report 2019, attached as **Appendix 1**.

1.3 Forward Plan:

Twenty-eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 16 August 2019

1.4 Council Plan and Policy Framework

This report is relevant to the following priorities set out in the 'Our North Tyneside' Council Plan 2018-20:

- Provide a clean, green, healthy, attractive, safe and sustainable environment
- Have effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

- 1.5.2 The Authority's Highway Asset Management Plan 2017 to 2032 (HAMP) includes a commitment to provide Cabinet with an annual information report outlining progress and key issues associated with the maintenance of the Authority's public highway network. The report has a particular emphasis around the condition of the network and the resources required to maintain it effectively.
- 1.5.3 The Authority is responsible for an extensive highway network and feedback from our residents has consistently told us that the maintenance of roads and footpaths is a top priority.
- 1.5.4 In September 2017, Cabinet adopted an updated Highway Asset Management Plan 2017 - 2032 (HAMP), setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction which included providing a greater emphasis on our footways.
- 1.5.5 Currently the highway maintenance activities delivered through the HAMP are funded through a number of funding streams. Capital work is funded by the annual Local Transport Plan Maintenance Block and in recent years additional funding has been invested through the Authority's Investment Plan.
- 1.5.6 Cabinet is invited to note the contents of the HAMP Annual Information Report 2019, attached as Appendix 1. The report will be used as the basis for ongoing consideration around the challenges of maintaining the highway network. The report is aimed at supporting those considerations so that any decisions about potential changes in highway maintenance priorities and resources can be made in an informed manner.
- 1.5.7 Following the Cabinet meeting, all ward members will be provided with a personal copy of the HAMP Annual Information Report. The report will also be published on the Authority's website.
- 1.5.8 Key Highlights of the HAMP Annual Information Report 2019

The following key highlights can be drawn from the annual report:

- The highway network is the most valuable asset in the Authority's ownership
- The current total value of highway assets is **£1,832,000,000 (£1.832 billion)**
- The successful implementation of the HAMP policy and investment strategy is demonstrating that the ongoing application of highway asset management principles by the Authority is gradually improving the condition of the road network

- The continued additional capital investment in highway maintenance is gradually improving the overall condition of the network in line with HAMP principles. This fact is illustrated by the positive “Road Condition Indicator” calculation results recorded on page 13 of the Information Report
- The Technical Services Partnership has introduced new technology to measure silt levels in gully pots which will inform a new risk-based approach to gully cleansing. The first cycle of cleansing and data gathering has been completed with data available on over 44,000 road gullies in North Tyneside. A new gully cleansing strategy will be developed on completion of the second cycle of cleansing and data collection. The second cycle is due to be complete in October. The team will involve Elected Members in the development of the new risk-based gully cleansing strategy in order to compare the data with their experience
- The Technical Services Partnership continues to achieve its KPI targets and through its Annual Service Plan is identifying innovative ways of working, service improvements and efficiencies which is evident in the report.
- How the Authority spends its allocated funding needs to be carefully balanced across the highway network
- Continued customer engagement is providing better intelligence on what the public want the Authority to focus highway maintenance efforts on. These include continuing improvements of residential and strategic roads and footways and improving the gully cleaning service
- Following the publication of the revised national code of practice, Well-managed Highway Infrastructure, the Technical Services Partnership has implemented a new risk-based Highway Inspection Policy. This was approved by Cabinet in October 2018 and has now become embedded in operational procedures
- The Authority has delivered all programmed highway asset improvement schemes to date.

1.6 Decision options:

As this report is for Cabinet’s information there are no decisions options.

1.7 Reasons for recommended option:

No alternative options have been outlined as no further direct decisions by Cabinet are sought in relation to the HAMP Annual Information Report 2019.

1.8 Appendices:

Appendix 1: Highway Asset Management Plan 2017 to 2032 Annual Information Report, October 2019

1.9 Contact officers:

Mark Newlands, Highways and Infrastructure Manager, tel. (0191) 643 6129
Andrew Mollon, Associate, Capita tel. 07711780083
Colin MacDonald, Senior Manager, Technical and Regulatory Services, tel. (0191) 643 6620

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [North Tyneside Highway Asset Management Plan 2017 - 2032](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no immediate financial and resource implications directly arising from this report. However, there are a number of issues contained in the HAMP Annual Information Report which do themselves have long term financial implications for the Authority if they are to be addressed. The report suggests, in the context of difficult financial circumstances and the absence of sufficient funding from central government, that there remains a significant backlog of highway repairs that is likely to increase. It is anticipated that this issue will continue to be discussed and considered further as part of the Financial Planning and Budget process.

2.2 Legal

Under the Highways Act 1980 the Authority has a statutory duty to maintain the adopted highway network. There are no legal implications directly arising from this report.

2.3 Consultation/community engagement

The Annual Information Report (at Section 11) describes the approach to customer engagement. Public engagement activity is conducted in line with Authority's Engagement Strategy and is planned through the Engagement Team.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report.

2.6 Risk management

The risks associated with matters in this report will be managed in accordance with the risk register set out in the Highway Asset Management Plan 2017 to 2032.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report. However, the report informs Cabinet of the condition of the built environment with regard to highway infrastructure.

PART 3 - SIGN OFF

- Chief Executive ☒
- Head of Service ☒
- Mayor/Cabinet Member ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy and Customer Service ☒



North Tyneside Council

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APPENDIX



Highway Asset Management Plan (HAMP) 2017 to 2032 Annual Information Report

October 2019

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1) EXECUTIVE SUMMARY

The Highway Asset Management Plan (HAMP) sets out the Council's strategic approach to highway and infrastructure maintenance. In order to provide regular information about the highway and infrastructure the HAMP contains a commitment to provide an annual information report to Cabinet. The report provides information on work undertaken within the last 12 months (October 2018 to September 2019), future planned activities and other items of general interest.

The report shows that within the last 12 months:

- We have successfully implemented an updated highway inspection policy in line with revised national codes of practice
- The backlog of highway repairs remains under control
- Performance is excellent with KPIs being met
- Highway asset work programmes have been completed successfully
- The Council again achieved Band 3 in the DfT Self-Assessment to ensure that it received its full budget allocation under the Incentive Fund
- Continued our investment in footway improvements across the Borough including an additional £400,000 improvement of council housing footways

We are currently operating within a challenging national financial climate and in recent years the investment in highway infrastructure and its performance has been increasingly under the spotlight. The Council recognises this challenge and as such has committed to significant additional investment in recent years.

Feedback from our customers has shown that the maintenance of footways is of particular importance. The improvement of footways is therefore currently a Mayoral and Cabinet priority and is being supported by additional Council capital investment.

All highway and infrastructure services are delivered by the North Tyneside and Capita Technical Services Partnership.

2) THE IMPORTANCE OF HIGHWAY INFRASTRUCTURE

The national highway network comprises the strategic network of motorways and trunk roads and both major and minor local roads. It totals some 235,000 miles and includes assets such as carriageways, footways, cycle-tracks, structures, highway lighting, street furniture, traffic management systems and similar highway infrastructure.

The local highway network is the responsibility of local highway authorities. Well maintained and accessible highway infrastructure is vital and fundamental to the economic, social and environmental wellbeing of the communities of North Tyneside. The aim to maintain a good highway network is important to delivering the Our North Tyneside Council Plan and the Mayor and Cabinet's commitment to making North Tyneside a great place to live, work and visit.

North Tyneside Council is responsible for maintenance of the following assets:

Asset Item	Quantity (Approx.)	Asset Item	Quantity (approx.)
Carriageway (Km)		Street Lighting (managed separately through PFI)	
Principal Roads	105.18 Km	Lighting Columns	29418
B Roads	37.75 Km	Illuminated Signs	998
C Roads	34.29 Km	High Mast Columns	15
Unclassified Roads	684.73 Km	Pole Mounted Lamps	20
Back Lanes	37.2 Km	Wall Mounted Lamps	40
Total Network Length	899.15 Km	Subway Lights	243
		Belisha Beacons	265
Total Road Gullies (approx.)	44,000	Feeder Pillars	418
Total Footways	1239.01 Km		
Total Dedicated Cycleways	6km		
Total Public Rights of Way	143.74 Km		
Bridges and other Structures (Number)			
Road Bridges	46		
Retaining Walls	73		
Footbridges (inc PROW)	46		
Bridleway Underbridge	1		
Bridleway Overbridge	1		
Culvert	41		
Subway	25		
Tunnel	1		
Underpass	1		
Total	235		

3) CURRENT MAINTENANCE PRIORITIES

3.1 Highway Maintenance

As in recent previous years, in the last 12 months the priority has been to protect and improve, where possible, the strategic road network (main classified roads). These are the roads that carry the vast majority of local and through traffic. Whilst the strategic highway network remains a high priority, additional Council funding has continued to be invested allowing more resources to be allocated to dealing with the condition of residential roads. The improvement of residential roads remains a challenge, but they have benefitted from the additional funding that the Council has provided through the Additional Highway Maintenance capital allocation. Most estate road resurfacing work is now undertaken using this funding stream.

We have also continued to focus on improving the condition of our footways. In accordance with meeting the priority of the Elected Mayor, following feedback from North Tyneside residents, additional monies have continued to be invested by the Authority in footways. A programme of improvement works has been implemented focusing on areas such as town centres, key urban routes and residential areas. Often, older flagged constructed footways, which are susceptible to damage, are replaced with lower maintenance bituminous construction. In other areas we have undertaken large scale high quality flagstone replacement schemes. Examples include Northumberland Square in North Shields and Wallsend Town Centre. This programme of footway improvement work will be continued into the 2020/21 financial year.

3.2 Bridges and Infrastructure

This area of work is undertaken mainly using LTP funding. Maintenance priorities for major work for the next 6 years are set out in the HAMP and its supporting framework documents including Highway Structures – Risk-Based Principal Inspections. At present the work can be accommodated provided future LTP allocations remain relatively constant.

Day to day reactive repairs are undertaken using a revenue budget which is managed by Capita. The current programme is focussed and prioritised on locations and schemes which have been identified as requiring maintenance work or have been identified as requiring work in the next 12 – 18 months following statutory general and principal condition inspections of the Authority's bridges and other infrastructure assets. These inspections are critical in ensuring that the Council's bridge stock remains in a safe and usable condition.

4) SUMMARY OF WORK UNDERTAKEN DURING THE LAST 12 MONTHS

During the last quarter of the 2018/19 financial year, the highway maintenance schemes for the current 2019/20 financial year were finalised in accordance with our works prioritisation procedures and in consultation with the lead Cabinet Member and the Investment Programme Board. The following is a summary of the work that has been done to date and what will be achieved by the end of the current financial year.

4.1 Carriageway Improvement Works

In order to achieve better value for money we have continued to use alternative construction products including micro-asphalt surfacing treatments on the highway network. By the end of this financial year we will have completed the following works:

Road Repair Work Undertaken in North Tyneside in 2019/20 (and comparison of previous years)

Treatment Type	Area Covered in 16/17	Area Covered in 17/18	Area Covered in 18/19	Area Covered in 19/20
Micro Asphalt	119,951m ² (9.23 miles)	69,422m ² (5.34 miles)	19,813m ² (1.65 miles)	46,425m ² (4.39 miles)
Full Resurfacing	62,759m ² (4.83 miles)	87,124m ² (6.70 miles)	84,690m ² (6.51 miles)	94,320m ² (7.94 miles)
Patching Sites	123 No.	60 No.	46 no.	52 no.
Footway Improvement Schemes	90 No.	112 No.	47 No.*	38 No.*

* It can be seen that for the 2019/20 financial year, although investment has increased, there is a reduction in the number of footway schemes. This is attributed to the fact that in previous years we have carried out footway schemes which have been in localised areas within streets resulting in a relatively high number of schemes. In 2019/20, schemes have incorporated full streets rather than localised areas. This has resulted in higher quality and more noticeable improvements and maintains our commitment of increased investment in footway improvements.

Structural resurfacing is carried out when the road surface or its underlying layers have deteriorated to the point that they need to be replaced. The damaged layers are removed and new material is laid. Micro-asphalt, which is a cold-applied treatment which seals the road surface to prevent the intrusion of water, a major cause of deterioration. The following micro asphalt resurfacing works have been completed within the current financial year, all in accordance with the agreed programme:

Alder Road, Battle Hill	Goldstone Court, Killingworth
Abercorn Place, Battle Hill	Chesters Avenue, Longbenton
Andover Place, Battle Hill	Wheatfield Grove, Longbenton
Ashburn Road, Battle Hill	Glenfield Road, Longbenton
Arrow Close, Camperdown	Main Crescent, Northumberland
Samson Close, Camperdown	Springfield Gardens, Northumberland
Polden Crescent, Collingwood	Shrewsbury Drive, Valley
Kilsyth Avenue, Collingwood	Telford Close, Valley
Longstone Court, Killingworth	Stretton Way, Valley
Knivestone Court, Killingworth	Sharnford Close, Valley
Amberley Chase, Killingworth	Sandon Close, Valley
Garth Twenty One, Killingworth	Bywell Grove, Valley
Crumstone Court, Killingworth	Milfield Avenue, Valley
Megstone Court, Killingworth	

By the end of the financial year the following structural resurfacing works (full renewal of the road surface) will also have been completed:

Battle Hill Drive, Battle Hill	Front Street, Preston Village, Preston
Glebe Crescent, Benton	Northumberland Dock Road, Riverside
Glebe Terrace, Benton	Tyne View Terrace, Riverside
Farne Road, Benton	Front Street, Earsdon Village, St Mary's
East Forest Hall Road, Benton	Walwick Road, St Mary's
East Avenue, North Avenue, The Oval, Benton	Haddon Green, St Mary's
Denton Avenue/Stamfordham Avenue, Chirton	Crossway, Tynemouth
Holystone Gardens, Collingwood	Mill Grove, Tynemouth
Whitton Gardens, Collingwood	Station Terrace/Huntingdon Place, Tynemouth
Westmorland Road, Collingwood	Bath Terrace, Tynemouth
Links Road, Cullercoats	Upper Queens Street, Tynemouth
Churchill Street, Howdon	Howard Street, Tynemouth
Willington Square Interchange, Howdon	Grange Avenue, Valley
Shafto Street, Howdon	Earsdon View, Valley
McNamara Road, Howdon	Kings Road South, Wallsend
Howdon Lane, Howdon	Neptune Road/Buddle Street, Wallsend
East Bailey, Killingworth	Praetorian Drive/Neptune Road Lane, Wallsend
The Byways, The Roundways & Elmsford Grove, Longbenton	Benton Way, Wallsend
Cauldwell Close, Monkseaton North	Carville Road, Wallsend
Kenilworth Road, Monkseaton North	Front Street, Seaton Burn, Weetslade
Deneholm, Monkseaton North	The Avenue, Whitley Bay
Langley Avenue, Monkseaton South	Cliftonville Gardens, Whitley Bay
Elmfield Gardens, Monkseaton South	Esplanade, Whitley Bay
Townsville Avenue, Monkseaton South	Norham Road, Whitley Bay
Hampton Drive, Monkseaton South	Hillheads Road/Marden Road, Whitley Bay
West Street, Northumberland	

4.2 Footway Improvement Work

By the end of the current financial year the following footway refurbishment schemes will have been completed, all in accordance with the agreed programme:

FOOTWAY REVENUE BUDGET	
Hartburn Road, Cullercoats	Melbury, St. Marys
Weetslade Road, Weetslade	Simonside Avenue, Howdon
Manor Walk, Benton	Lansdowne Road, Benton
Grange Avenue, Valley	Blyth Road, St. Marys
FOOTWAY IMPROVEMENTS CAPITAL BUDGET	
Station Road/Park Lane, Wallsend	St. Anslem Road, Collingwood
Gilsland Avenue, Howdon	Robinson Gardens, Howdon
Amble Avenue, Whitley Bay	Wallington Avenue, Cullercoats
West Farm Avenue, Longbenton	Fairways Avenue, Benton
West Street, Wallsend	Holderness Road, Wallsend
Dene Crescent, Wallsend	Middle Green, Monkseaton South
Verne Drive, Monkseaton South	Fairfield Green, Monkseaton South
Holystone Gardens, North Shields	Mitford Gardens/Beal Close, Wallsend
High Street East, Wallsend	Sandown Court, Wallsend
Briarwood, Dudley	Headlam View, Wallsend
Percy Court, North Shields	Chirton Hill, North Shields
Windsor Drive, Howdon	St. Marks Court, Percy Main
Barnstable Close, Battle Hill	Belmont Close, Battle Hill
Harewood Court, Whitley Bay	Albert Terrace, Benton
Sheldon Court, Benton	Matfen Gardens, Wallsend
Northumberland Square, North Shields	

4.3 Drainage Works

We have two gully wagons, one 18 tonne and the other 26 tonnes, which operate across the borough carrying out gully maintenance and dealing with reported flooding problems on the highway. We operate our gully services on a system from KaarbonTech called Gully Smart. Gully Smart provides us with a more sophisticated recording system for collecting information on site to inform future programmes of work.

Gully Smart can record the type of asset i.e. gully, linear kerb drainage or manhole, whether it is blocked or broken and most importantly the silt level. The silt level is the key element required to generate an intelligence-led maintenance programme and with this information we are developing a risk-based gully cleaning strategy for the borough. Since we implemented the Gully Smart system approximately 44,000 assets have been cleaned and recorded in its first year of operation. The gully cleaning crews are close to completing the 2nd full borough cleanse of all gullies to determine our future risk-based approach programme to gully cleaning.

Historically, the approach in North Tyneside to repairing and improving highway drainage assets has been cyclic, rather than needs-based. We are redesigning the

service to follow a risk-based approach, in accordance with the new 'Well-Managed Highway Infrastructure: A Code of Practice'. This will ensure better use of resources, a more effective gully cleansing regime and the controlled management of surface water to allow safe passage and promote network resilience.

The following is a summary of the ongoing activities associated with improving the highway drainage service:

- Development of a risk-based strategy for drainage cleansing and maintenance by the end of the 2019/20 year involving Elected Members in its development in order to compare the data with their experience;
- Identification of assets which require more frequent cleansing and assets which require less frequent cleansing;
- Maintenance of the highway drainage asset to a condition in which it remains functional for draining the highway;
- Design, construction and maintenance of highway drainage assets to meet current and future needs in a changing environment while making effective use of limited budgets; and
- Prioritisation of our maintenance activities based on the areas of the network in most need of maintenance in line with available budgets.

In last year's annual report, we reported that the risk-based gully cleaning programme required a further year of work whereby all gullies were to be cleaned again to provide robust data in terms of silt levels within gullies prior to cleaning and information relating to how soon a gully fills with debris. As detailed above, the gully crews have nearly completed the 2nd cycle of planned cleaning of all gullies in North Tyneside and it is anticipated by the 1st April 2020 we should be implementing a priority and risk based approach to gully cleaning in North Tyneside.

In addition to gully cleansing, by the end of the current financial year the following drainage schemes will have been completed, all in accordance with the agreed programme:

- Camera surveys
 - Bradford Avenue, Battle Hill
 - Charles Avenue, Forest Hall
 - Headlam View, Howdon (incl. pipe repair)
 - The Paddock, Killingworth
 - West Bailey, Killingworth
 - High Street West, Wallsend
 - Point Pleasant Terrace, Wallsend
 - Station Road, Wallsend
 - Chicken Road Culvert, Wallsend
 - Birchwood Avenue, Wideopen
- Station Road, Backworth – new manhole cover and frame
- Boldon Close, Battle Hill – new drainage connection
- Briar Edge, Forest Hall – gully pot replacement
- Edwins Avenue, Forest Hall – gully pot replacement

- Northumberland Avenue, Forest Hall – gully pot replacement
- Bede Close, Holystone – new drainage connection
- Malvern Road, North Shields – new field drain
- Park Lane, Shiremoor – new manhole cover and frame
- East Avenue, Whitley Bay – gully pot replacement
- Longridge Drive, Whitley Bay – gully pot replacement
- Westley Avenue, Whitley Bay – installation of linear drainage
- Windsor Gardens West, Whitley Bay – gully pot replacement
- Woodburn Square, Whitley Bay – gully risers
- Central Lower Promenade, Whitley Bay – installation of linear drainage
- Doultong Close, Longbenton – installation of field drain and footway realignment
- Laurel Avenue, Forest Hall – road collapse repair
- Sycamore Street, Wallsend – road collapse repair
- Vine Street, Wallsend – road collapse repair
- Tynemouth Road, North Shields – road collapse repair

4.4 Bridges and Infrastructure

Works Undertaken November 2018 to September 2019

Below is a summary of the bridge/highway structures maintenance inspection works undertaken to date within the 2018/19 year:

- Principal Bridge Inspections – 8 no.
- Principal Retaining Walls and Culverts Inspections – 10 no.
- General Inspections – 34 no.
- Bridge Assessments - 1 no.
- Completion of 6 year bridges plan update

Below is a summary of the structural works progressing or planned for the current 2019/20 year:

- Pier Road Bridge strengthening
- Gibraltar Rock cliff-top repairs
- Borough Road Bridge demolition planning and PROW processing

Below is a summary of further bridge/highway structure maintenance inspection works planned for the current 2019/20 year:

- Principal Bridge Inspections – 6 no.
- Principal Retaining Walls and Culverts Inspections – 11 no.
- General Inspections – 43 no.
- Bridge Assessments – 1 no.

5) INVESTMENT IN THE HIGHWAY ASSET

The following tables provide a summary of the budgets that have been allocated to highway and infrastructure maintenance over the last 5 years.

Highway Maintenance

Budget	Description of Work	2015/16	2016/17	2017/18	2018/19	2019/20
Revenue	Day to day highway repairs (e.g. potholes), patching programme, small planned road and footpath improvement schemes, drainage repairs	£1,049,000	£1,049,000	£1,049,000	£1,049,174	£1,049,174
Local Transport Plan Capital	Annual resurfacing programme, annual surface dressing and micro-asphalting programmes	£996,000	£600,000	£750,000	£678,000	£695,500
Council Capital	Additional Council Capital investment in highway maintenance	£2m	£2m	£2m	£2m	£2m
Other Capital	Drainage Improvements and Asset Management	-	-	-	-	£290,000
Other Capital	Additional DfT budget – National Pothole Fund	-	£138,000	£191,000	£131,000	-
Capital Footway Work	Footway improvement works funded through LTP and additional Council contributions	£255,000	£284,000	£936,000	£808,000	£733,500
Other Capital	Additional DfT funding (£1m) – Annual resurfacing programme and footway improvements	-	-	-	-	£730,000
TOTAL		£4,300,000	£4,071,000	£4,926,000	£4,666,174	£5,498,174

Bridges and Infrastructure Maintenance

Budget	Description of Work	2015/16	2016/17	2017/18	2018/19	2019/20
Revenue	Day to day bridge repairs, emergency work, graffiti bus partnership, minor planned schemes	£67,000	£67,000	£65,000	£65,000	£65,000
Local Transport Plan Capital	Major structural schemes (e.g. bridge replacement / refurbishment)	£900,000	£972,000	£1,389,255	£480,000	£770,000
Other Capital	Additional DfT Funding (£1m)	-	-	-	-	£270,000
Total		£967,000	£1,039,000	£1,454,255	£545,000	£1,105,000

6) PERFORMANCE

As part of the Technical Services Partnership between North Tyneside Council and Capita, a suite of performance indicators is used, monitoring aspects of the Partner's performance in relation to the management and condition of the network. These indicators have been in place since November 2012 and are reviewed on an annual basis. The tables below outline recent data in accordance with the performance indicator methodology.

With reference to the condition of the main classified roads, independent condition surveys are undertaken, and the data is used to calculate a performance indicator figure (Road Condition Indicator (RCI)). The results for recent years are shown in the table below (note: a lower figure is better).

KPI/PI Reference	Performance Indicator	Target	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
ENG 1.4 (RCI)	Percentage of A class roads that should be considered for structural maintenance	5%	3%	3%	3%	2%	2%	2%
ENG 1.5 (RCI)	Percentage of B and C class roads that should be considered for structural maintenance	5%	5%	3%	3%	3%	2%	2%
Not an indicator	Percentage of unclassified (residential) roads that should be considered for structural maintenance	N/A	9%	9%	13%	14%	6%	4%

The above figures illustrate the percentage of structural maintenance required to improve the road network and it is evident the figures demonstrate a continued steady reducing trend. This demonstrates that the implementation and adoption of asset management policies of North Tyneside Council has had a positive impact on the condition of the A, B, C and unclassified road network.

The other performance indicators within the Engineering service relevant to this report are detailed in the next table:

CATEGORY 2 KPI's			
KPI/PI Reference	Performance Indicator	Target	Average performance over the last 12 months. From October 2018 to September 2019
ENG 2.1	Roads and Pavements – Percentage of routine street care safety inspections carried out on time	95%	99.94%
ENG 2.2	Roads and pavements - Percentage of CAT 1 highway defects that were compliant within 24 hours	98%	100%
ENG 2.3	Roads and Pavements - Percentage of CAT 2 highway defects that were made compliant within 10 working days	98%	99.49%
ENG 2.5	Roads and pavements - Quality of maintenance repairs	93%	97.54%

CATEGORY 1 KPI's			
KPI/PI Reference	Performance Indicator	Target	Average performance over the last 12 months. From October 2018 to September 2019
ENG 1.2	Roads and Pavements – Permit scheme compliance of Capita workforce	90%	91.19%
ENG 1.4	Roads and Pavements – Percentage of pothole and footpath enquiries inspected within 3 working days	80%	91.28% (<i>this is based on figures from April to September 2019</i>)

The figures in the above tables demonstrate the Technical Services Partnership is achieving and exceeding, in many instances, its agreed prescribed performance targets with regard to undertaking the Authority's statutory maintenance duties and undertaking repairs in a safe and timely manner, reducing the risk of any harm occurring to users of the highway network.

7) VALUE OF THE HIGHWAY ASSET

Under the Whole of Government Accounting (WGA) procedure, all councils are required to submit an annual detailed valuation of their highways and infrastructure assets. Each year, independent condition surveys of roads, footways and structures are necessary to assess their condition. Depreciated Replacement Cost is used for measurements purposes and are disclosed as a separate class of asset on the Council's Balance Sheet.

The most recent values are as follows:

Asset Type	2016/17 Valuation	2017/18 Valuation	2018/19 Valuation
Roads	£1,023 million	£1,065 million	£1,165 million
Footways and Cycleways	£135 million	£144 million	£206 million
Bridges	£189 million	£195 million	£461 million

The total value of highway assets as calculated in **Sept 2018** equated to **£1,404,000,000.**

As of **September 2019**, the total value of highway assets equates to **£1,832,000,000.**

The large increase in value isn't necessarily due to additional assets coming into being. It is more to do with improvements made over the last 12 months in our inventory data which now takes into account highway widths and not just length as reported previously. The square area of our highway assets has now been accurately surveyed and is higher than previously estimated. This improved inventory data has assisted in providing a more accurate WGA submission.

8) CONDITION OF CARRIAGEWAYS (ROAD SURFACES)

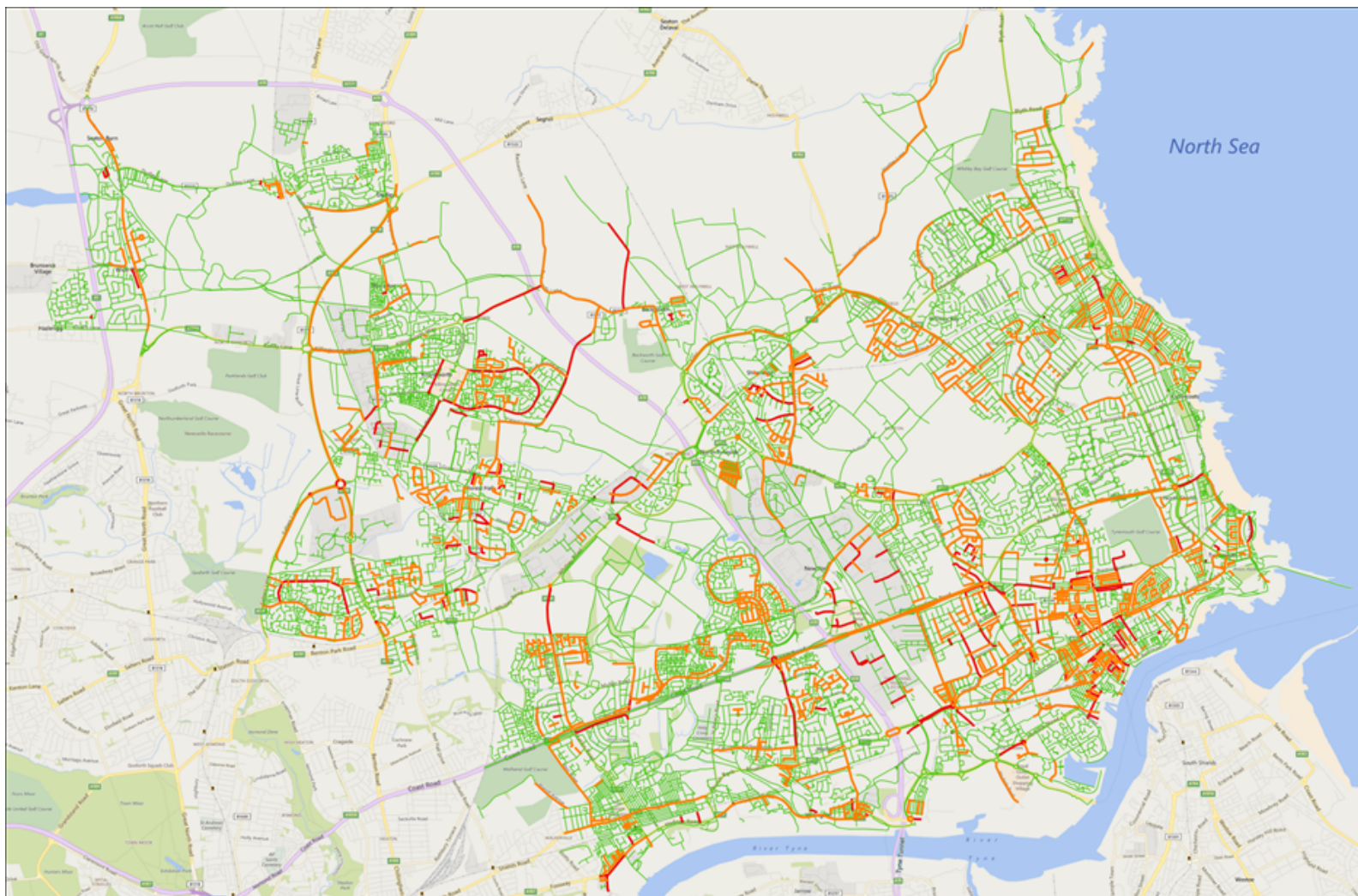
The Council uses a specialist computer system, ExpertAssets, to model the condition of roads under different funding scenarios.

The service standards developed for North Tyneside's roads are 'good', 'early life', 'mid-life' and 'late life'.

- Roads classed as 'good' (colour coded green) are defined as a road which is as new, no defects or cracking identified. These roads do not require structural maintenance and are not defective
- Roads classed as 'early life' (colour coded yellow) are defined as a road which has minor chip loss, fretting, cracking and minor fatting. The road has minor defects
- Roads classed as 'mid-life' (colour coded amber) are defined as a road which has moderate defects such as local settlement, major chip loss and cracking. The road has moderate defects but can be "saved" by preventative maintenance
- Roads classed as 'late-life' (colour coded red) are defined as roads which have severe local settlement, major wheel track cracking, whole carriageway major cracking and whole carriageway major fretting. These roads require full resurfacing and cannot be saved by preventative maintenance treatments

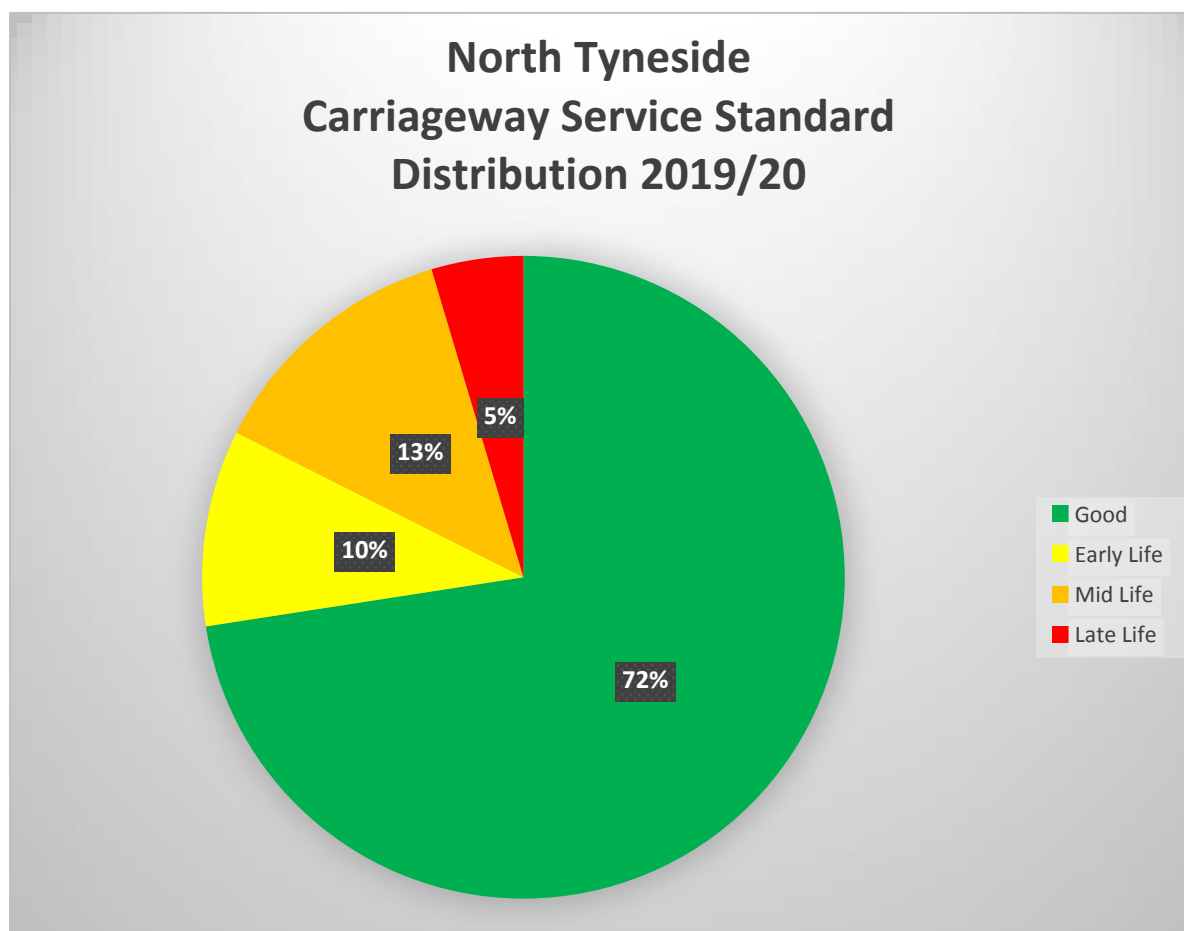
This section of the report demonstrates the positive effect that the continued additional investment in highways has made in recent years.

The following plan illustrates the current condition of the A, B and C classified network. As a result of the continued investment and the application of asset management principles the percentage of red routes has remained steady year on year since the additional investment was introduced. Without this investment, our classified road network would deteriorate much sooner.



Plan showing condition of highway network – September 2019

The pie chart below demonstrates that under current funding arrangements, the quality of the highway asset is very good. This is evidenced by the majority of the roads being in good condition and only a minimal percentage of roads being in late life.



Current Service Standard - Carriageway

The key to continuing the year on year good condition of our highways is to target our early and mid-life roads with preventative treatments to prolong their life. By carrying out preventative cost-effective surface treatments we will halt further deterioration of mid-life roads. As the above chart shows, only 5% of the borough's roads are in a condition where structural resurfacing should be considered. This has remained unchanged since last year which demonstrates that our Highway Asset management Principles are working by using the preventative treatments on mid-life roads and therefore managing to keep a constant level of condition of carriageways with limited budgets.

To ensure we target our early and mid-life roads we gather annual condition survey data, input into ExpertAssets which will identify the roads in early and mid-life state. It is this information which we use to inform our forward works programme for improvement works on the highway

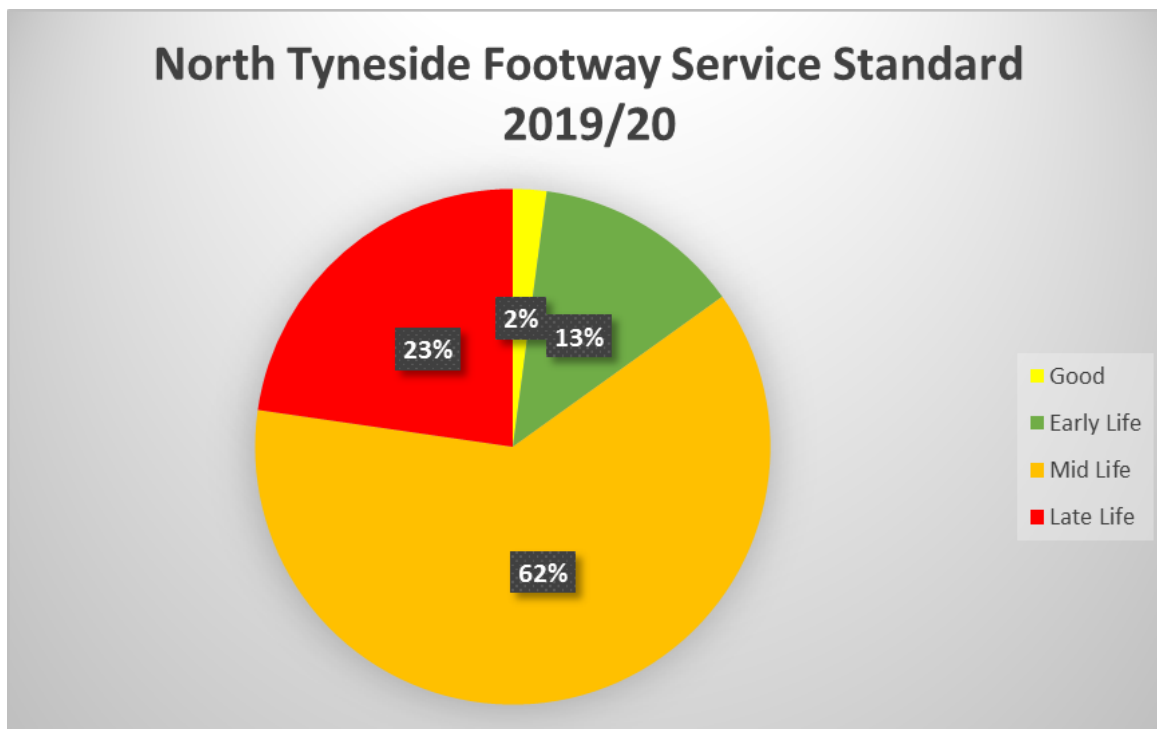
9) CONDITION OF FOOTWAYS

A Footway Network Survey (FNS) has been completed on 100% of the footway network and the condition presented in the pie chart below. As with carriageways the data is held in ExpertAssets and will be used to complete the Whole of Government Accounts (WGA) return and identify future footway schemes in line with the advocated asset management principles. Improvements to footways is a Mayoral priority and is considered accordingly as part of current and future work programmes.

The service standards developed for North Tyneside's footways are 'good', 'early life', 'mid-life' and 'late life'.

- Footways classed as 'good' (green) are defined as new, no defects or cracking identified.
- Footways classed as 'early life' (yellow) are defined as having minor defects with only localised repairs required
- Footways classed as 'mid-life' (amber) are defined as having more serious defects and large areas of repair required
- Footways classed as 'late-life' (red) are defined as having severe defects and are beyond localised repairs

The pie chart below shows the current condition of footways across the Borough.



Footways do not deteriorate at the same rate as roads. This is due to the significantly less weight-bearing traffic movement undertaken on a daily basis. The above pie chart shows that overall 77% of the footways in North Tyneside are in an acceptable condition. As with carriageways, the overall deterioration of footways has remained steady compared to last year further suggesting that our HAMP policies are effective.

10) HIGHWAY MAINTENANCE BACKLOG

The Expert Assets system can also be used to calculate the current backlog of highway repairs i.e. the one-off cost of rectifying all highway defects and bringing the network back to an “all green” condition.

The current carriageway maintenance backlog is calculated to be circa. **£24million**. The methodology used to calculate the backlog is currently being refined due to improvements to the ExpertAssets system. The backlog figure has increased by around £4m compared to 12 months ago due to national changes in the parameters for calculating the backlog. At present it is expected to remain steady provided current levels of funding are maintained. If the Authority was solely reliant on LTP funding, then the backlog would be substantially higher and would rapidly increase from year to year.

Due to improved inventory data we have been able for the first time to accurately calculate the footways maintenance backlog. The figure is currently around **£6million**.

11) CUSTOMER ENGAGEMENT

In recent years, the council’s resident satisfaction surveys have shown that a well-maintained highway network is very important to our residents and customer satisfaction in this area has proved to be a challenge. The Highway Asset Management Plan (HAMP) recognises that improvement to the network will always be constrained by available resources and so there is a need to prioritise.

Since 2016, a customer feedback form has been used by the highways team, which is delivered to areas where road resurfacing works have been carried out. It aims to gain views on how the works were communicated and delivered as well as the quality of the finished scheme. The responses received over the last 12 months have been analysed. The findings show that overall the majority of our residents are very satisfied with the delivery of our works programmes on the highway network. A lessons learned exercise concluded that the service was operating well and no further improvements are planned at this time.

The Authority is a member of the National Highways and Transport Network (NHT), which is a leading performance improvement organisation. We use the NHT to share experiences and best practice with other local authorities. As part of the work of the NHT, it carries out a resident’s survey every 3 years. The next survey falls due in

2020 and allows us to benchmark against similar authorities and gather information on resident's priorities. Our intention is to participate in this survey as part of our overall ongoing customer engagement.

The Authority has an Engagement Strategy. Our public engagement activity will be conducted in line with that Strategy and planned through our Engagement Team which may involve consultation with the Resident's Panel and speaking with residents through other means.

To attain Band 3 DfT self-assessment funding, it is vital that the Council demonstrates an ongoing commitment to customer engagement. In 2019/20 the Highways Team will maintain its commitment to good customer engagement and will include evidence of this as part of the Council's DfT self-assessment which will be submitted in February 2020.

12) FUTURE PLANS AND ISSUES

This section of the report advises of future activities within the Highway Maintenance Service and emerging issues which the Authority needs to be made aware of.

12.1) Response to Customer Feedback – Footway Improvement Works

Over the last 24 months customer engagement activities showed that footway improvement work continues to be a high priority for our Mayor and residents and businesses of North Tyneside. The Council continues to listen to this feedback and the Mayor and Cabinet have responded by investing more funding into improving footways. We understand that there is more to do to meet our resident's expectations and this investment from the Mayor and Cabinet will continue.

12.2) Self-Assessment Questionnaire by the Department for Transport

Several years ago, to encourage local authorities to adopt good asset management practices, DfT introduced changes to the highway maintenance formula funding mechanism. Each highway authority is required to complete a self-assessment questionnaire against a set of criteria aimed at assessing performance in relation to asset management, resilience, customer engagement, benchmarking, efficiency and operational delivery.

The self-assessment bandings are based on the maturity of the authority in key areas, which are described in each question. The principle on which the levels of maturity for each question were determined is described as follows: Band 1 – has a basic understanding of key areas and is in the process of taking it forward; Band 2 – can demonstrate that outputs have been produced that support the implementation of key areas that will lead towards improvements; Band 3 – can demonstrate that outcomes have been achieved in key areas as part of a continuous improvement process. A local authority's Band will be based on their score in the self-assessment questionnaire.

Our most recent self-assessment was submitted on 30th January 2019 and the Council was assessed to be a Band 3 authority. This has resulted in the Council receiving its full allocation of Capital funding for the Highway Maintenance block. The Technical Partnership will not rest upon its success but will continue to maintain and improve our self-assessment answers for the next submission. It is understood that the next self-assessment questionnaire will have differing questions which the Council will have to meet. Currently we are awaiting guidance from DfT on what these questions will be, but the Council is in a sound position to successfully answer any question in terms of highways.

Details of the 'incentive bands' and funding % for future years are shown below: -

Year	Band 1	Band 2	Band 3
2015/16	100%	100%	100%
2016/17	90%	100%	100%
2017/18	60%	90%	100%
2018/19	30%	70%	100%
2019/20	10%	60%	100%
2020/21	0%	30%	100%

The funding allocation for North Tyneside Council is presented in the table below. This information was extracted from the DfT's website.

	Total needs/formula allocation (£) announced in December 2014	Indicative incentive element by "band" of self-assessment ranking (£)		
		Band 3 (highest band = 100% of maximum incentive) ¹	Band 2 (medium band = 100% of maximum incentive) ¹	Band 1 (lowest band = 90% of maximum incentive) ¹
2016-17	2,070,000	125,000	125,000	113,000
2017-18	2,007,000	188,000	169,000	113,000
2018-19	1,817,000	378,000	265,000	114,000
2019-20	1,817,000	378,000	189,000	38,000
2020-21	1,817,000	378,000	114,000	0

To give an indication as to the consequence of not meeting Band 3 the funding implications are highlighted blue in the table below.

	Total needs/formula + band 3 monies	Total needs/formula + band 2 monies	Loss of funding if band 3 is not achieved for NT
2016-17	2,195,000	2,195,000	0
2017-18	2,195,000	2,176,000	19,000
2018-19	2,195,000	2,081,000	114,000
2019-20	2,195,000	2,006,000	189,000
2020-21	2,195,000	1,930,000	265,000

12.3) The Changes to Codes of Practice (CoP) Guidance and Implementation

The revised CoP, Well-managed Highway Infrastructure was released in October 2016 which prompted all authorities responsible for the maintenance of highway infrastructure assets to review their working practices. For all highway authorities there was a 2-year transition period for implementation of the new CoP by October 2018. One of the fundamental changes in the CoP has been the move to adopting a risk-based approach to managing highway infrastructure.

Following a gap analysis which was undertaken by the Council 24 months ago to ascertain what was required to implement the revised CoP in October 2018, the Technical Partnership completed all the work needed to meet the requirements of the risk-based approach in the last financial year with a view to assess the impact in 2019/20. The work undertaken to date is: -

- Updating of the Council's HAMP – completed October 2018
- Updating of the Highways Safety Inspection Policy – completed October 2018
- Update of the Highway Safety Inspection Guidance document for highway maintenance staff – completed October 2018
- Development of a new risk based gully cleaning policy - Due to be in place by April 2020. The team will involve elected members in the development of the new risk-based policy in order to compare the data with their experience.

It is intended to undertake a review of the impact this has had on the service during 2020.

12.3) The Introduction of Gully and Culvert Sensors

In 2019/20, the Technical Services Partnership will be introducing new innovative technology to further improve our gully cleaning service and surface water management service through the introduction of 20 no. sensors around the Borough to

a number of strategically located gullies and culverts. The sensor is installed in gullies and culverts and can remotely:

- monitor water levels
- issue flood alerts and warnings (via email/SMS/voice) at pre-set levels
- send a battery health warning
- issue data to a monitoring portal

The monitoring portal will provide us with live and historic data to see how the levels react to weather events and with a warning alert to ensure we have some warning of a potential flood at the location concerned.

It is anticipated that these sensors will be installed in flooding hotspots before the end of 2019 and the Technical Services Partnership will undertake a 12 month trial and produce a report at the end of the trial to determine the usefulness of these sensors and to determine if it is a viable technology that we should use in our efforts to address the risk of surface water flooding across North Tyneside.

This system will work alongside our GullySmart system which is used within our gully cleaning vehicles as part of our risk-based approach to highway maintenance.

13) OTHER INFORMATION

This section of the report outlines items of general interest in relation to highway maintenance services.

13.1) Action Plan Update in 2019/20

As part of the Technical Services Partnership, Capita are committed to a number of service improvement plans and each has an action plan. Progress is summarised in the following tables.

Priority	Highway Asset Inventory Collection				
ONT Priority:	Our Places	ONT Outcome:	<ul style="list-style-type: none"> • Be great places to live, and attract others to visit or work here • Offer a good choice of quality housing appropriate to need, including affordable homes • Provide a clean, green, healthy, attractive and safe environment • Have an effective transport and physical infrastructure - including our roads, cycleways, pavements, street lighting, drainage and public transport 		
Start Date	April 2019	Completion Date	March 2020	Lead Service Area/Officer:	Andrew Mollon (Asset) / Sam Lacy (Network) / Garry Hoyle (Parking)
What is the priority designed to accomplish?					
<p>This action plan is designed to expand the existing inventory of North Tyneside Council's highway assets which will feed into the development of a capital renewal rolling programme. The work will consist of</p> <ol style="list-style-type: none"> 1) Review of existing inventory data 2) Gap analysis of inventory data 3) Collection of inventory data, the scope of which will be agreed with the Client 4) Uploading of new inventory data into the appropriate data management systems 5) Production of an asset renewal plan for the following 2020-21 year. <p>Additional Information: Key deliverable/outcome of this Action Plan: <i>The outcome is for North Tyneside Council to have an improved inventory of their highway assets and a plan for maintenance/renewal which can be continued in subsequent years by means of a rolling programme of work. The captured data will be uploaded to and managed within the most appropriate asset management system</i> Key dates of this Action Plan: <i>31st January – Volume of Parking Assets to be submitted to client to inform LTP budget discussion.</i> Is this Action Plan for the delivery of a statutory requirement? <i>No.</i> Is this Action Plan for the delivery of improvements across the service area? <i>Yes.</i></p>					
Key Performance Indicators linked to this priority					

None.			
Quarterly Profile of Planned Actions		On track? Yes/No	Progress
Quarter 1 (April, May & June)	<ul style="list-style-type: none"> - Hold initial meeting with XAIS to understand collection process and understand what is achievable in a 12-month period. - Capita to produce a briefing note of what data we currently hold and present to client team. Capita / Client to review the accuracy of data. - Capita to recommend to NTC which assets should be prioritised for year 1 collection (eg road markings, traffic signs, pay and display machines, VMS units etc). - Capita to recommend methodology for collection of agreed asset set (eg by road classification, area etc) 	No – As of 8 th July 2019 (briefing note submitted after Q1).	<p>Capita have organised meeting with XAIS on 07/05/2019 to determine priorities for collection, how this inventory will be collected and how it will be stored and linked within our Expert Assets system. First draft of Briefing note to be produced following this meeting and submitted to client by June 2019.</p> <p>Meeting with XAIS has been undertaken and agreed that Gap analysis to be undertaken to ascertain condition of existing highways asset inventory. Briefing note has been produced and will be presented to Client for June 2019 Sub-Group detailing programme of works to be done to complete action.</p> <p>Briefing note to be submitted to client at July 2019 subgroup, which will include what asset Capita recommends should be collected in year 1.</p> <p>Capita are awaiting confirmation from XAIS on the technical content final estimates and timescales on inventory collection. The inventory identified will further improve accuracy of WGA.</p>
Quarter 2 (July, August & September)	<ul style="list-style-type: none"> - Capita to meet with XAIS (Expert Assets Partner) to confirm scope of inventory collection work and the methodology for data collection and quotation for cost. - Agree methodology and collection mechanism for parking assets. 	Yes – As of 9 th September 2019 (confirmed next steps)	<p>Briefing note has been emailed to Client with recommendation of assets to be collected and in which priority.</p> <p>Meeting scheduled for end of September with XAIS to confirm scope of works and how this will</p>



	<ul style="list-style-type: none"> - Capita to meet client and present progress to date and proposed data collection delivery programme. Client to review and approve method and any costs. 	with client via email)	<p>be undertaken and how it will be recorded. Estimated cost of undertaking works will be provided.</p> <p>Briefing note has been amended and returned to client with recommendation and request for consideration to be given to methodology.</p>
Quarter 3 (October, November & December)	<ul style="list-style-type: none"> - Capita to gather inventory data on assets agreed with Client for year 1. - All collected data uploaded into relevant system in manageable format to inform delivery plan. 		
Quarter 4 (January, Feb & March)	<ul style="list-style-type: none"> - Capita to produce a report detailing asset inventory collected and condition data. - Capita to produce a rolling programme for asset inventory to fit available budgets and a preliminary capital renewal programme. - Capita to provide figure on number of parking and road safety assets which need replacing in 20/21 by 31/01/2020 		

Priority	Strategic Gully Cleaning Programme – Completion and Implementation				
ONT Priority:	<i>Our Places</i>			ONT Outcome:	<ul style="list-style-type: none"> • Be great places to live, and attract others to visit or work here • Offer a good choice of quality housing appropriate to need, including affordable homes • Provide a clean, green, healthy, attractive and safe environment • Have an effective transport and physical infrastructure - including our roads, cycleways, pavements, street lighting, drainage and public transport
Start Date	<i>April 2019</i>	Completion Date	<i>March 2020</i>	Lead Service Area/Officer:	<i>Andrew Mollon</i>
What is the priority designed to accomplish?					
<p>In 2018 the GullySmart system gathered data on the gully network and silt levels. This was the completion of the first cycle of cleaning all highway gullies in North Tyneside to ascertain silt levels to produce a risk-based gully cleaning strategy. To ensure Capita has an accurate benchmark level, the Gully Smart system has continued to be applied to all gullies within the borough and a second cycle of cleaning is expected to be completed in Q2. At this point we will be at a point where silt level data can be fully relied upon and can be used to complete a comprehensive risk-based gully cleansing strategy. This will allow the available resources to be used more efficiently and allow a more targeted approach to be used at known problem locations, clear other drainage assets such as kerb drainage and introduce income generating operations for external partners and customers.</p> <p>Additional Information: Key deliverable/outcome* of this Action Plan: <i>The outcome is for North Tyneside Council to have a finalised data-led Gully Cleansing Maintenance Strategy and a better understanding of drainage infrastructure at flooding hotspots within the borough. A further outcome is to understand what efficiency savings result from this improved cleansing strategy and what potential income generating opportunities can then be looked at.</i> Key dates** of this Action Plan: <i>September 2019 – Finalise second cycle</i> Is this Action Plan for the delivery of a statutory requirement? No Is this Action Plan for the delivery of improvements across the service area? Yes</p> <p>*(any change to Action Plans will consider the impact of any change on this key deliverable in the first instance) **(any change to Action Plans will consider the impact of any change on this key date in the first instance) ***(any change to Action Plans will consider the statutory/service improvement aspect in the first instance)</p>					



Key Performance Indicators linked to this priority			
None.			
Quarterly Profile of Planned Actions		On track? Yes/No	Progress
Quarter 1 (2018) (April, May & June)	<ul style="list-style-type: none"> Continue second cycle to collect gully cleaning data and silt levels data using the approved gully cleaning strategy during second cycle which will further refine the risk-based approach strategy to highway drainage cleansing. Brief Client on the plans for investing in linear drainage data collection and the associated benefits Procure and implement linear data collection software compatible with KaarbonTech's Gully software system. Begin collection of linear drainage assets via Drainage Engineer utilizing KaarbonTech Gully smart system initially focusing on flooding hotspots. 	Yes – As of 8th July 2019	<p>Second cycle of gully cleaning is continuing as planned.</p> <p>Client has been verbally briefed on the use of the Drainage Engineer to be utilised on a number of core drainage activities with the collection of linear drainage assets which will be input into Kaarbontech and Expert Assets.</p> <p>Initial scoping meetings have taken place with KaarbonTech and XAIS about data collection and storage. Gap analysis of what needs to be collected has been started and collection of assets will begin in June 2019.</p> <p>Collection of linear drainage assets will commence 22nd July 2019 and inspections of flood hotspots are the priority. Capita will be undertaking site visits with KaarbonTech on 9th July to identify sites for sensors and also begin training on collection.</p>
	<ul style="list-style-type: none"> Continue & complete second cycle of cleaning/attending all highways gullies using the risk-based approach gully cleaning strategy. Continue collection of linear drainage assets. 		<p>Second cycle of gully cleaning is continuing, and collection of linear drainage assets is underway.</p> <p>Second cycle of gully cleaning is</p>

			programmed to be completed by the end of September. All information collected is on KaarbonTech server and Andy Mollon has requested a date to sit down with them to begin scrutiny of data collected and start production of risk-based gully cleaning schedule.
Quarter 3 (2018) (October, November & December)	<ul style="list-style-type: none"> Work with KaarbonTech to validate data collected from both gully cleaning cycles to determine cleaning frequencies for all individual highway gullies utilizing silt levels, recorded flood locations and frequencies and gully locations on the highway network. Produce a risk-based gully cleansing schedule for approval by Subgroup detailing cleaning cycle for all gullies in North Tyneside utilising the silt data. Report to detail monthly, quarterly, 6 monthly, annual and 2-year gully cleaning cycles. Continue collection of linear drainage assets. 		
Quarter 4 (2019) (January, Feb & March)	<ul style="list-style-type: none"> Agree and sign off final risk-based gulley cleansing programme no later than March 2020 Sub Group. Implementation of fully targeted risk-based gully cleaning approach to begin 1st April 2020. Produce report which will then be repeated annually for North Tyneside Council detailing all drainage assets collected to date, locations and condition data. To be presented at March 2020 Subgroup. 		

14) CONCLUSIONS

The following conclusions can be drawn from this report:

- The highway network is the most valuable asset in the Authority's ownership
- The current total value of highway assets is **£1.8 billion**
- The successful implementation of the HAMP policy and investment strategy is demonstrating that the adoption of asset management principles by North Tyneside is gradually improving the condition of the road network
- The continued additional capital investment in highway maintenance is improving the overall condition of the carriageway network in line with HAMP principles. This fact is illustrated by the current "Road Condition Indicator" (RCI) calculation results recorded on page 13
- Although the highway network is currently in a manageable condition, the absence of sufficient funding from central government presents a difficult financial challenge and there remains a significant backlog of highway repairs that is likely to increase unless current resources are maintained
- The continued additional capital investment in footways has resulted in tangible improvements to footways across the Borough in line the priorities set by the Elected Mayor and Cabinet. The improvements have been well received by residents
- The Council is performing well in relation to the maintenance of classified main roads and is showing a steady improvement in unclassified residential roads which is evidence that the Authority's preventative maintenance principles and other HAMP principles are working effectively. The relatively healthy financial investment in main roads is producing the expected benefits.
- Our highway maintenance backlog is currently around **£24 million**.
- The footways highway maintenance backlog is currently around **£6 million**
- The Technical Services Partnership continues to achieve its KPI targets and through its Annual Service Plan is identifying innovative ways of working, service improvements and efficiencies which is evident in the report
- Continued customer engagement is providing better intelligence on what the public want us to focus our highway maintenance efforts on. These include continuing our improvements of residential and strategic roads and footways and improving the gully cleaning service

- With the publication of the revised Codes of Practice, Well-managed Highway Infrastructure, the Technical Services Partnership has completed the work of implementing this and successfully carried out 12 months of work using it. The Code is designed to promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment and the Technical Services Partnership has achieved this

North Tyneside Council Report to Cabinet Date: 14 October 2019

Title: Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy

Portfolio: Community Safety and Engagement	Cabinet Member: Councillor Carole Burdis
Report from Service Area:	Environment, Housing and Leisure
Responsible Officers:	<div>Phil Scott</div> <div>Head of Environment, Housing and Leisure</div> <div>Tel: (0191) 643 7295</div>
Wards affected:	All

PART 1

1.1 Executive Summary:

At its meeting on 1 April 2019, Cabinet agreed that the North Tyneside Hackney Carriage and Private Hire Licensing Policy (“the Policy”) should be reviewed.

The review took into account the five principles of the North Tyneside Transport Strategy adopted by Cabinet on 8 May 2017, reflects the policies in the North Tyneside Local Plan and the recently adopted ‘An Ambition for North Tyneside – Regeneration Strategy’.

This report presents to Cabinet a revised draft of the Policy which has been developed and seeks permission to delegate authority to the Head of Environment, Housing and Leisure to commence a process of public engagement on the updated Policy.

1.2 Recommendation:

It is recommended that the Cabinet:

- (1) authorise the Head of Environment, Housing and Leisure to commence public consultation on the revised draft North Tyneside Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to this report; and
- (2) agree that a further report be received by Cabinet at the conclusion of the public consultation process when Cabinet will be asked to agree to the adoption of the revised North Tyneside Hackney Carriage and Private Hire Licensing Policy.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 21 June 2019.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our Places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment

Our People will:

- Be healthy and well

Our Economy will:

- Grow by supporting new businesses and building on our strengths

1.5 Information:

1.5.1 Local context

The Authority is the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the Borough. The overall aim of the licensing scheme is to ensure the safety of the travelling public.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017, commits to managing North Tyneside's transport network effectively, considering all forms of travel including taxis and PHVs and sets out that the Authority will support safeguarding of vulnerable people, for example through hackney carriage and private hire licensing policies and the design of infrastructure.

The North Tyneside Hackney Carriage and Private Hire Licensing Policy ("the Policy") is listed in the Transport Strategy's action and delivery plan and is due for renewal.

The North Tyneside Local Plan notes that taxis and PHVs will continue to play an important role in the wider transport network and that opportunities to integrate them with other modes of transport will be explored. The regional North East Transport Manifesto sets out objectives to integrate taxis into the public transport network with better interchange and information, ensure high standards of licensing and provision, and encourage greater use of low emission technologies in taxi fleets.

At its meeting on 1 April 2019, Cabinet agreed that the Policy should be reviewed.

1.5.2 Existing licenses in North Tyneside

The Authority licenses around 183 taxis, 1030 PHVs, 1097 drivers and 23 operators in the Borough. These licenses have been granted in accordance with national legislation and consideration of the Policy.

The licensing service is based at the Killingworth site and it is responsible for administering and enforcing the licensing scheme.

The Policy includes information on legal requirements, procedures and standards relevant to taxi and PHV licensing.

The Policy was last reviewed before the North Tyneside Transport Strategy was adopted. To meet the requirements of the commitment in the Transport Strategy, work has commenced to update the Policy. This work has included consideration of the proposed national statutory guidance, regional transport ambitions and the views of the local taxi and PHV trade and transport users.

In addition the Policy includes new requirements in relation to air quality. Through the Transport Strategy we promote environmental sustainability as part of delivering against our air quality targets. In order to reduce pollution caused by road vehicles, the Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The new age standards aim to assist in meeting the need to improve air quality in the Borough and the wider region.

1.5.3 National context

The legislation which governs taxi and PHV licensing has been in place for some considerable time. This has been subject to previous review and amendment. In 2014, the Law Commission was asked by the Government to consider this legislation. Whilst the Law Commission's report acknowledged that the licensing of taxis and PHVs is a "fiercely local" matter, it nevertheless recommended the introduction of national standards.

Some of the recommended changes were introduced through the Deregulation Act 2015, for example: extending licences from one year to three years, and allowing subcontracting between operators.

In February 2019, the Department for Transport (DfT) commenced a public consultation, on statutory guidance to be issued to licensing authorities, which closed on 22 April 2019. Under a Cabinet Member delegated decision a formal response was submitted to this consultation, in accordance with the Scheme of Delegation for Cabinet Members. The statutory guidance has not yet been published and given recent political events in Westminster it is unclear as to when the statutory guidance will be published, if at all.

As evidence of the added significance that environmental issues now have both regionally and nationally, in May 2019 The Air Quality (Taxis and Private Hire Vehicles Database)(England and Wales) Regulations 2019 were introduced. These Regulations require each licensing authority in England and Wales to provide to the Secretary of State, at least once a week, with prescribed details of the hackney carriages and PHV's that each authority has licensed. The introduction of the Regulations forms part of the strategy adopted by the Government to ensure that it meets its legally binding air quality targets.

1.5.4 Review of licensing policy and public engagement

It is in this context that a review of the Policy was commenced. Given that the current Policy was last reviewed before the North Tyneside Transport Strategy was adopted, the updated Policy will ensure that it appropriately takes into account the five principles of the Transport Strategy, reflects the policies in the North Tyneside Local Plan and the recently

adopted 'An Ambition for North Tyneside – Regeneration Strategy'. Should any relevant, statutory guidance be published by the Government the Policy may be reviewed further to ensure compliance with any nationally set standards.

An officer working group was set up to commence the review of the Policy and make initial amendments to the Policy to bring it up to date. Officers also formed a working group and met with the North Tyneside Council Hackney Carriage and Private Hire Licensing Forum where members of the forum were asked to highlight any areas of the Policy that they would recommend to be updated.

As part of the consultation process the views of all Members of the Authority will be sought. To this end, the Monitoring Officer at the start of the consultation period will write to all Members inviting them to make any comments they have on the Policy and to forward those to Public Protection Manager. This will enable any views received from Members and/or the Regulation and Review Committee together with any other consultation responses to be taken into account when the decision on adopting the Policy is taken by Cabinet in February 2020.

A revised draft Policy for consultation purposes has been formulated and this is included in Appendix 1 to this report.

As well as updated legislation, the key amendments proposed to the Policy include:

- Expansion of licensing objectives to include environmental considerations;
- Allowing on line applications;
- Mandatory sign up by drivers/operators to the Disclosure and Barring Service Update Service; and
- Additional offences to be considered as part of application process and the period of time that an applicant must be free from certain convictions before an application for a licence is granted.

In addition, it is proposed that consultation questions are asked on several other issues to gauge the views of the trade and wider community on some of the proposed elements of the Policy. These areas include:

- Use of in-car digital advertisements;
- Tinted windows when fitted as standard;
- Amendments to the knowledge test; and
- Introduction of a new objective - the promotion of environmental sustainability, along with age standards for new, replacement and renewal vehicles with lead in times.

A summary of these amendments are included in Appendix 2 to this report.

It is proposed that a process of public engagement on the proposed updated Policy will commence on 28 October 2019 for 8 weeks. This will include appropriate engagement through the Engagement Hub with residents and businesses including representatives of the taxi and PHV trade; Regulation and Review Committee; and all Members.

At the conclusion of the consultation period the draft Policy will be brought before Cabinet for its consideration on 24 February 2020. It is anticipated that the updated Policy will be in place to commence from 1 April 2020.

1.6 Decision Options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 3

To instruct officers to make amendments to the Policy and to bring a further report to Cabinet for it to consider those amendments.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended to ensure that the existing Policy is updated in accordance with the commitment in the North Tyneside Transport Strategy and wider guidance. This will also ensure that the Policy remains transparent, accountable, proportionate and consistent.

1.8 Appendices:

Appendix 1: Revised draft North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

Appendix 2: Schedule of amendments to the Policy

1.9 Contact Officers:

Colin MacDonald, Senior Manager Technical & Regulatory Services, (0191) 643 6620

Joanne Lee, Public Protection Manager, (0191) 643 6901

Alan Burnett, Trading Standards and Licensing Group Leader, (0191) 643 6621

John Cram, Integrated Transport Officer, (0191) 643 6122

John Barton, Lawyer, (0191) 643 5354

David Dunford, Senior Business Partner, (0191) 643 7027

1.10 Background Information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- 1) [North Tyneside Local Plan](#)
- 2) [North Tyneside Transport Strategy \(approved by Cabinet on 8 May 2017\)](#)
- 3) [DfT consultation document – Taxi and private hire vehicle licensing – protecting users](#)

- 4) [Written statement to Parliament 12 February 2019 – Government response and consultation on taxi and private hire vehicle licensing](#)
- 5) [Review of the North Tyneside Taxi and Private Hire Licensing Policy, Cabinet Report, April 2019](#)
- 6) [Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Institute of Licensing, April 2018](#)
- 7) [Equality Impact Assessment](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications directly arising from the report. The costs of preparing the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy and the associated consultation arrangements can be met from existing revenue budgets.

2.2 Legal:

Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The legislation provides a broad framework for the licensing of drivers, vehicles and operators whereas the detail of how this is done, including standards and conditions, is the responsibility of licensing authorities.

There are a number of other Acts which are also relevant: for example, the Equalities Act 2010 places a duty on local authorities to take steps to meet the needs of disabled people such as the need for the Authority to provide a list of wheelchair accessible taxis and PHVs.

Whereas Cabinet cannot make decisions in relation to the licensing of individual drivers, vehicles or operators under the legislation, it is permitted to adopt a Policy such as the Hackney Carriage and Private Hire Licensing Policy. The Policy will then be considered by the Regulation and Review Committee when decisions need to be taken in relation to individual drivers, operators and vehicles.

2.3 Consultation/Community Engagement:

2.3.1 [Internal Consultation](#)

Internal consultation will take place with the Cabinet Members, Members and service areas.

2.3.2 [External Consultation](#)

As outlined in section 1.5.4 of the report, an engagement process will commence to allow the Policy to be updated. An online survey will be available for respondents to make consultation responses as well as written responses.

2.4 Human Rights:

There are aspects of the administration of licences that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a Regulation and Review Panel will be given an opportunity to express their views.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include the goodwill that such a Licence would generate. However, balanced against that is the ability of the Licensing Authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

2.5 Equalities and Diversity:

The proposed engagement process would ensure that all persons, groups and organisations will have an opportunity to participate, including those with protected characteristics. An Equality Impact Assessment has been prepared and will be reviewed following the consultation period.

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

2.7 Crime and Disorder:

The North Tyneside Hackney Carriage and Private Hire Licensing Policy seeks to ensure the safety of the travelling public and therefore contributes to preventing crime and disorder.

2.8 Environment and Sustainability:

Journeys by taxis and private hire vehicles represent a significant number of daily trips on the local highway network both within the Borough and beyond. The local authorities in the area are currently working on measures to tackle air quality caused by roadside pollution. Measures to address this may include some form of road user charging that could be applied to taxis and private hire vehicles.

Within that wider context, the updated Policy proposes the introduction of a vehicle emission and age standard for taxis and private hire vehicles which seeks to positively contribute to improving air quality.

PART 3 – SIGN OFF

- Chief Executive ☐
- Head of Service ☐
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy
and Customer Service ☐

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

DRAFT

Executive Summary

The aim of this Policy is to protect the public and ensure that drivers and operators are fit and proper persons for the role that they play in local transport provision.

The objectives of this Policy are as follows:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability; and
- d) To provide clarity for licensees with respect to the Authority's expectations of them and its decision making process.

North Tyneside Council (the Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the important role they play in local transport provision.

Hackney carriage and private hire vehicles are a highly-flexible form of public transport and play an increasingly important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups and play an essential role in the provision of the Authority's home to school transport provision.

This Policy supports the Authority's Transport Strategy for 2017-2032 and the principles within that Policy. As well as seeking the protection of the public, the Authority aims to improve the safety, health and well-being outcomes for the people of the Borough and the sustainability of communities and the environment across the Borough.

As the environmental and health impacts associated with emissions from transport operations are now more clearly understood, the Authority has an increased responsibility to ensure that drivers and patrons are protected as far as possible from the adverse impact of vehicle emissions.

The Authority welcomes your consideration of this consultation document and asks that any responses to the consultation are received by 5pm xxx to the following address:

Version Control

Version 1

Approved by Cabinet on:

DRAFT

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Introduction

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1. Hackney Carriage and Private Hire Licensing

The Authority is responsible for the licensing of hackney carriage and private hire vehicles, their drivers and in the case of private hire vehicles their operators, in the Borough of North Tyneside.

The Authority currently licences 204 hackney carriage vehicles, approximately 1030 private hire vehicles and 1097 licensed drivers.

A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at ranks or be hailed in the street by members of the public. A hackney carriage can also be pre-booked. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.

2. Powers and Duties

In 1977, the Authority adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, (as amended). By adopting Part II of the 1976 Act the Authority is given the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing in the Borough of North Tyneside. As such the Authority is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles in the Borough. This document sets out how the Authority will exercise its licensing functions when making decisions about new licence applications, renewal of licence applications and licences currently in force.

3. Objectives

In setting out this Policy, the Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability
- d) To provide clarity for licensees with respect to the Authority's expectations and its decision process.

In the promotion of the above objectives the Authority will consider the following matters:

- a) The safety and protection of the public:
 - Ensuring that vehicles are safe, clean, reliable and accessible to meet the varying needs of the public;
 - Providing confidence in the system for assessing whether a person is 'fit and proper' to drive a hackney carriage or private hire vehicle.
- b) The protection of children and vulnerable adults from harm.

This Policy:

- Puts protecting the safety and welfare of the public at its core;
 - Specifically takes account of the Authority's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and reflects best practice;
 - Makes it clear that the welfare of children and their protection from harm is everyone's responsibility, in particular that prospective and licensed drivers and operators have a duty to promote good safeguarding practices, including awareness of child sexual exploitation and trafficking.
- c) The promotion of environmental sustainability:
 - To encourage the uptake of zero and ultra-low emission vehicles;
 - To only permit licenses for vehicles that comply with the particular age requirements as set out in Chapter 2 paragraph 19 of this Policy.
 - d) To provide clarity for licensees with respect to the Authority's expectations and the decision making process:
 - Clarity of expectations with regards to former convictions and cautions.

This Policy shall apply in respect of new applications, renewals, and other matters connected to the following licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor

This Policy shall also apply in respect of disciplinary and enforcement measures and includes a Code of Conduct to be followed by all drivers licensed under this Policy.

Expansion of objectives to include environmental considerations

4. **Methods**

The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators;
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action if necessary;
- Routine inspection of insurance policies, with appropriate follow up action if necessary;
- Checks of driver's medical condition, criminal record (if any) knowledge of the law
- Investigation of complaints with appropriate follow up action;
- Liaison with the Police, Safeguarding and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees;
- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, advice, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions;
- Conditions added to licences;
- Enforcement of the Byelaws;
- Liaison with the hackney carriage and private hire trade by way of open meetings;
- The issue of guidance notes.

When considering applications and taking enforcement action the Authority as a Licensing Authority is also subject to the Regulators' Code published by the Department for Business, Energy and Industrial Strategy and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006 and the Authority's Enforcement Policy.

Please see link below to the Authority's Enforcement Policy.

<http://my.northtyneside.gov.uk/category/691/statement-enforcement-policy>

In particular:

- Regulators should carry out their activities in a way that supports those

- they regulate to comply and grow;
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Regulators should ensure that their approach to their regulatory activities is transparent.

5. **Best Practice Guidance**

In formulating this Policy consideration has been given to the available best practice guidance issued by the Department for Transport and the Department for Business, Energy & Industrial Strategy.

6. **Status**

In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this Policy and the objectives set out above.

Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart from the Policy, clear reasons will be given for doing so.

7. **Implementation and Review**

This Policy will take effect on xxxx

The Authority will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.

Upon implementation of this Policy, the Authority requires licensees to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Authority information will be provided as to an implementation date for that part of the Policy.

From the effective date, this Policy overrides and supersedes all existing policies in relation to private hire and hackney carriage licensing.

The Authority may monitor and review this Policy or areas of the Policy prior to the five year review period.

After the introduction of this Policy, the Authority may make decisions which change the content of this Policy. The changes may have immediate effect or be expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Section and via the internet at

8. Consultation

In preparing this Policy the Authority has consulted with and taken into account the views of amongst others:

- Current licensees
- Northumbria Police
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users
- Environmental groups
- Neighbouring Authorities (including the North East Combined Authority, North of Tyne Combined Authority and the Tees Valley Combined Authority)
- Representatives from the charitable and voluntary sector

The views of all of these persons and bodies have been taken into account in determining this Policy.

9. Area and Impact

North Tyneside is one of the five metropolitan districts that comprise the county of Tyne and Wear. North Tyneside is bounded by Newcastle upon Tyne to the west, the North Sea to the east, the River Tyne to the south and Northumberland to the north.

The A19 runs from north to south and the A1058 Coast Road runs from east to west within the Borough. Recent growth has come in the A19 corridor with new industrial estates and retail parks. There is also an International Ferry Terminal.

The late night economy of the Borough is principally centred around Tynemouth and Whitley Bay where a number of entertainment premises are situated. Activity is also centred on restaurants, public houses and takeaway establishments in areas such as North Shields and Wallsend.

The Authority recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade makes to the transport and tourism industry.

Hackney carriage and private hire vehicle journeys represent a significant number of daily trips on the local highway network both within North Tyneside and the wider area. The majority of these journeys are made along key local and regional arterial routes on which air quality and in particular nitrogen dioxide (NO₂) issues have manifested themselves on some of these routes.

Local Authorities in the area are working on measures to address the issue of poor air quality in the areas identified as having an issue with poor air quality which may include some form of road user charging that would be applicable to hackney carriage and private hire vehicles.

Improving local air quality forms part of the Authority's Transport Strategy for 2017 -2032 and hackney carriage and private hire vehicles have an important role in helping the Authority deliver this outcome, particularly given the comparatively higher mileage undertaken by hackney carriages and private hire vehicles on local roads compared to other passenger vehicles.

Detail of link to Transport Strategy

10. **Partnership Working**

The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives and to safeguard the general public particularly vulnerable members of society when using the hackney carriage and private hire trade:

- Local Hackney Carriage and Private Hire Trade
- Safeguarding Services
- Northumbria Police
- Local Transport authorities and committees
- Local residents
- Disability Groups
- Service users and their representatives
- Driver and Vehicle Standards Agency (DVSA)
- HM Revenue and Customs
- Department for Work and Pensions
- Other Council Departments
- UK Border Agency
- Other Government Departments and Agencies

The Authority holds regular meetings with the hackney carriage and private hire trade to consider current and future licensing issues.

11. **Related Legislation and Strategies**

This Policy will be integrated as far as possible with local planning, transport, tourism, equality cultural and environmental strategies, and other plans introduced for the management of the Borough and night-time economy.

The Authority will work in partnership with other agencies.

12. **Equality**

As an employer and service provider the Authority is committed to ensuring equality in employment and service delivery. To achieve the above standard

the Authority is aware of its duties and obligations under the following legislation:

- Human Rights Act 1998
- Equality Act 2010

13. **Duties and obligations under Equality Act 2010**

The Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs. The Authority also recognises the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 (the 2010 Act) which it must have regard to when exercising its licensing functions.

In applying this Policy the Authority will at all times endeavour to comply with its obligations under the 2010 Act and the Human Rights Act 1998.

Providers of hackney carriage and private hire transport are deemed to be providers of services to the public for the purposes of Part 3 of the 2010 Act. A statutory Code of Practice has been published and provides guidance on specific issues associated with the 2010 Act. Licensees and applicants should read the Code of Practice and ensure that they operate having due regard to the Code and in compliance with the 2010 Act.

It is a condition of a vehicle licence that wheelchair accessible vehicles must have the appropriate equipment so as to transport passengers in wheelchairs at all times. In instances where this is not the case the licence for the vehicle may be suspended until such time as the Authority considers the vehicle is fit for purpose.

In accordance with the 2010 Act the Authority holds a list of wheelchair accessible vehicles (designated vehicles). The Act requires the drivers of such designated vehicles to carry passengers in wheelchairs provide assistance to such passengers and prohibits drivers from charging such passengers extra.

The Department for Transport has published statutory guidance called *Access for Wheelchair Users to Taxis and Private Hire Vehicles* and drivers of wheelchair accessible vehicles are encouraged to read and understand that guidance.

It is a criminal offence for drivers of wheelchair accessible vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra.

All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities and provide assistance to such passengers without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the

details of their medical condition to the satisfaction of the Licensing Authority. A register will be kept by the Authority of exempted drivers.

Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com.

Updated information on list of wheelchair accessible vehicles (designated vehicles) and the responsibilities that drivers have to customers with protected characteristics under the 2010 Act.

14. Right to live and work in the UK

Under the Immigration Act 2016 all individual applicants for private hire operator and private hire and hackney carriage driver licences are required to prove that they have a right to live and work in the UK before being considered for a licence. A list of suitable documents that are required is available from the Licensing Section.

Please see the following link (information is contained on pages 25/26 of the attachment) <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

A licence will not be granted until the applicant is able to prove that they have a right to live and work in the UK. If an applicant has only limited leave to remain then any licence will only be issued for this period of time.

2. Vehicles – Hackney Carriage and Private Hire

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1. Specifications

The Department for Transport Best Practice Guidance issued in 2010 recommends that licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate "type approval" which is either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU member states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU member state since its original manufacture will require separate IVA and/or Department for Transport approval and such documentation must be submitted with an application for a hackney carriage or private hire vehicle licence.

The seating capacity of a vehicle will be determined by the Authority. Vehicles will, in general, be licensed for the carriage of up to four passengers, but

applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Where the seating in the vehicle does not conform with the specifications in this Policy or for other reasons associated with the safety and comfort of passengers, the Authority may reduce the permitted number of passengers that may be carried in the vehicle from that specified by the vehicle manufacturer.

Appendix A sets out the minimum standards which are expected in respect of licensed vehicles.

2. Private Hire Vehicles

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Authority will give consideration to the 'Best Practice Guidance on Taxi and Private Hire Licensing' issued by the Department of Transport in 2010.

The Authority must be satisfied that the following criteria are met before granting a licence:

That the vehicle is:

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable

Conditions may be attached to the grant of a licence as are considered reasonably necessary. Vehicles which are licensed with another Authority will not be licensed by this Authority.

In addition to the above legislative requirements the Authority has imposed conditions relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

All private hire vehicles must:

- Not be black in colour; or be any colour, which, in the opinion of the Authority, closely resembles black.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Authority.

- Display a yellow licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Authority.
- Display a yellow decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
- Display a disc in the top nearside corner of the front windscreen

General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

3. Hackney Carriage Vehicles

A hackney carriage is a wheeled carriage used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

A hackney carriage can ply for hire within the prescribed area and also wait at a hackney carriage stand within the licensing district. In addition a hackney carriage may also undertake work on a pre-booked basis.

Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Authority has byelaws to control the conduct of both proprietors and drivers. These Byelaws are attached at appendix I to this Policy.

The Authority has imposed requirements relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

General conditions are attached to a hackney carriage vehicle proprietor's licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

All hackney carriages must:

- Be black in colour
- Be fitted with an approved roof sign bearing the word "TAXI" as prescribed by the Authority
- Be fitted with a meter of an approved type with the fares charged as determined by the Authority
- Meters, after being checked for accuracy, must be sealed by Officers of the Authority or an agent approved by the Authority.
- Display a white licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper
- Display a white decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
- Display the current table of fares as prescribed by condition of the Authority.
- Display a disc in the top nearside corner of the front windscreen

4. Limitation of Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

The present legal provisions on quantity restrictions for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

Any new application for a hackney carriage proprietor’s licence that would be in excess of that number will be refused if the Authority is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.

The Authority is satisfied that there is no significant unmet demand for hackney carriage services within this area. Therefore it has placed a limit on the number of hackney carriage vehicle licences issued. This limit has been placed at 204 following consideration of the results of an independent study.

The current limit includes grandfather rights granted to proprietors of saloon vehicles. These rights permit the continued use of a saloon vehicle by proprietors who were granted their hackney carriage proprietor’s licence prior to July 1992. These rights are to remain and encourage a mixed fleet of hackney carriage vehicles consisting of saloons and wheelchair accessible vehicles. It is recognised that users with some medical conditions will find saloons easier to access than wheelchair accessible vehicles.

This limitation of numbers will be periodically reviewed and this Policy will be amended to take account of the results as required.

5. Location of Applicant’s Home/Business

When an applicant wishes to licence a vehicle as a hackney carriage the Authority will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the Authority’s area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the Authority’s area on a pre-booked basis.

Whilst each application will be considered on its own merits, the Authority will have regard to the geographic location of an applicant’s home and business address.

If the Authority believes that the hackney carriage is to be used entirely or predominantly remotely from the Authority’s area on a pre-booked basis, then the application for a licence will normally be refused.

If the Authority believes that an existing hackney carriage is being used predominantly outside the Authority's area on a pre-booked basis with an Operator who is not licensed by this Authority, then having regard to the judgment in *Newcastle City Council v Berwick-upon-Tweed Borough Council [2008] EWHC 2369 (Admin)* the matter will be referred to the Regulation and Review Committee.

6. **Insurance**

All vehicles must have a current valid policy of insurance at all times appropriate to the use of the vehicle. This policy must be in place before a licence can be granted.

It is an offence to use a vehicle without the appropriate insurance in place.

Requests to produce evidence of the appropriate insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section of the Authority in writing immediately or in any event within 72 hours.

7. **Advertisements, signs, notices etc.**

No signs, notices, advertisements, digital or audio display etc. or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.
- [Some in car digital advertising]

Addition to allow in car digital advertising if in accordance with the approvals contained in this Policy.

Q1. Do you agree or disagree with the addition of an exception for in car digital advertisements? Please provide the reasons for your response.

Signs, notices or advertisements must not be of a content that the Authority deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, www.asa.org.uk.

The Head of Environment, Housing & Leisure can approve or refuse to allow advertisements in the areas permitted in this Policy. All advertisements have to

be approved by the Head of Environment, Housing & Leisure prior to being displayed on or in a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action taken.

The Head of Environment, Housing & Leisure can approve or refuse requests for advertising on the lower area of the front doors of private hire and hackney carriage vehicles. Such advertising to be for the purpose of promoting a private hire operator, a hackney carriage proprietor (or group of proprietors) licensed by the Authority.

Any queries regarding advertisements must be referred to the Licensing Section of the Authority.

8. **Accident notification**

The proprietor shall notify the Licensing Section of the Authority in writing as soon as reasonably possible, or in any case within 72 hours, of any accident involving a licensed vehicle that results in damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of potential customers. In certain cases the vehicle licence will be suspended.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at the Authority's offices or other specified location so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken. Following the repair the level of damage will be assessed and the Authority may require an engineer's report and / or the vehicle to be examined at the Authority's Test Station.

9. **Vehicle testing**

All vehicles must undergo and satisfy an inspection by the Authority's vehicle examiners or at a place specified by the Head of Environment, Housing & Leisure prior to being licensed.

It is the proprietor's responsibility to ensure that a licensed vehicle is roadworthy and fit for hire and reward purposes at all times.

Vehicles are to be tested in accordance with the Vehicle Testing Arrangements (attached at **Appendix C**). The Testing Station may also be directed to look at other issues identified by a Licensing Officer. If the event of the Testing Station being unavailable the Authority will put alternative arrangements in place.

Q2. Which of the following options do you prefer:
That the only testing station vehicles can use is one provided by North Tyneside Council?
That other authorised testing stations within North Tyneside can also be used?
I do not have an opinion on this proposal.
Please provide the reasons for your response.

Vehicles that are 4 years old and over at the time of the licence being granted will

require an interim test. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fee for this interim test will form part of the annual licence fee. Vehicles that are 3 years old on the date the licence is granted but turn 4 years old during the one year term of the licence are excluded from the routine requirement to undertake an interim test. Such vehicles may still be requested to be presented for inspection and test in accordance with the statutory provisions.

Vehicles failing to attend for test or attending late for the test will be required to be retested and a retest fee paid. Where appropriate the licence will be suspended. A further test appointment will only be made when the retest fee has been paid.

The Lifting Operations and Lifting Equipment Regulations 1998 (often abbreviated to LOLER) place duties on people and companies who own, operate or have control over lifting equipment. This includes all businesses and organisations whose employees use lifting equipment, whether owned by them or not.

The regulations require that the inspection interval is 6 months, for lifting equipment and any associated accessories used to lift people. Any licensed vehicles containing this equipment should provide evidence of a LOLER inspection report every 6 months.

10. **Application Procedure**

Applications are to be made in writing and may be made in person, by post, online or e-mail. Note: the Authority will not be responsible for any documents that may be lost in the post.

Applications will not be considered valid unless they contain all the relevant documentation and the appropriate licence fee has been paid.

For the purposes of licensing, a hackney carriage or private hire vehicle licence will be issued in the name of the registered keeper of the vehicle. The registered keeper can be an individual or a company. Where the registered keeper is a company, details of the person who will be responsible for the vehicle will be included on the licence.

The booking of vehicle tests may be done by telephone, in person, online or by e-mail at taxi.licensing@northynteside.gov.uk. Postal or e-mail applications must be made at least 10 working days prior to the date of the vehicle test to allow for the application to be processed.

If the application is refused the fee will be refundable minus the proportion of the charge for the test fee.

The Head of Environment, Housing & Leisure has the discretion to attach, amend or remove a condition of licence.

Although applications may be made by post, fax or e-mail, licence plates must be collected in person.

Insertion to allow applications to be made on line where available
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11. **New Applications and Replacement Vehicles**

The following documents are to be submitted for new/replacement vehicle applications:

- Fully completed application form
- Pre-Test Inspection form (PTI) - approved
- Vehicle test certificate - pass
- Vehicle registration document in applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle). (An order form is insufficient for this purpose)
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable)
- Conversion certificate (where applicable).
Note: the Authority provides a service to carry out LOLER testing and conversion/installation inspections. Additional fees apply. Further information is available from the Licensing Office or on the Authority's website.
- Taximeter certificate (where applicable)

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

12. **Renewal Applications**

The following documents are to be submitted for renewal vehicle applications prior to the expiry of the licence:

- Fully completed vehicle renewal form
- Vehicle test certificate – pass
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable).
Note: the Authority provides a service to carry out LOLER testing. An additional fee applies. Further information is available from the Licensing Office or on the Authority's website
- Taximeter certificate (where applicable)

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

There is no legal requirement for the Authority to send out reminders for renewals

for licences, but to aid vehicle proprietors the Licensing Section of the Authority will endeavour to do so. However, the responsibility rests with the proprietor to ensure documentation is provided within the appropriate timescales. Where an application to renew a vehicle licence is not received prior to the expiry of the licence, the licence will not be renewed. In such cases a new application will be required and a higher licence fee will apply.

13. **Change of address**

The proprietor must advise the Authority in writing within 7 days of a change of business or home address during the period of the licence. There is no fee for this process.

14. **Transfer of interest**

The proprietor shall notify the Authority in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence.

Where a proprietor wishes to be removed from the licence the Authority should be notified in writing within 14 days. There is no fee for this process.

15. **Limousines**

A stretch limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.

The Authority recognises the role limousines have to play in the private hire trade to meet a public demand and as such it is necessary for them to come under the licensing system and the controls that this will allow. The Authority, however, has not developed a separate licensing regime for such vehicles. Rather it has widened the criteria of the current vehicle specifications that licensed vehicles must meet. Please see **Appendix A**.

Most limousines are imported for commercial purposes and are required to take an individual vehicle type approval (IVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

The Authority has no objection to licensing limousines that are safe and fit for the road. The Authority has given consideration to left hand drive vehicles and vehicles with side facing seats, however, it believes that such vehicles are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.

There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force. Note: Under section 156 of the Licensing Act 2003 it is an offence to sell alcohol from a moving vehicle.

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

A vehicle does not need to be licensed while it is being used in connection with a wedding.

16. **Executive Hire Private Hire Vehicles**

Private hire vehicles (not hackney carriages) used solely and exclusively for executive hire can be exempted under Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely in the provision of an executive service.

The applicant must satisfy the Head of Environment, Housing & Leisure that the specification of the vehicle and the overall level of service provision constitutes an executive hire service. This is initially done by way of submission of a business plan, inspection of the vehicle and the proprietor of the vehicle in question being interviewed by a Licensing Officer. Guidance notes are available from the Licensing Section.

Applications for an exemption can be made in writing, in person or by post, fax or e-mail.

If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix D** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix D** to this Policy.

The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

Any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (two rear passenger windows, back window and any rear side windows if present).

Any vehicle granted an exemption, and which has tinted windows, must not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically

requested, inform a hirer that such a vehicle with tinted windows will be supplied.

17. **Tinted Windows**

The windows (excluding the windscreen which must have a minimum light transmission of 75% and 70% minimum light transmission for front side windows) of any vehicle shall not have been adapted so that less than the percentages detailed below of light is transmitted through it:

- 34% for all other windows

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34%. This discretion however does not apply to the front windscreen or the front side windows.

[In the case of vehicles where windows have been fitted as standard with a tint there will be no minimum light transmission for all windows to the rear of the B pillar.]

Q3 – Do you agree or disagree that the Policy should be amended to allow windows with no minimum tint for all windows to the rear of the B pillar provided it is fitted as standard to the vehicle? Please give reasons for your response.

If the following criteria can be met in which case there will also be no minimum light transmission:

- The vehicle is an executive hire vehicle operating under an Exemption Notice, and
- The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of minors or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult, and
- Approval has been given by the Head of Environment, Housing & Leisure.

The Operator must, unless such a vehicle has been specifically requested, inform a hirer that a vehicle with tinted windows as detailed above will be supplied.

18. **CCTV in vehicles**

The purpose of CCTV is to provide a safe environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police and Licensing Officers in investigating incidents of crime and/or complaints
- Assisting insurance companies in investigating motor vehicle accidents.

Where a CCTV system is in place it is a requirement that the proprietor must

register their use of a CCTV system with the Office of the Information Commissioner in accordance with the requirements of the Data Protection Act 2018. (Further information is available at www.ico.gov.uk).

Any vehicle fitted with CCTV must display a sign approved by the Licensing Authority advising passengers that a CCTV system is in operation in the vehicle.

Where CCTV is in place in a vehicle it must be in full working order when passengers are being carried. The CCTV system must be maintained to manufacturers' standards.

The CCTV footage must be available for viewing by a Police Officer or an Authorised Officer of the Authority on when a request to view the footage is made in compliance with the Data Protection Act 2018. Any failure to comply with such a request will be reported to the Licensing Section of the Authority for consideration of the appropriate action to be taken. Any reports of misuse of CCTV will be referred to the relevant authority, for example; the Surveillance Camera Commissioner and the Information Commissioner's Office as well as the Authority.

19. **Environmental Considerations**

This Policy is listed in the Authority's Transport Strategy for 2017-2032 as a Policy that supports the delivery of the Transport Strategy in the Borough. The North Tyneside Transport Strategy was approved by Cabinet in May 2017 and commits to managing the Borough's transport network effectively having regard to all forms of transport including that provided by hackney carriage and private hire vehicles. This Policy has therefore been developed having regard to the Authority's Transport Strategy. The Transport Strategy for 2017-32 can be found on the North Tyneside Council website.

As detailed in Chapter 1, one of the objectives of this Policy is the promotion of environmental sustainability. To meet this objective the Policy seeks to promote the uptake of zero and ultra- low emission vehicles and to permit licenses to be granted only for those vehicles that comply with particular age requirements within this Policy.

Emissions from hackney carriage and private hire vehicles can be immediately improved through encouraging the better maintenance of vehicles and by drivers switching off their vehicle's engine when stationary and so preventing the idling of engines, including in particular hackney carriages parked at ranks or licensed vehicles waiting for a fare. Non-idling technology is becoming more prevalent in newer vehicles and over time all licensed vehicles should be able to make use of this technology.

20. **Emission/Age standards**

As part of the need to promote environmental sustainability and reducing pollution caused by road vehicles, this Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The age standards

set out below aim to assist in meeting the need to improve air quality in the Borough and the wider region.

[The following age standards will be implemented over a three year period:

- (i) From 1 April 2020 no new vehicle licences will be granted for vehicles unless it is less than 4 years old
- (ii) From 1 April 2023 a vehicle licence will not be renewed unless the vehicle is less than 8 years old
- (iii) From 1 April 2025 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.

All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.

If any application is refused due to a vehicle failing to meet the age standard the licensee/applicant can appeal to Regulation and Review Committee against the decision to refuse to grant a licence or to the Magistrates' Court or Crown Court as appropriate.]

Insertion of age standards from 1 April 2020.

Q4. Do you:

- a) Agree or disagree that an age standard should be added to this Policy?
- b) Please give reasons for your reasons.
- c) If agree, do you agree or disagree with the age standards proposed in this Policy?
- d) If disagree, what alternative age standards would you suggest?

21. **Insurance write offs**

Car insurance assessors use various categories of car insurance write off to rank the seriousness of accident damage. Two categories (A & B) represent very serious damage, but the remaining two categories (S & N) are for 'economic write offs' where the damage is considered too expensive to fix but does not necessarily amount to damage that is considered to be dangerous. Vehicles that have been declared to be an insurance write off in category A & B will not be licensed. Vehicles that have been declared either category S or N write off may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Authority, verifying the standard of repairs and that the vehicle is considered to be safe in all regards.

22. **Conditions**

It is the responsibility of hackney carriage proprietor licence holders and private hire vehicle licence holders to ensure that they have read and fully understood the conditions that form part of their licence and fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the licence holder. Any proprietor

of a licensed vehicle who claims not to be aware of the existence of a licence condition will be considered as not having taken sufficient care to ensure the safety and care of their passengers.

DRAFT

3. Drivers

Contents

1. Licences
2. Experience
3. Right to live and work
4. Driver Knowledge/Locality Test
5. DBS Check
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9. Medical Assessment
10. Child Sexual Exploitation
11. Three Year Driving Licences
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13. New applications
14. Renewal applications
15. Incomplete applications
16. Grandfather rights
17. Conditions of Licence
18. Code of Good Conduct
19. Driver's Dress Code

1. Licences

The Authority issues the following driver licences:

- Hackney carriage driver
- Private hire driver

Licences are issued subject to proof of eligibility – driving licence, knowledge test, criminal records check, medical assessment and eligibility to live and work in the UK.

The statutory and practical criteria and qualifications for each licence are almost identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

Decision making in relation to licensing of drivers is an onerous duty requiring the Authority to take decisions in the interests of the wider community and not in the interests of the licensee or applicant. The safety of the public is paramount.

The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence.

Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered to no longer be a fit and

proper person as a result of a conviction, caution fixed penalty or community resolution, complaint or other non-conviction information that comes to the Authority's attention.

2. Experience

All applicants must have held a full UK or European Economic Area (EEA) driving licence for at least 12 months before the date of the application. A full list of EEA Countries is available from the Licensing Section of the Authority.

3. Right to work

Applicants for a licence will be required to prove that they have a right to live and work in the UK before being considered for a licence and no licence will be granted/ renewed until the applicant is able to prove this requirement. If leave to remain in the country is for a period of less than 3 years a shorter licence will be issued.

All new applicants and on the first renewal for existing drivers a Right to Live and Work in the UK check will be carried out.

4. Driver Knowledge/ Test

In order to determine the fitness of a person to hold a licence, all new applicants are required to sit and pass a test on their knowledge of [the local geography], driver conduct, licensing legislation, awareness of child sexual exploitation and the highway code.

[Applicants will be permitted to have 3 attempts at passing the knowledge test within a 3 month period. If an applicant fails to pass the test after 3 attempts they will be required to wait for a period of at least 6 months from the date of the last test taken by them before being permitted to sit the test again.]

Q5. Do you have any comment to make on the proposal that there be restrictions on the number of attempts within a three month period? Please give reasons for your response.

No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. If a driver does not apply for the initial licence and 12 months elapses before re-applying you will be required to sit a further knowledge test.

The Authority views candidates who cheat, or attempt to cheat during the test to be acting dishonestly. Any candidate found cheating, therefore, will be disqualified and the test fee will be forfeited. In addition in such cases, the candidate's conduct will be taken into consideration when determining their application for a licence.

Q6. Do you believe the driver knowledge/locality test should:
a) continue in its current format
b) remove the locality element of the test for both hackney carriage and private

hire driver applicants
c) remove the locality element of the test for private hire driver applicants only
Please give reasons for your response

5. **DBS Check**

Given the role of a hackney carriage or private hire driver the Authority has determined that an Enhanced Disclosure provided by the Disclosure & Barring Service (DBS) is required by all new applicants for a licence. Once licensed, drivers will be required to undergo a further enhanced criminal record check at each three yearly renewal of their licence. A DBS check on a driver is an important measure in assessing whether or not an applicant is suitable to hold a hackney carriage, private hire or dual hackney carriage/private driver's licence.

The Enhanced Disclosure provides details of all convictions, cautions, fixed penalties and community resolutions held on the Police National Computer. The Enhanced Check will include information held on the DBS's Children and Adult Barred Lists of those considered unsuitable or banned from working with children or vulnerable adults.

In addition, where appropriate the Disclosure Unit of the Police will share with the Authority other relevant information disclosed at the Chief Officer of Police's discretion.

These disclosures include details of spent and unspent convictions, cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1975. The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences.

6. **DBS Process**

The Authority does not accept paper applications for Disclosures from the Disclosure & Barring Service (DBS). Applicants applying for a hackney carriage or private hire driver's licence must complete an on-line DBS form and this must be done before submitting the application for the licence to the Licensing Section of the Authority.

To complete an on-line DBS form applicants will need access to the internet. There are four Customer First Centres located in the Borough where computer facilities are offered. Additional guidance on completing the online application is available from the Licensing Section or on the Authority website at www.northynteside.gov.uk

DBS checks are not portable and only DBS checks applied for through North East Regional Employers Organisation (NEREO), the Authority's service provider, will be accepted. After completing the on-line application applicants will be given a submission reference number. Applicants will need to make a note of this reference number as the Licensing Section will require this at the time of submission of the application for the Licence.

A minimum of three forms of identity will be required in order to verify the identification of an applicant. The full list of approved documentation is available from the Licensing Section or on the Authority's website at www.northynteside.gov.uk.

The Authority requires applicants and existing drivers to subscribe to the DBS Update Service. An additional fee payable to the DBS will be required in relation to this service. The Update Service will allow criminal record certificates to be kept up to date so that they can be taken from role to role.

Licensees will need to provide the Authority with their Disclosure Certificate when applying for a licence or renewal of a licence and complete and sign a mandate confirming that they consent to the Authority carrying out the online check.

The Update Service will then allow the Authority to carry out free, instant online checks of an individual's certificate to check it is up to date. The Authority will only have to seek a new criminal record check if the DBS advises that something has changed. Further information is available on the Disclosure and Barring Service website at www.gov.uk/dbs

New addition – inclusion of mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service.

Q7. Do you agree or disagree with the mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service? Please give reasons for your response.

7. Applicants who have spent time abroad

If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.

Where an applicant has been continually absent from the United Kingdom and Channel Islands for 3 months or more an enhanced DBS disclosure in itself will be insufficient to satisfy the Authority that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/domiciled.

A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual.

The Head of Environment, Housing & Leisure may approach the relevant Embassy or appropriate body directly to verify documents provided. The applicant will be advised of any costs involved (e.g. in relation to translation) and these costs must be met by the applicant.

The Authority may require the applicant to submit additional information and references.

At all times, the Authority's aim is to protect members of the public who are using vehicles and drivers licensed by the Authority and thus if the documentation produced does not satisfy the Authority then the application will be refused.

Asylum seekers or persons granted asylum/refugee status will not be required to produce a Certificate of Good Conduct from the country they are claiming asylum from. To gain this exemption the applicant must provide a Certificate of Registration or a letter issued by the Border and Immigration Agency confirming the above and must submit a written request to the Authority for the exemption to apply. A DBS for time spent in the UK will still be required.

The Head of Environment, Housing & Leisure may determine such applications or refer them to the Regulation & Review Committee.

8. **Relevance of Convictions, Fixed Penalties, Community Resolutions Cautions and Conduct**

In relation to the consideration of convictions, cautions, fixed penalties and community resolutions recorded against a person and concerns about their conduct please refer to Section A of Chapter 7 of this Policy – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions and Section B of Chapter 7 - Conduct.

In assessing whether the applicant is a fit and proper person to hold a licence, or if an existing driver continues to be a fit and proper person the Authority will consider each case on its own merits.

In some cases the Authority may require additional DBS checks at a cost to the licensee.

9. **Medical Assessment**

Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate Form MC1. This must be completed by the applicants own G.P or a Medical Practitioner with access to the applicants full medical history. The applicant is responsible for paying the fee for the examination. If necessary the G.P. may return the completed form direct to the Licensing Section.

Group 2 Medical Standard of Fitness applies. Please refer to Chapter 7 for more details with regard to medical fitness.

Applicants attaining 45 years of age must provide evidence of their medical fitness to hold a licence every five years up until the age of 65 years, after which a medical is required every year.

Where a medical is due within the term of the licence, the Authority will contact the driver in writing to advise of this. Should the medical certificate not be provided within the relevant timescale, the drivers licence will be suspended until

such certificate is provided and in certain cases the suspension will be with immediate effect.

Holders of DVLA Group 2 Licences will not be required to provide a medical certificate provided their licences are valid and evidence is produced to confirm this. In other cases where a more in depth medical has been undertaken for a specific profession (e.g. pilot's licence) then this will be considered on a case by case basis by the Licensing Section.

10. **Child Sexual Exploitation**

Child Sexual Exploitation is 'everybody's business' and the Authority is committed to working in partnership with and supporting local businesses and the community to raise awareness of this issue. Licensed drivers may see, hear or recognise situations or behaviour that may be of concern to them. As well as being in a position of trust drivers play an important role in helping to safeguard vulnerable people. It is important therefore that licensed drivers and applicants undergo awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information sexual exploitation can be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

It is a requirement that all new applicants for a hackney carriage/private hire driver's licence to undertake child sexual exploitation awareness training prior to being issued a licence.

All existing drivers are required to undertake a sexual exploitation awareness refresher training every three years, with regular updated information leaflets circulated to drivers when required. If training is not completed the driver will be referred to Regulation and Review Committee.

11. **Three Year Driving Licences**

In the majority of cases the Authority will issue driver licences for up to three years. In certain cases a three year licence will not be appropriate but the Licensing Section will advise if this is the case.

12. **Application Procedure**

13. **New Applications**

The following documents are to be submitted in person or online as applicable for a **new** application:

- Fully completed application form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis.

- DBS Submission Reference Number together with appropriate identity documents or Evidence provided to confirm subscription to the DBS Update Service
- Knowledge Test pass certificate
- Driving Licence
- Fully completed mandate for DVLA licence check
- Evidence of a right to reside and work in the UK
- Evidence of completion of CSE awareness training
- Any additional information requested by the Licensing Section

Fees:

- Licence fee including DBS Check fee

Insertion to allow applications to be made on line
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The application will not be determined until the knowledge test has been taken and passed, a medical certificate and Enhanced Disclosure and where applicable a Certificate of Good Conduct and any additional information requested are received. Any incorrectly completed forms will be returned.

If the application is withdrawn or refused the fee will be refunded minus the proportion of the charge for the DBS and knowledge test fee and an administrative charge. Should the application be appealed the administrative charge will be higher.

Fees paid in relation to driver licences will be subject to a partial refund on the unexpired portion of the licence should the driver choose to surrender their licence. Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

14. **Renewals**

Applications to renew a licence must be submitted in person or on line as applicable prior to the expiry date of the current licence.

The following documents are to be submitted for a **renewal** application:

- Fully completed renewal form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis, if required
- DBS Submission Reference Number together with appropriate identity documents, as required
- Driving licence and/or fully completed DVLA mandate
- Evidence of a right to reside and work in the UK (where required)
- Evidence of completion of a refresher CSE awareness package (when

- required)
- Any additional information requested by the Licensing Section

Holders of existing driver's licences must apply to renew their licence in the month preceding the expiry date and the application must be submitted at least 10 working days prior to the expiry of the existing licence. Renewal applications submitted after the expiry date will not be accepted. Any late renewals will be classed as a New Application with Grandfather Rights.

Insertion to allow applications to be made on line and increase in time period to submit renewal application from 7 days to 10 working days

Fees:

- Licence fee including disclosure application fee if required

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid drivers the Licensing Team will endeavour to do so. However, the responsibility rests with the driver to ensure documentation is provided within the appropriate timescales. If the required documents are not produced the application will not be determined.

If the application is refused the fee will be refunded minus the proportion of the charge for the DBS and an administrative charge. Should the application be appealed the administrative charge will be higher.

15. **Incomplete applications**

An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, will not be processed.

In such cases the Authority will issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licensee can continue to drive.

If the licensee fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to drive. If no appeal is received within 21 days then the driver must cease driving.

Renewal applications will be processed and a driver's licence issued pending any required enhanced DBS check unless the Authority has reasonable grounds for concern in which case the renewal will not be granted until or unless these concerns have been resolved.

Any licence that is issued pending the result of a DBS check will be on a "without prejudice basis" meaning such licences are issued without prejudice to any subsequent decision that the Authority may make when all of the relevant information from the DBS check is to hand.

If no evidence is provided of an enhanced DBS check having been submitted and sufficient accompanying documents to proceed with the renewal application, the application will not be accepted and no “without prejudice” licence issued.

If convictions, cautions etc. or charges are disclosed in the DBS check, the Head of Environment, Housing & Leisure will make a decision as to their relevance. The Authority may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy the application for renewal of a licence may be refused. Appeals against a refusal must be made in writing to the Regulation and Review Committee and/or Crown Court or Magistrates Court and be received within 21 days of receipt of the decision.

If details of any convictions, cautions etc. are received through the DBS check process and these were not disclosed by the applicant on the signed declaration form stating that there are no new convictions, cautions, fixed penalties or community resolutions then this will be treated seriously and the appropriate action taken in accordance with the Authority’s Enforcement Policy.

The Head of Environment, Housing & Leisure may refer a decision to renew a driver’s licence to the Regulation and Review Committee.

If a renewal of a licence is refused the decision and reasons for the decision will be notified in writing to the applicant or licensee within 5 working days of the decision.

Where a licence is issued, drivers will be issued with two identity badges detailing their name, licence number, expiry date of the licence and a photograph of the licensee. One badge must be worn at all times when the driver is working. Drivers are required to display the other badge in the vehicle where it is clearly visible to passengers.

Lost or damaged badges must be notified to the licensing Section by the next working day. A fee will be charged for each replacement badge.

16. **Grandfather Rights**

The Authority will take account of the previous DBS check and medical history held of any driver who has not renewed their driver’s licence but re-applies within 6 months of the expiry date. If a knowledge test has been passed then a period of 12 months will apply in relation to this.

17. **Conditions of Licence/Byelaws**

The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

The Authority is not permitted to attach conditions to a hackney carriage driver’s licence. The Authority has adopted Byelaws which regulate hackney carriage

drivers. It is, however, empowered to attach conditions to a private hire driver's licence as are considered necessary.

It is the responsibility of a private hire driver on the grant of a driver's licence to ensure that they have read the conditions attached to the licence and to fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the driver.

No private hire driver should be operating as a licensed driver without being aware of the conditions attached to their licence and all drivers will be expected to have read the conditions on receipt of their licence.

It is the responsibility of a hackney carriage driver on the grant of a driver's licence to ensure that they have read the Byelaws adopted by the Authority which regulate their driver's licence. Please see Appendix I for Byelaws. Failure to adhere to the Byelaws could result in disciplinary action being taken against the driver.

No hackney carriage driver should be operating as a licensed driver without being aware of the Byelaws adopted by the Authority in relation to hackney carriage drivers and all drivers will be expected to have read the Byelaws on receipt of their licence.

Insertion of need for drivers to be aware of conditions and Byelaws.
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18. **Code of Good Conduct**

The Authority has introduced a Code of Good Conduct for all drivers that the Authority encourages drivers to operate in accordance with. This serves to promote the objectives set out in this Policy in respect of hackney carriage and private hire licensing. This Code of Good Conduct will be taken into consideration when determining disciplinary matters.

The Code of Conduct is attached at **Appendix F** to this policy.

19. **Driver's Dress Code**

A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers.

In order to raise the standard of the licensed trade, drivers should operate at all times in a professional manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore in place and attached at **Appendix G** to this Policy. The Authority will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

4. Private Hire Operators

Contents

1. Requirements and obligations
2. Criminal Record Checks
3. Conditions
4. Other obligations
5. Application Procedure
6. Licence Duration
7. Address from which an operator may operate
8. Record Keeping
9. Change of Address
10. Convictions/Cautions

1. Requirements and obligations

Any person who operates one or more private hire vehicles must apply to the Authority for a private hire operator's licence.

The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle despatched by him/her is licensed and driven by a person who holds a private hire driver's licence. All three licences (operator, vehicle and driver) must be issued by the Authority.

It is a criminal offence to operate a private hire vehicle without an operator's licence.

Operators and prospective operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

Applications for an operator's licence must be made on the prescribed form, and the appropriate fee paid. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence. It is accepted that an operator does not have the same level of direct contact with the public as a licensed driver (unless s/he holds a hackney carriage or private hire driver's licence). However, it is acknowledged that the operator will be in possession of information about a person's whereabouts and movements and will deal with the public either face to face, over the telephone or by other means and therefore there is a need for them to be fit and proper persons to hold an operator's licence.

When determining the fitness and propriety of operators, Officers and Members will consider the following test:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

If the answer to this question is an unqualified yes, then the test is satisfied. If Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person to hold an operator’s licence.

Insertion of fitness test for operators.
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The Licensing Officer may also require additional information including a business plan.

2. **Criminal Record Checks**

Private hire operator’s licences will only be granted to persons that the Authority is satisfied are fit and proper. This will be ascertained by way of a Basic Disclosure of any criminal convictions from the Disclosure and Barring Service, information requested on the application form or if deemed necessary during interview with the Licensing Officer.

Before an application for a private hire operator’s licence will be considered the applicant (whether this be an individual or the Director of a limited company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority they will be exempt from this requirement as they will already have had a higher level of criminal record check.

Where a private hire operator’s licence is in force in the name of a limited company and a new director(s) is proposed to be appointed to that limited company then each proposed director will be required to provide a Basic Disclosure of convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority they will be exempt from this requirement.

Any concerns highlighted during this process will be carefully considered and may be referred to the Regulation and Review Committee for determination.

3. **Conditions**

The Authority has power to impose such conditions on an operator’s licence as it considers reasonably necessary.

On the grant of an operator’s licence the operator must read and understand the conditions attached to the licence. Failure to adhere to the

conditions of the licence could result in disciplinary action being taken against the operator.

No operator should be operating as such without being aware of the conditions attached to their licence and all operators will be expected to have read the conditions on receipt of their licence.

Insertion of need for operators to be aware of conditions.
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Appendix H sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

4. **Other obligations**

Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises and that appropriate planning permission is in place.

Applicants for operator licences (new or renewal) will be required to prove that they have a right to work in the UK before being considered for a licence. No licence will be granted until the applicant is able to prove that they have a right to work in the UK. If leave to remain in the country is less than 5 years a shorter licence will be issued.

All new applicants and on the first renewal for existing drivers a Right to Live and Work in the UK check will be carried out.

5. **Application Procedure**

The following documents are to be submitted in person or by post, online or e-mail for a new or renewal application:

- Application form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant and his/her/its staff
- Evidence of a right to reside and work in the UK (where required)
- Business Plan
- Policy on employing ex-offenders who are responsible for booking or despatching vehicles
- Any additional information requested by the Licensing Section
- A register of their staff who take bookings or despatch vehicles and operators
- Written confirmation that the Applicant has had sight of a basic DBS check of all the staff listed in the register.

Fees:

- Licence fee

Insertion to allow applications to be made online where applicable.

Officers may require a site visit to the premises prior to the determination of the application for an operator's licence.

6. Licence Duration

Operator's licences will have a duration of up to five years. Fees paid in relation to operator licences will be subject to a partial refund on the unexpired portion of the licence should the operator choose to surrender their licence.

Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

7. Address from which an operator may operate

Upon grant of an operator's licence the Authority will specify the address or addresses from which the operator may operate. The premises must be in North Tyneside.

If an operator wishes to change the premises from which they operate they should seek approval from the Authority prior to any change.

8. Record Keeping

Operators are required to keep records of each proprietor, vehicle and driver, booking records, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare agreed at the time of booking. **Appendix H** refers.

Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Authority.

9. Change of Home Address

The operator must advise the Licensing Section of the Authority in writing of any change of his home address within 7 days of such a change taking place.

10. Convictions, Cautions, Fixed Penalties and Community Resolutions

The operator shall disclose to the Authority within 7 days in writing of any conviction, caution, fixed penalty or community resolution received in relation to themselves or in the case of a limited company, against the company secretary or any of its directors.

5. Fares

Contents

1. General
2. Fare Tariff Formula
3. Table of Fares
4. Receipts
5. Overcharging

1. General

Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area.

Hackney carriage fares, set by the Authority, are a maximum and can be negotiated downwards by the hirer.

The Authority may review the fare scales when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.

The Authority is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator.

When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages. The meter must be used for all journeys. Failure to comply is an offence.

When a journey ends outside of the Authority's district a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. The meter must be used during all journeys. Failure to comply is an offence.

2. Fare Tariff Formula

The Authority prescribes the maximum fares that can be charged by a hackney carriage. The table of fares is not attached to this Policy as it is reviewed annually or more frequently depending on emerging circumstances e.g. the economic climate. A current table of fares is available from the Licensing Section or on the Authority website at www.northtyneside.gov.uk.

A formula is used to set maximum fares and charges. A full explanation of the formula is available from the Licensing Office.

A Notice of any variation to the maximum fare will be advertised in the Newcastle Evening Chronicle or similar newspaper with a date set of 14 days from

publication for making objections to the variation of fares.

If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received these will be referred to the Head of Environment, Housing & Leisure.

3. **Table of Fares**

Tables of fares will be provided to each hackney carriage licensee, which must be displayed in the vehicle so that they are easily visible to all hirers. Replacement fare tables are available for an additional fee.

4. **Receipts**

A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

5. **Overcharging**

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. Wheelchair users cannot be charged extra for transportation.

6. Fees

Contents

1. Fee Structure
2. Variations to fee structure
3. Payments
4. Payment Refunds

1. Fee Structure

The Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to set fees for hackney carriage and private hire vehicles, drivers and operator licences. The legislation permits the local authority to recover the cost of providing the licensing scheme and such fees must be reasonable.

Section 53 (2) of the 1976 Act controls the levying of fees in respect of driver's licences for both hackney carriages and private hire vehicles. Section 70 of the 1976 controls the levying of fees for hackney carriage proprietor's licences, private hire vehicle licences and private hire operator's licences.

The current scale of fees and charges are available from the Licensing Office and via the Authority website at www.northynteside.gov.uk.

2. Variations to fee structure

The fee structure is reviewed annually as part of the Authority's budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

A Notice of any variation to the maximum fees will be advertised in the Newcastle Evening Chronicle newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.

If no objections are received the fee variation will have immediate effect at the end of the 28 day period specified for objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

3. Payments

Payments can be made in the form of cash in person, cheques by post made payable to the Authority or by debit or credit card. Under no circumstances must cash accompany postal applications.

4. Payment Refunds

Fees paid in relation to hackney carriage and private hire vehicle licences are subject to a partial refund on the unexpired portion of the licence, minus any test fee(s), should the proprietor choose to surrender their licence during the period of the licence. Refunds are payable for each full quarter left and an administration fee will be levied.

Fees paid in relation to hackney carriage and private hire driver licences are subject to a partial refund on the unexpired portion of the licence should the driver surrender their licence during the period of the licence. Refunds are payable for each full year left and an administration fee will be levied.

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7. **Convictions, Cautions, Conduct, Fixed Penalties, Community Resolutions & Medical Fitness**

Contents:

1. Hackney Carriage & Private Hire Drivers
2. Rehabilitation of Offenders Act 1974

Section A – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions

3. General Policy
4. Formal Cautions, Fixed Penalties and Community Resolutions and Other Matters
5. Barred Lists
6. Outstanding charges or summonses/Non-conviction information
7. Offences
8. Offences of Dishonesty
9. Crimes Resulting in Death
10. Offences of Violence
11. Discrimination
12. Possession of a Weapon
13. Drugs Offences
14. Possession of Drugs
15. Sexual & Indecency Offences
16. Motoring Offences
17. Minor Traffic Offences
18. Major Traffic Offences
19. Disqualification
20. Vehicle Use Offences
21. Licensing offences

22. Section B – Conduct

23. Section C – Medical Fitness

24. Production of medical certificate
25. Group 2 Standard
26. Age
27. Monitoring of medical condition
28. Refusal, Suspension and Revocation on grounds of medical fitness

1. **Hackney Carriage & Private Hire Drivers**

When an application is made for a private hire or hackney carriage driver licence the Authority must be satisfied that the applicant is a **fit and proper** person before issuing the licence. By law the Authority shall not licence drivers unless it is satisfied of this (section 51 & section 59 Local Government (Miscellaneous Provisions) Act 1976).

The legislation is worded in such a way so as to put the onus on the applicant to produce evidence to satisfy the Authority that they are a fit and proper person, rather than for the Authority to prove that they are not.

The Authority may fail to be satisfied on the balance of probability that an applicant is a fit and proper person to hold a drivers licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In addition, the Authority may:

- suspend; or
- revoke; or
- refuse to renew a licence

a hackney carriage or private hire driver licence:

- if the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- if the licensee has been convicted of a private hire/hackney carriage licensing offence;
- if, the licensee (in some cases), since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- for any other reasonable cause.

(section 61 LG(MP) Act 1976)

Insertion of Authority's ability to suspend, revoke or refuse to renew a driver licence if the driver convicted of an immigration offence or failure to pay an immigration penalty

Any other reasonable cause will include convictions for other types of offence, a lack of medical fitness or conduct.

If it appears to be in the interests of public safety to do so, then a revocation or suspension of a licence will have immediate effect and the driver will be given notice of that decision and an explanation. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles. The revocation or suspension will continue to apply should an appeal be made against the decision. In certain cases a licence may be revoked or suspended without taking immediate effect.

2. **Rehabilitation of Offenders Act 1974**

Hackney Carriage and Private Hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974. **All** convictions, including spent convictions must be declared on first application or any renewal and will be considered as part of the application process.

3. **Section A – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions**

General Policy

The overriding consideration of the licensing regime is the safety of the public. The Authority has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.

The aim of this guidance is not to punish the applicant/licensee following a conviction or other form of disposal but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.

This guidance is intended to assist Licensing Officers and the Regulation and Review Committee (the Committee) in decision making and to ensure that a consistent approach is maintained. However, each case has to be decided upon its own merits and officers and the Committee will not stick rigidly to this guidance if there are clear and compelling reasons to depart from it. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.

It may be appropriate to depart from the general policy in this guidance in some cases, if there are compelling reasons to do so, for example, in situations where an offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern or trend of repeated offending or inappropriate behaviour which will be taken into account. Where there has been a conviction for a sexual offence or a crime which resulted in the death of another person an application for a licence will be refused. Where an applicant has served a custodial sentence the Authority will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation of another individual irrespective of whether the victims are adults or children they will not be, or continue to be, licensed. "Exploitation" is taken to include slavery, child sexual abuse including grooming, psychological abuse, emotional abuse and financial abuse

Clarification concerning convictions of abuse and exploitation
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This guidance is also intended to assist applicants, licensees and those representing them, by clearly setting out the expectations that the Authority has in relation to applicants/licenses who have received convictions. This should also

minimise the time spent and associated costs incurred by both the Authority and applicants/licensees.

This guidance will be taken into account and will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

In considering evidence of an applicant's character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Authority will consider the nature of the offence or allegation made, when it was committed, the date of conviction, the applicants age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Authority cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)] but it may look at the circumstances surrounding the conviction.

This guidance is not an attempt to define who is a fit and proper person.

This guidance does not deal with every type of offence. However, offences described in this guidance and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be taken into account in accordance with this guidance. In all cases the safety of the public will be the primary concern of the Authority.

4. Formal Cautions, Fixed Penalties and Community Resolutions and Other Matters

For the avoidance of doubt, for the purposes of this guidance, cautions, fixed penalties and community resolutions shall be treated as though they were convictions and in this Policy/guidance any reference to "conviction" includes formal cautions, fixed penalties community resolutions and matters that amount to criminal behaviour but which have not resulted in a conviction.

Clarification on matters to be considered when assessing the fitness of a person to hold a licence.

Cautions

The Authority requires applicants and licensees to reveal promptly any cautions they may have received because a caution can only be imposed following an admission of guilt which is equivalent to a guilty plea on prosecution and because before a caution can be administered the police or prosecuting authority must have considered that there was sufficient evidence to proceed with a prosecution had the offer of a caution been refused.

Fixed Penalties

Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as

littering, dog fouling etc. Fixed penalties must be declared to the Authority promptly in the same way as convictions are declared and may be taken into account by the Authority. This is because payment of a fixed penalty indicates acceptance of guilt.

Community Resolutions

A community resolution imposed for crime or anti-social behaviour must be promptly disclosed to the Authority. This is because a community resolution can only be imposed where the offender admits guilt.

Other Matters

It should be recognised that matters that have not resulted in a criminal conviction (whether as the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the applicant/licensee has been bailed or released under investigation) can and will be taken into consideration by the Authority.

In addition, complaints that do not have police or other investigating authority involvement will be considered by the Authority when assessing the fitness of a person to hold a licence.

Addition of Community Resolutions and clarification of all disposals that need to be referred to the Authority.

5. Barred Lists

Part of the role of the DBS is to help prevent unsuitable people from working with vulnerable groups including children, barring them from doing so where necessary. As part of the enhanced DBS check the Authority is provided with information about whether an applicant is barred from working with children or adults. In most cases, someone on a barred list would not be legally prevented from being a taxi or PHV driver, so the Authority can use its discretion in making decisions. However, in the interests of public safety, unless there are exceptional circumstances, an application will normally be refused where the applicant appears on either barred list.

6. Outstanding charges or summonses/Non-conviction information

Where an applicant/licensee is the subject of an outstanding charge or summons their application will not usually be determined until the conclusion of proceedings or the charge(s) has/have been withdrawn.

If an applicant/licensee has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application or if currently licensed to further action being taken having regard to this Policy and guidelines.

7. **Offences**

This guidance does not deal with every type of offence.

However, offences described in this guidance and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

8. **Offences of Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

Applicants/Licensees with a conviction for an offence involving dishonesty will not be granted a licence until at least 3 years have elapsed since the completion of any sentence.

9. **Crimes Resulting in Death**

Applicants/Licensees 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 will not be licensed.

10. **Offences of Violence**

Applicants/Licensees with a conviction, for an offence of violence, or connected with any offence of violence, will not be granted a licence until between 3-5 years have elapsed since the completion of any sentence imposed.

11. **Discrimination**

Where an applicant/licensee has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.

12. **Possession of a Weapon**

Where an applicant/licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

Addition of time free from conviction for offences of discrimination and possession of a weapon. Convictions following some offences will mean that a licence is not granted.

13. **Drugs Offences**

Supply of Drugs/Cultivation of Drugs

Applicants/Licensees with a conviction for an offence of supplying or possession of drugs with intent to supply or connected with possession with intent to supply, will be refused a licence until at least 5 years have elapsed since the completion of any sentence imposed.

14. **Possession of Drugs**

Applicants/Licensees with a conviction for an offence of possession of drugs or related to the possession of drugs will be refused a licence Until at least 3 years have elapsed since the completion of the sentence imposed. In these circumstances the applicant/licensee will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs

15. **Sexual and Indecency Offences**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers. Therefore, applicants/licensees with a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

Clarification of consideration of sexual and indecency offences. Convictions following some offences will mean that a licence is not granted.

16. **Motoring Offences**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying members of the public. Any motoring conviction demonstrates a lack of professionalism and will be considered in that light. The single occurrence of a minor traffic offence will not generally prohibit the grant of a licence or action being taken against a licensee. However, any subsequent motoring convictions may be evidence of the fact that the applicant/licensee does not take their responsibilities as a professional driver seriously and is therefore not, or no longer remains, a fit a proper person to hold a licence.

17. **Minor Traffic Offences**

Where an applicant/licensee has between 3-5 penalty points either at the time of application or during the licence period this will be considered as a "Minor Traffic offence". Convictions for minor traffic offences should not prevent a person from obtaining a licence. In the majority of cases the applicant/licensee will receive a warning or advice regarding future conduct.

Bearing in mind the number of miles they drive, it is expected that licensed drivers are more likely than the average motorist to get convictions for minor traffic offences. Where an applicant/licensee has accrued 6 or more penalty points for two or more minor traffic offences in the majority of cases a formal written warning

will be issued.

18. **Major Traffic Offences**

Road Traffic Offences which carry mandatory disqualification from driving will always be considered as “Major Traffic offences”. Where an applicant / licensee has 6 or more penalty points for a single offence or where the court has disqualified the driver for a single offence this will be considered as a Major Traffic offence. In the majority of cases an applicant will be refused until a period of 2 years has lapsed since the date of the last conviction or the restoration of the DVLA licence. Existing drivers will generally be referred to the Regulation and Review Committee.

Where an applicant/licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence or driving ban imposed. Following a conviction for driving under the influence of drugs, an applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant/licensee has a conviction for using a hand-held mobile telephone or other hand-held device, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Expansion of driving offences

Q8. Do you agree or disagree with the proposal that the time periods during which a licence will not be granted is expanded for:

- a) drink driving and drug convictions
- b) using a hand-held mobile telephone or device?

Please give reasons for your response.

19. **Disqualification**

In totting-up cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Authority is likely to refuse a hackney carriage or private hire drivers licence and an applicant will normally be expected to show a period of 12 - 18 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-qualification. Existing drivers will generally be referred to the Regulation and Review Committee. This is because repeat motoring convictions would suggest that the driver does not take his/her professional responsibilities as a licensed driver seriously and may as a result no longer be considered a fit and proper person to hold a licence.

In totting-up cases where disqualification is imposed by the court, the Authority is likely to refuse a hackney carriage or private hire drivers licence until a period of 12 – 18 months has lapsed since the restoration of the DVLA licence. Existing drivers will be referred to the Regulation and Review Committee.

20. **Vehicle Use Offences**

Where an applicant/licensee has a conviction for any offence which involved the use of a vehicle (including both hackney carriage and private hire vehicles) a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

Addition of offences which involve the use of a vehicle

21. **Licensing Offences**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) and hackney carriage Byelaws is to ensure the protection of the public. The main private hire and hackney carriage offences are available from the Licensing Office or on the Authority's website www.northtyneside.gov.uk.

A serious view is taken of convictions for offences under the Acts and Byelaws when deciding whether an applicant/licensee is considered to be, or remain, a fit and proper person to hold a licence.

Where an applicant/licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 2 years have elapsed since the completion of any sentence imposed.

Where an applicant/licensee has a conviction for any offence which involves the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 2 years have elapsed since the completion of any sentence imposed.

Q9. Do you agree or disagree with the time periods contained within chapter 7? Please give reasons for your response.
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22. **Section B – Conduct**

Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be taken into account in determining fitness and propriety as well as any complaints received about a current licensee.

The Authority may require an applicant to submit information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached to a licence (section 57 LG(MP) Act 1976).

The courts have found that the main purpose of the licensing regime is to prevent licences being given to, or used by, those who are not suitable to hold a licence,

taking into account their driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain [2002]).

When determining the fitness and propriety of drivers Officers and Members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

If the answer to this question is an unqualified “yes”, then the test is probably satisfied. If the Officers or members have doubts then further consideration will be given as to whether the individual is a fit and proper person.

Matters that have not resulted in a criminal conviction as explained in Section A of this guidance can and will be taken into account by the Authority when determining the fitness of a person to hold, or to continue to hold, a licence.

23. Section C – Medical Fitness

24. Production of medical certificate

Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Authority may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Authority requires a medical certificate upon an initial application for a licence.

In addition or in place of such a certificate the Authority may require an applicant to submit to examination by a registered medical practitioner selected by the Authority as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

The medical practitioner must confirm that:

1. they have examined the applicant
2. the applicant is registered with the practice and/or
3. they have had full access to the applicant's medical records
4. the medical examination was carried out to DVLA Group 2 standard
5. s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.

If the medical practitioner has not had access to the applicant's full medical records the Authority may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All expenses are payable by the applicant.

25. Group 2 Standard

In line with DVLA recommendations, the Authority has adopted DVLA Group 2

driver standard for medical fitness of hackney carriage and private hire drivers. This reflects the higher risk caused by the length of time the driver may spend at the wheel in the course of his/her occupation and the responsibility they have for the safety of their passengers and the public.

26. **Age**

The Authority's policy is that a medical certificate is required upon an initial application for a licence. It remains valid until a driver reaches the age of **45 years** when a further medical certificate is required. A medical certificate is then required every **5 years until the age of 65** after which a certificate is required on a yearly basis.

27. **Monitoring of medical condition**

In addition, where a driver suffers from a medical condition that requires monitoring but would not prevent him/her from holding a licence the Authority may, as an additional condition of their licence, require written confirmation from his/her GP or consultant on each annual renewal that s/he remains fit to carry out the duties of a driver. Any condition attached to a driver's licence will be regularly reviewed.

It is a requirement that a driver notifies the Authority immediately of any medical condition which could affect their ability to carry out the duties of a licensed driver.

28. **Refusal, Suspension and Revocation on grounds of medical fitness**

If the Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted (section 51 & section 59 LG (MP) Act 1976).

If the Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under section 61 Local Government (Miscellaneous Provisions) Act 1976.

Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Authority to revoke or suspend an existing driver's licence **with immediate effect** when that driver no longer meets the Group 2 medical standard and in the opinion of the Authority's it is in the interests of public safety to take such a course of action. The Authority will only lift a suspension of a licence on receipt of written confirmation from a GP or consultant that the driver meets the Group 2 medical standard.

8. Enforcement and Discipline

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1. Enforcement/Disciplinary Options
2. Informal Action
3. Vehicle Defect Rectification Notice
4. Suspension of Vehicle Licence
5. Section 68 Suspension of Vehicle Licences
6. Suspend, revoke or refuse to renew
7. Section 60 Vehicle Licences
8. Section 61 Driver Licences
9. Section 62 Operator Licences
10. Stay of action pending outcome of Court Appeal
11. Requests for Insurance
12. Cautions
13. Prosecution

Please note: This chapter provides an overview of enforcement and disciplinary action. It is not intended to be an exhaustive list. **It does not constitute legal advice.**

1. Enforcement & Discipline - The Authority's Officers and Regulation & Review Committee

Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instill confidence in the travelling public who wish to use the service.

Enforcement of hackney carriage and private hire matters is undertaken by the Authority. The police may also take action in certain circumstances.

Officers of the Authority (usually Licensing Officers) can be authorised by the Authority to undertake enforcement work. The Head of Environment, Housing & Leisure may authorise such Officers. In undertaking such work the Officers will abide by the Authority's Enforcement Policy. Enforcement work includes investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Authority can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Head of Environment, Housing & Leisure may take appropriate disciplinary action against licensees in accordance with this policy. The Authority's Regulation & Review Committee may determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Environment, Housing & Leisure.

2. **Enforcement/Disciplinary Options**

There are various options to take depending upon the circumstances including:

- take no action
- take informal action
- use statutory and other notices/requests
- suspend a licence (with or without immediate effect)
- revoke a licence (with or without immediate effect)
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction

The Head of Environment, Housing & Leisure may refuse to grant or renew licences and may revoke or suspend licences, with or without immediate effect.

3. **Informal Action**

Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action.

Informal action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action
- from the individual licensee's history it can be reasonably expected that informal action will achieve compliance
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

Repeated incidents of licence infringements, complaints etc. are likely to lead to action being taken against the licensee by the Head of Environment, Housing & Leisure or a referral to the Regulation & Review Committee.

4. **Vehicle Defect Rectification Scheme (VDRS)**

In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws is noted Officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for inspection by Officers within 5 working days at the Licensing Office or a mutually agreed location. If a proprietor is aggrieved at the issue of a VDRS notice then they may request a review by Officers.

If the defect has been remedied then usually no further action will be taken. If the

defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended (section 60 (LG(MP) Act 1976) and/or the proprietor may be prosecuted (section 50 & section 73 LG(MP) Act 1976). A proprietor may appeal against a section 60 vehicle suspension during which time the vehicle can continue to be used.

5. **Section 68 Notices – Suspension of Vehicle Licence**

An Officer authorised by the Authority (or Police Officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Authority to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The Officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy using section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Suspension under section 68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an Officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

If the Officer is not satisfied of the fitness/accuracy of the vehicle within 2 months the vehicle licence is deemed to be revoked. Such matters do not need to be referred to Regulation and Review Committee by the Head of Environment, Housing & Leisure. The proprietor will be given written notice of the revocation within 14 days. The proprietor may appeal against the revocation of the licence to the Magistrates' Court or alternatively, or in addition to, the driver may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

6. Suspend, Revoke or Refuse to Renew a Licence

7. Vehicle Licences – Section 60 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- a. that the vehicle is unfit for use;
- b. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- c. any other reasonable cause

Where the Authority suspends, revokes or refuses to renew a vehicle licence under section 60 LG(MP) Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure the proprietor may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision

8. Driver Licences - Section 61 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew a driver licence (hackney carriage, private hire or dual hackney carriage/private hire) on any of the following grounds:

- a. that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- b. that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- c. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- d. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew a driver licence under section 61 LG(MP) Act 1976 it shall give the driver written notice of the grounds for the decision within 14 days. The driver must on demand return to the Authority the driver's badges. The driver may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure, the driver may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

9. Operator Licences - Section 62 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- b. any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
- c. any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- d. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- e. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew an operator licence under section 62 LG (MP) Act 1976 it shall give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure the operator may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

10. Stay of Action Pending Outcome of Court Appeal

Section 77(2) LG(MP) Act 1976 stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke a licence, the licence is deemed to remain in force until the appeal has been disposed of or withdrawn.

The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates' Court dismisses the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined. If no appeal is lodged the driver must cease driving at the end of this period.

The Authority may decide that a suspension or revocation should take immediate effect where it considers it is in the interests of public safety to do so. In such cases the notice is issued to the driver and will include a statement that it is an immediate suspension/revocation and an explanation why. The suspension or revocation takes effect when the notice is received by the driver.

Where a licensee's court appeal is unsuccessful the court may order them to pay the Authority's costs.

None of the above provisions apply to the suspension of a vehicle licence under section 68 LG(MP) Act 1976. Where the suspension or revocation of a driver's licence under section 61 LG(MP) Act 1976 applies with immediate effect the driver cannot drive a hackney carriage or private hire vehicle pending any appeal made to the Regulation and Review Committee or to the Magistrates' Court.

11. Requests for Insurance

In addition to spot checks, the Authority's Officers have a regular programme whereby requests to produce insurance are sent to a random selection of proprietors for the production of vehicle insurance. If insurance is not produced the vehicle licence may be suspended and the proprietor may be prosecuted (section 50 LG(MP) Act 1976).

In addition, anyone using an uninsured vehicle may be prosecuted (section 143 Road Traffic Act 1988 (or any successor legislation)).

12. Cautions

A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Authority will have regard to all relevant guidance including the Authority's Enforcement Policy. It is necessary for the offence to be admitted prior to administering a caution.

A caution may be used to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the Courts;
- reduce the chances of repeat offences.

13. Prosecution

In certain cases the Authority will prosecute. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied and regard will be given to the Authority's Enforcement Policy.

In addition to prosecution, disciplinary action (e.g. warning, suspension, revocation, refusal to renew) may be taken against the licence.

The current standard fines for summary offences in the Magistrates Court are as follows:

Level 1 - £200

Level 2 - £500

Level 3 - £1,000

Level 4 - £2,500

Level 5 - Unlimited

9. Regulation & Review Committee

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1. Introduction
2. Decision making
3. Appeals
4. Disciplinary or Referred Matters
5. Procedure Note
6. Before the Hearing
7. Absence of Licensee/Applicant
8. At the Hearing
9. Appeal to the Court
10. Who is who?

1. Introduction

The Authority's Regulation and Review Committee ("the Committee") exercises the Authority's functions in relation to the individual licensing of hackney carriage vehicles, hackney carriage drivers, private hire vehicles, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation following referral to it by the Head of Environment, Housing & Leisure. All Members who have been appointed to this Committee receive on-going training from Authority Officers.

The Committee meets on a regular basis to discuss and determine specific taxi/private hire licensing issues. The schedule of meetings is available at www.northynteside.gov.uk.

When considering any matter the Regulation & Review Committee will have regard to this Policy.

A Committee will meet to determine the following:

1. Appeals against decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and suspension of all licences.
2. Disciplinary action to take (if any) against licensees referred to it by the Head of Environment, Housing & Leisure; and
3. Referred matters - any licensing application or other matter concerning individual licensees referred to it by the Head of Environment, Housing & Leisure.

2. Decision making

Decision making in relation to licensing is an onerous responsibility and must be exercised in a way that protects the public. The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence and thus is someone who can be trusted to convey

passengers safely.

Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered to be no longer a fit and proper person to hold a licence as a result of a conviction, fixed penalty caution, community resolution, complaint or other relevant non-conviction information.

When the Committee considers such matters concerning an applicant/licensee it is operating in an administrative capacity and the rules of natural justice must be observed, and the applicant/licensee has the right to a fair hearing. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee will be impartial, unbiased and will act in good faith.

The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates for either the Head of Environment, Housing & Leisure, the Police or the licensee/applicant but to weigh the merits of the case as presented to it - ensuring that the proper considerations are taken into account and irrelevant factors are disregarded, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

Only Committee members who have heard the entire application, appeal or referred matter are able to take part in the decision making process.

Committee members should not participate in the hearing of a matter if there could be the appearance of bias or apparent bias. This can arise where a member's outside connections make it appear that there is a real danger of actual bias or apparent bias or a member has an interest under the Authority's Code of Conduct that they must declare. Where a registerable or non-registerable interest exists in relation to a matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice a Member's judgement of the public interest and either the matter will affect the financial position of a Member or a member of their family or employer or the matter concerns a request for a permission, licence, consent or registration of themselves or a family member or employer, the Member must withdraw from the meeting room.

The duty of a Member to consider whether or not to participate in a meeting is set out in Part 4 – Non-Participation in Authority Business - of the Code of Conduct for Members which forms part of the Authority's Constitution.

Update of information concerning Members Code of Conduct
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3. Appeals

When considering an appeal against a decision of the Head of Environment, Housing & Leisure in relation to the grant, refusal or suspension of a licence the Committee may:

1. Allow the appeal in whole or in part

For example, if an appeal concerns the refusal of a licence, the Sub-Committee may determine that the licence should be granted but may stipulate additional conditions that must be attached to the licence and/or issue a strong warning as to the licensee's future conduct.

2. Dismiss the appeal

4. Disciplinary or Referred Matters

When considering a disciplinary or a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of the policy.

Appropriate disciplinary action can take a number of forms, for example:-

1. Revocation of a licence
2. Refusal to renew a licence
3. Suspension of a licence
4. A warning letter expressing the Authority's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a suspension, refusal to renew or revocation of their licence.

Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (NB. conditions cannot be attached to a hackney carriage driver's licence).

The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

5. Regulation & Review Committee – Appeals/Disciplinary/Referred Matters - Procedure Note

The Regulation and Review Committee hearing aims to ensure that the Environment, Housing & Leisure Service and the licensee/applicant have the fullest opportunity to present all of the information they wish to the Committee. The Committee is required to give full and fair consideration to the cases presented by the Officers and the licensee/applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted:-

6. Before the Hearing

Decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and revocation or suspension of licences are provided in writing and will enclose an appeal form as appropriate. Appeal forms can also be obtained by contacting the Licensing Office or Democratic Services of the Authority. An appeal must be lodged within 21 days of notification of the decision. Upon receiving notification of an appeal to Committee, the Head of Environment, Housing & Leisure will submit a report to the Committee.

If a licensee/applicant wishes to appeal directly to a Court they should approach the Court and/or seek independent legal advice in relation to the correct forms and procedures. Court documentation should be served upon the Head of Law and Governance, The Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

Where the Head of Environment, Housing & Leisure refers a matter to the Regulation & Review Committee for determination he shall inform the licensee/applicant of this and will submit a report to the Committee.

A copy of the report to Committee and the procedure to be followed at the hearing is supplied to the licensee/applicant by Democratic Services. Copies of this Policy are available on the internet or upon request from the Licensing Office.

Licensees/applicants are strongly advised to read the report and this Policy when preparing for the Committee hearing.

The licensee/applicant shall be given notice in writing at least seven days in advance of the time and place of the hearing and of their right to be accompanied by a friend, family member or other person, including a solicitor, and shall be allowed to call witnesses.

The licensee/applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to Democratic Services of the Authority in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation the Committee may refuse to accept the documentation or may defer the matter to be determined to a later date to afford the parties an opportunity to consider the documentation.

7. Absence of the Licensee/Applicant

The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Services Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.

If a licensee/applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Services Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively it may proceed with the meeting in their absence. In the interests of efficiency, meetings will generally proceed notwithstanding the absence of the Applicant if the Committee is satisfied that the applicant/licensee is aware of the hearing.

Where the Committee decides to proceed in the absence of the licensee/applicant the Committee will consider any information the licensee/applicant has supplied along with the report from the Head of Environment, Housing & Leisure.

If, a decision is made to adjourn a hearing the licensee/applicant will be advised of the new date, time and venue.

8. At the Hearing

Members of the Committee may ask questions at all stages.

The Head of Environment, Housing & Leisure or his representative shall present a report in the presence of the licensee/applicant and his/her representative and may call witnesses.

The licensee/applicant and/or his/her representative shall have the opportunity to ask questions about the information provided by the Head of Environment, Housing & Leisure or his representative and any witnesses called.

The licensee/applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.

The Regulation and Review Committee and the Head of Environment, Housing & Leisure or his representative shall have the opportunity to ask questions of the Licensee/Applicant and/or his/her representative and any witnesses called by or on behalf of the Licensee/Applicant.

The Head of Environment, Housing & Leisure or his/her representative and the Licensee/Applicant and his/her representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the Licensee/Applicant or his/her representative may speak last.

The Licensee/Applicant and his/her representative and witnesses and the Head of Environment, Housing & Leisure or his representative and witnesses shall withdraw from the meeting. Officers from Law and Governance will remain in the meeting to provide procedural and legal advice

The Regulation and Review Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her representative and the Head of Environment, Housing & Leisure or his representative to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries the Licensee/Applicant and the Head of Environment, Housing & Leisure will be notified by a Democratic Services Officer and they will not be required to return to the meeting.

The Licensee/Applicant will be notified of the Regulation and Review Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been suspended, revoked or a renewal has been refused written notice must be given within 14 days.

9. Appeal to the Court

There is a statutory right of appeal to the Magistrates Court in relation to:

- a refusal to grant a private hire or hackney carriage driver licence;
- any conditions attached to a private hire driver licence;
- a decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
- a refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
- a refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence;
- a decision to suspend, revoke or refuse to renew an operator's licence.
- a decision to refuse to renew a hackney carriage proprietor's licence
- any conditions attached to a hackney carriage proprietor's licence

A further appeal can be made against the decision of the Magistrates' Court to the Crown Court.

An appeal against a refusal to grant a hackney carriage vehicle/proprietors licence lies straight to the Crown Court.

Any appeal must be lodged with the appropriate court 21 days of receipt of the decision. A court fee may be levied. Costs may be awarded by the court against an unsuccessful applicant or a licensee or may in some circumstances be awarded against the Authority. Any person considering an appeal may wish to take independent legal advice with regard to the merits of an appeal.

Usually, any action against the licence is stayed pending the outcome of a Court appeal (section 77(2) LG(MP) Act 1976). However, in cases where the public interest requires that a suspension or revocation of a driver licence should take immediate effect a decision can be made that section 77(2) shall not apply. In such cases the driver must be notified in writing, with an explanation as to why the action has been taken.

Decision making may also be challenged by judicial review in the High Court. It is recommended that independent legal advice should be sought if such a challenge is being considered.

10. WHO IS WHO?

The Licensee or Applicant

The Licensee or Applicant (accompanied by a friend or representative if so wished) is invited to attend and make representations to the Committee.

Officers of Environment, Housing and Leisure

Officers representing the Head of Environment, Housing & Leisure will submit information to the Committee to enable it to consider whether and what action should be taken.

On occasions a representative from the Police Authority, other body or a witness may

attend to provide relevant information.

The Regulation and Review Committee

The Regulation and Review Committee is the body which has the delegated authority from the Authority to decide upon appeals, disciplinary and other matters referred to it by the Head of Environment, Housing & Leisure.

Officers of Law and Governance

Officers representing Law and Governance advise the Committee on the relevant law and procedures. They do not take part in the decision making process.

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10. Hackney Carriage Stands

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1. Appointed Stands
2. Creation of a Stand/Rank
3. Waiting on Stands
4. Byelaws

1. Appointed Stands

The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public is most likely to need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely.

The Authority is required to continually review the provision of hackney carriage stands in the Borough. In this respect Officers work closely with the North Tyneside Hackney Carriage Trade and oversee an on-going programme of improving facilities at existing stands with, for example, the installation of illuminated taxi-cubes, guard rails and shelters at stands, all funded from an available Local Authority budget.

There are currently 24 official hackney carriage stands in the Borough providing spaces for a total of 84 vehicles. A list of the stands and their designated names and times of operation are available on the Authority website at www.northtyneside.gov.uk.

Transport facilities in the Borough are well served with eight of the busiest metro stations having a hackney carriage stand.

2. Creation of a Stand/Rank

A new hackney carriage stand can be appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976 or a taxi rank created by a Traffic Regulation Order using powers contained in the Road Traffic Regulation Act 1984. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.

Prior to a new stand/rank being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

New stands/ranks will not be sited where they may lead to obstructions.

Officers will monitor the use of stands in the Borough and it is expected that all stands are serviced.

Addition of creation of rank using Road Traffic Regulation Act 1984.
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3. Waiting on Stands/Ranks and Etiquette

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait in any stand for hackney carriages or a rank reserved for hackney carriages to park.

Drivers of hackney carriages may only wait in a stand/rank whilst plying for hire or waiting for a fare.

Drivers of hackney carriages who park in a stand/rank and leave their vehicle unattended commit an offence.

Drivers of hackney carriages are expected to turn their vehicles off whilst waiting for a fare or to use their start stop technology if fitted.

Addition of requirement to turn off engine whilst waiting or use stop start technology
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4. Byelaws

The Authority has enacted a set of Byelaws regarding the operation and use of hackney carriages and their drivers. These include such matters as wearing of badge, driver conduct, plying for hire and use of the taxi stands/ranks. These will be reviewed as and when considered appropriate by the Authority.

11. Complaints Procedure

The Authority recognises the high standards of the private hire and hackney carriage trade and expects all licensees to uphold these standards at all times. However it is recognised that there may be occasions for transport users and other members of the trade to make complaints and as such a complaints procedure has been devised.

All complaints received will be investigated. Complainants will receive a written acknowledgement of their complaint within 2 working days advising the name of the Officer assigned to investigate the complaint.

Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.

The Authority recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

Licensees are expected to assist Officers investigations and make themselves available for interview at a mutually convenient time and place.

At the end of the investigation all parties concerned will receive confirmation of the result and action to be taken.

If any party is not satisfied as to the outcome the Authority's corporate complaints procedure is in place to deal with these issues.

Appendix A

Hackney Carriage and Private Hire Vehicle specifications

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and Hackney Carriages must comply with the requirements of Section C.

If you are making a new application for a Hackney Carriage proprietors licence or are replacing a hackney carriage first licensed after July 1992, the vehicle must be wheelchair accessible and must also comply with the requirements of Section D.

All vehicles must have the appropriate type approval.

The following vehicle specification must be maintained throughout the licence period unless changes have prior approval by the Authority.

Section A - General specification for all vehicles

GENERAL CONSTRUCTION

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation).
2. Any modification to the vehicle (e.g. conversion to wheelchair accessible, alteration of the original seat configuration or any other 'adaptation') must be approved by the Authority and the appropriate certificate produced.
3. The vehicle shall be right hand drive with a fixed head type body.
4. The vehicle shall be capable of carrying in reasonable comfort at least four passengers.
5. The vehicle shall be M1 category. In the case of post registration conversions Individual Vehicle Approval is required.
6. The vehicle shall have a minimum unladen height of 1.325 metres (53").

PASSENGER COMFORT

7. Every passenger seat in the vehicle must meet the following minimum dimensions:
 - Individual seat width – 41cm (16")
 - Bench seat width (i.e. rear seat of a saloon vehicle) – 124.5cm (49") Width between door handles – 124.5cm (49")
 - Width between rear doors – 132cm (52")
 - Seat squab height measured from vehicle floor - 30cm (12")
 - Seat squab depth – 45cm (18")
 - Headroom measured from centre of seat to underside of roof – 87.5cm (35")
 - Legroom measured from seat back diagonally to vehicle floor – 94cm (37")
 - Unobstructed space in front of seat measured from seat back – 63.5cm (25")

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the measurements are below the above dimensions.

8. There shall be no obstructions or features in the vehicle (e.g. prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Authority materially interferes with the comfort of any passenger.

9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
10. The vehicle shall be equipped with either:
 - (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
 - (b) An emergency puncture repair kit (with compressor/inflation pack) or
 - (c) Run flat tyres or
 - (d) Provide evidence of a contract with a mobile tyre replacement specialist.

In the event of a space – saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufactures' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

PASSENGER SAFETY

11. Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass. [If tinted windows are fitted as standard there will be no minimum light transmission to the rear of the B pillar.]

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34%. This discretion however does not apply to the front windscreen or the front side windows.

12. The vehicle shall have at least 4 doors and open sufficiently wide so as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.
13. Every passenger seat shall be either forward or rear facing and shall be fitted with an approved (lap & diagonal) seat belt.

LUGGAGE CAPACITY

14. The vehicle shall have capacity to convey an appropriate quantity of luggage.

Section B - Specification For Private Hire Vehicles

15. The vehicle must not be black in colour or a colour which closely resembles black in the opinion of the Licensing Officer.
16. If the Private Hire vehicle is fitted with a meter, it must be properly tested and sealed.
17. Private Hire vehicles must not have a roof sign.

Section C - Specification For Hackney Carriages

18. Hackney Carriage vehicles must be black in colour.
19. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size and colour approved by the Authority and relevant to the type of vehicle.
20. Hackney Carriage vehicles must be fitted with a taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the Authority's current Hackney Carriage Fare Table.

Section D - Specification For New and Replacement Wheelchair Accessible Hackney Carriages Only

GENERAL CONSTRUCTION

21. The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation) as well as all general policies and specifications of the Authority which relate to hackney carriage vehicles.
22. The vehicle must comply fully with Sections A and C of the preceding 'General Specification for all Hackney Carriages and Private Hire Vehicles'.

PASSENGER SAFETY AND COMFORT

23. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
24. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
25. Wheelchair access to the vehicle must be from the nearside or rear of the vehicle. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
26. The clear height of the doorway must not be less than 1.2 metres.
27. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled.
28. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
29. Approved anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for the wheelchair and occupant must be independent of each other.
30. Suitable means of wheelchair access must be fitted to the vehicle. Ramps must be of suitable design to ensure that they do not slip or tilt when in use and they provide a suitable gradient when in use. Tail-lifts must be of an approved type.
31. If any of the seating within the vehicle has to be removed or adjusted in any way to accommodate one or more wheelchairs, the following conditions will also apply:
 - The removal/adjustment must be able to be carried out quickly and easily so that in the opinion of the Authority there is minimal inconvenience caused to any hirer of the vehicle by the 'conversion'
 - Where one or more seats require removal to accommodate one or more wheelchairs there must be adequate space on the vehicle for the secure storage of any removed seats.
 - Where one or more seats are either removed or they become unusable when the vehicle has been 'converted' for wheelchair use there must be at least one further useable passenger seat.

Appendix B
Conditions attached to a
Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence

The following conditions are attached to the grant/renewal of the following vehicle licence:

Plate Number:

Registration Number:

Name of licensee(s) including part proprietors:

Failure to comply with the conditions may lead to action being taken against your licence.

STANDARD CONDITIONS

1. Maintenance Of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

2. Alteration Of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Authority.

3. Identification Plate

The licence plate supplied by the Authority and identifying the vehicle as a hackney carriage/private hire vehicle shall be securely fixed externally on or about the off side area of the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary by an authorised Officer of the Authority or a constable. The plate must be maintained in a satisfactory condition and be legible.

4. Interior Identification Marking

A sign supplied by the Authority indicating the licence number and the number of passengers the vehicle is licensed to carry, shall be displayed inside the vehicle in a prominent position on the inside of the windscreen so as to be clearly visible to passengers. The sign must be maintained in a satisfactory condition and be legible.

5. Door Decals

There shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be securely affixed or in the case of Hackney Carriage Vehicle permanently affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.

6. Safety Equipment

Where a ramp or ramps are used, they must be fitted/carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.

7. Signs, Notices, Etc

No signs, notices, advertisements, video [or digital display] etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority

- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video [or digital display] etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

8. Change Of Address

The proprietor shall notify the Authority in writing within seven days of any change of address during the period of the licence.

9. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations

The proprietor shall notify the Authority in writing within seven days if he/she is convicted of **any** offence or if he has been charged with an offence. He/she should **also** inform the Authority in writing within seven days of having received a caution, fixed penalty or community resolution and if released by the police on bail or under investigation.

10. Deposit Of Drivers Licence

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage/private hire vehicle, the proprietor shall retain the person's hackney carriage/private hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

11. Transfer Of Interest

The proprietor shall notify the Authority in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the Authority as soon as is practicable, or in any case within 72 hours of any accident which results in damage to the vehicle.

13. Additional Charges

The proprietor shall pay the Authority any reasonable additional charges to be determined by the Authority for:

- A) the replacement of any lost, damaged or stolen plate, decal or sign provided by the Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);
- B) any vehicle test appointment for which the proprietor fails to present the vehicle for testing or which is cancelled by the proprietor without giving at least 48 hours notice to the Authority.

14. Insurance

All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately or in any event within 72 hours.

Additional Conditions/departure from standard conditions

As required

Stamped/dated

Appendix C

Vehicle Testing Arrangements – Components to be Inspected

Body / Vehicle Structure

Free from excessive corrosion or damage in specific areas. No sharp edges likely to cause injury.

Speedometer

Condition and operation.

Fuel System

No leaks. Security and condition of pipes/hoses. Fuel cap fastens and seals securely.

Exhaust Emissions

Vehicle meets the requirements for exhaust emissions, dependent on the age and fuel type of the vehicle.

Exhaust System

Secure. Complete. Catalyst missing where one was fitted as standard. Without serious leaks and is not too noisy.

Seat Belts

All the seat belts fitted are checked for type, condition, operation and security. All mandatory seat belts must be in place. Check of the Malfunction Indicator Lamp (MIL) for air bags and seat belt pre tensioners and load limiters.

Seats

Drivers seat for adjustment. All seats for security and seat backs can be secured in the upright position.

Doors

Latch securely in closed position. Front doors should open from the inside and outside the vehicle. Rear doors should open from outside the vehicle. Hinges and catches for security and condition.

Mirrors

Minimum number required, condition and security. Indirect vision devices.

Load Security

Boot or tailgate can be secured in the closed position.

Brakes

Condition including inappropriate repairs or modifications, operation and performance (efficiency test). Note the removal of the road wheels and trims are not part of the test. Anti-lock Braking System (ABS) and Electronic Stability Control (ESC) where fitted. Check of the dashboard Malfunction Indicator Lamp (MIL) for ABS, ESC, electronic park brake and brake fluid warning.

Tyres and Wheels (including spare)

Condition, security, tyre size/type and tread depth. Note: vehicles first used on or after 1st January 2012 – check of the MIL for Tyre Pressure Monitoring System (TPMS).

Registration Plates

Condition, security, colour, characters correctly formed and spaced.

Lights

Condition, operation including High Intensity Discharge (HID) and Light Emitting Diode (LED) headlamps for cleaning, self-levelling and security. Headlamp aim. Main beam warning light.

Bonnet

Securely latches in the closed position.

Wipers / Washers

Operate to give the driver a clear view ahead.

Windscreen

Condition and driver's view of the road.

Horn

Correct operation and of suitable type.

Steering and Suspension

Condition, steering oil level, operation, a check for inappropriate repairs or modification including corrosion to power steering pipes or hoses. Operation of steering lock mechanism. Check of MIL for electronic power steering and steering lock.

Towbars (if fitted)

Security/condition/inappropriate repairs or modification. Correct operation of 13 pin electrical socket.

Vehicle Identification Number

Present on vehicles first used on or after 1st August 1980. A single VIN is displayed except on multistage build vehicles (e.g. van conversion, BMW/ Alpina).

Electrical

Visible electrical wiring and battery

Vehicle Interior

Clean.

Vehicle Exterior

Uniform colour.

Glass

Windscreen - minimum 75% light transmittance.

Front side windows - minimum 70% light transmittance

All other windows – minimum 34% light transmittance

[If tinted windows are fitted as standard there will be no minimum light transmission to the rear of the B pillar.]

Meter (if fitted)

Must be of an approved type and sealed.

Spare Wheel

The vehicle shall be equipped with either:

- (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
- (b) An emergency puncture repair kit (to include compressor/inflator) or
- (c) Run flat tyres or
- (d) Provide evidence of a contract with a mobile tyre replacement specialist.

Wheel-brace & Jack (only if spare wheel present)

Present. Correct operation.

Luggage Accommodation

Compartment clean, empty.

Seats & Interior Trim

Clean, free from rips or tears.

Floor Covering

Clean. No obstructions.

Licence Plate (Annual and Interim Tests Only)

Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition and information legible

NTC Windscreen Disc

Present. Securely attached to windscreen. In satisfactory condition, information legible.

NTC Door Signs

Present. Fitted correctly. In satisfactory condition, information legible.

NTC Emergency/ Information Signs (Minibuses/PCV's)

Present. In satisfactory condition, information legible.

For Hire Sign (hackney carriage only)

Present. Works in conjunction with meter and roof-sign.

Roof Sign (Hackney carriages only)

Present. Correct type and size for type of vehicle. Correct colours. Lettering correct size.

Advertising - bodywork

Approved. Present only on rear doors & boot area of vehicle unless approved.

Advertising - glass

Approved. Present only on top edge of windscreen.

NTC Fare Table (hackney carriage only) (Dashboard/partition/Rear Windows)

Present. In satisfactory condition. Most recent issue.

Byelaws (hackney carriage only)

Present. Satisfactory condition and legible

Interior Door Locks (Purpose built hackney carriage only)

Work in conjunction with foot-brake.

Ramps (if present)

Present. Stored securely. Adequate locking device must be fitted to ensure the ramps do not slip or tilt when in use.

Wheelchair Anchorages (if applicable)

Must be of an approved type (chassis or floor linked and capable of withstanding approved dynamic or static tests).

Tail-Lifts (if present)

Must have valid LOLER Certificate. Tail lift must not prevent the rear door(s) from being opened and must be easily moved if the power supply fails.

Appendix D
Standard 'Exemption Notice' Conditions
Executive Hire Vehicles

General Conditions

1. The Proprietor shall notify the Authority immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the Authority is displayed within the nearside of the front windscreen at all times.
3. The 'Exemption Notice' issued by the Head of Environment, Housing & Leisure in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
4. Other than the Authority's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Head of Environment, Housing & Leisure.
5. The Private Hire Vehicle proprietors licence identification plate and decals issued by the Authority shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the Authority shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time.
8. No table of fares/tariff card shall be displayed in the vehicle at any time.
9. A tariff of charges shall be deposited with the Authority and shall be carried within the vehicle at all times.
10. The Proprietor shall not change the body colour(s) which were present when the vehicle was first licensed without the prior written consent of the Head of Environment, Housing & Leisure.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire drivers licence identification badge issued by the Authority or display that badge in, on or from the vehicle at any time.
12. The Proprietor shall ensure that the private hire drivers identification badge issued by the Authority shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

Additional Conditions

Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint (less than 34% light transmittance) should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

Appendix E

Private Hire Driver Licence Conditions of Licence

The following conditions are attached to the grant of the following driver licence:

Name of licensee:

Licence Number:

Failure to comply with the conditions may lead to action being taken against your licence.

1. Conduct of Driver

The Driver shall:-

1. Afford all reasonable assistance with passenger's luggage
2. At all times comply with the Authority dress code and behave in a civil and orderly manner
3. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her
4. Not without the express consent of the hirer, drink or eat in the vehicle.
5. Not without express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
6. Drivers are issued with two badges, one to be worn around the neck. At all times when acting in accordance with this licence a badge licensed to him/her must be displayed in such a position and manner as to be plainly and distinctly visible to passengers.

The Driver shall not smoke in the vehicle at any time, including when the vehicle is not available for hire.

2. Passengers

1. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
2. The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him/her:
 - (a) Any child below the age of three years, or
 - (b) more than one person

3. Lost Property

If any identifiable property is left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/her shall take it as soon as possible in any event within twenty four hours, if not sooner claimed by or on behalf of its owner to a convenient police station and leave it in the custody of the Officer on his/her giving a receipt for it.

4. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fare paid.

5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle whilst the vehicle is hired and he/she shall ensure that any animal belonging to or in the custody of any passengers is conveyed in the rear of the vehicle.

This does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a private hire vehicle or hackney carriage vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operators or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

7. Deposit Of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone, other than himself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle.

8. Change Of Address

The driver shall notify the Licensing Office in writing of his/her address during the period of the licence within seven days of such change taking place.

9. Medical Fitness

The driver inform the Licensing Office immediately if he/she suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter his/her ability to drive a vehicle.

A driver or prospective driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period that driver or prospective driver shall notify the Authority immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver or prospective driver does not intend to drive a private hire vehicle.

10. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations

The driver shall within seven days disclose to the Authority in writing details of **any** conviction (including all motoring offences), caution, fixed penalty or community resolution received during the period of the licence. The driver shall also notify the Authority in writing within seven days if he/she has been charged with an offence or has been released by the police on bail or under investigation.

11. People who have spent time overseas

Existing licensed drivers must notify the Authority in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Authority on their return and complete a statutory declaration on the form provided by the Authority.

12. Return Of Badges

The driver shall upon the expiry, revocation or suspension of this licence forthwith return to the Authority the driver's badges issued by the Licensing Office when granting this licence.

13. Taxi Meter

If a private hire vehicle is fitted with a taxi meter or other Authority approved device used to calculate the fare, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

14. Fare To Be Demanded

The driver shall not demand from any hirer of a private hire vehicle, fare in excess of any previously agreed for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

15. No smoking Policy

Smoking in a smoke-free place is prohibited under the Health Act 2006 by both the driver and passengers.

In this context a 'smoke-free place' includes a licensed hackney carriage and private hire vehicle as well as a private hire operator's premises.

Smoking also includes the use of e-cigarettes.

16 Renewal of Licence

The driver must apply to renew a private hire driver's licence at least 10 working days before the licence is due to expire

17. Wheelchair Accessible Vehicles

All drivers of wheelchair accessible vehicles must:

- (i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- (ii) Before any movement of the vehicle takes place ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- (iii) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulation 100 of the (Construction and Use) Regulations 1986.

18. Responsibility Towards Authority Employees

Drivers are expected to be polite and courteous at all times and to comply with any reasonable request made by a Licensing or Civil Enforcement Officer or Testing Mechanic. Verbal or physical abuse will not be tolerated.

19. Subscription to the Disclosure and Barring Service (DBS) Update Service

All drivers will be required to subscribe to the DBS update service.

20. All drivers must read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with the Policy as it applies to them.

Appendix F

Code Of Good Conduct For Licensed Drivers

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility to the Trade

Licensees shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Authority's Hackney Carriage and Private Hire Licensing Policy; Byelaws
- (c) behaving in a professional manner at all times.

2. Responsibility to Clients

Licensees shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking a pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) only use the vehicle horn in accordance with the law;
- (b) keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At hackney carriage stands and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) stand in an orderly manner and proceed along the stand in order and promptly;
- (b) remain in the vehicle.

At private hire offices a licensee shall:

- (a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- (b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- (b) be polite, helpful and respectful to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle at any time (this includes e-cigarettes);
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE: ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

THE AUTHORITY WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

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Appendix G

Drivers Dress Code

The purpose of a driver's dress code is to seek a standard of dress that promotes a positive image of the hackney carriage and private hire trade in North Tyneside, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

The dress code is not a condition of licence and will not be enforced as such, however the Licensing Authority encourages drivers to comply with the requirements.

Acceptable Standards of Dress

Tops

- Shirts, blouses, T-Shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

Footwear

- Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.

Appendix H

Private Hire Operators Licence **Conditions of Licence**

1. RECORDS

- (i) The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein **before** the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, including where a booking is sub-contracted (whether the vehicle that is used is licensed under section 48 of the 1976 Act, or is licensed as a hackney carriage under section 37 of the Town Police Clauses Act 1847):
- a) The time and date of the hiring
 - b) The name of the hirer
 - c) The agreed time of the pick-up
 - d) The point of pick-up
 - e) The destination
 - f) The proprietor, registration number, licence number and call sign of the vehicle/driver allocated for the booking
 - g) The name and licence number of the driver
 - h) Remarks (including details of any sub-contract)
- (ii) The operator shall also keep records of the particulars of all vehicles operated or used by him (whether licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or under section 37 of the Town Police Clauses Act 1847, which particulars shall include details of the proprietors, registration numbers, licence number and drivers of such vehicles, together with any radio call sign used.
- (iii) All records which are required to be kept under the conditions of licence must be made available upon request to an authorised Officer of the Authority or a constable.
- (iv) The operator shall keep records of all desk clerks employed by him, including their name, date of birth and home address. A daily record must be kept of the time worked by each clerk.
- (v) The desk clerk shall sign the booking sheet at the start of each duty.
- (vi) All records kept by the operator shall be preserved for a period of not less than ONE year following the date of the last entry.
- (vii) [The operator shall keep a register of all staff who take bookings or despatch vehicles.
- (viii) The operator shall have sight of a basic DBS check on all staff listed in the register of staff.
- (ix) The operator shall have a policy on employing staff who are ex-offenders and who are responsible for taking bookings and despatching vehicles and the operator will provide the Authority with a copy of that policy and any revised policy no later than seven days of its completion/revision.]

2. STANDARD OF SERVICE

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- 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 purpose of booking or waiting.
- c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. COMPLAINTS

The operator shall notify the Authority in writing, within seven days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

4. CHANGE OF ADDRESS

The operator shall notify the Authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

5. CONVICTIONS, CAUTIONS, COMMUNITY RESOLUTION OR ON-GOING INVESTIGATIONS

The operator shall within seven days disclose to the Authority in writing details of any conviction, caution or community resolution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence. The operator shall within seven days disclose to the Authority in writing of any on-going police (or other authority) investigation of him (or, if the operator is a Company, of any its Directors).

6. OPERATORS LICENCE

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of North Tyneside.

The Operator shall display the Operator's Licence issued by the Local Authority in a conspicuous position at the licensed premises.

7. SPECIAL CONDITIONS RELATING TO PORTACABINS

- (i) The operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system.
- (ii) The operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

- 8.** Operators should read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with Policy as it applies to them.

BYELAWS

Metropolitan Borough of North Tyneside Byelaws made under Section 68 of The Town Police Clauses Act 1847, and Section 171 of The Public Health Act 1875 by the Authority of the Borough of North Tyneside, with respect to hackney carriages in the Borough of North Tyneside dated 4th March 1977 (all previous versions of these repealed)

INTERPRETATION

1. Throughout these byelaws “the Authority” means the Authority of the Borough of North Tyneside and “the district” means the Borough of North Tyneside.

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 inside of the carriage and on plates affixed to the outside of the carriage.
- (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
 - (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. Every proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause any 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 to carry luggage
 - (h) provide for an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) in cases of motor hackney carriage 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. Every proprietor of a motor 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) If the taxi meter is fitted with a flag or other device bearing the words “FOR HIRE”
 - (i) the words “FOR HIRE” shall be exhibited on each side of the flag of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
 - (ii) when the flag or the other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible
 - (b) If the taximeter is not fitted with a flag or other device bearing the words “FOR HIRE”

- (i) the taximeter is not fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" or other indication that the vehicle has been hired to appear on the face of the taximeter
 - (ii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and 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 figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare record thereon
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and for the purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - (f) the taximeter and all fittings thereof shall be 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 to permanently displacing the seals of other appliances

5. Every proprietor of a motor hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:-

- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire

PROVISION 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

6. Every driver of a motor hackney carriage shall:-

- (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
 - (ii) as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of hiring
- (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
 - (ii) as soon as the carriage is hired whether by distance or by time or at any time when the carriage is not available operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
 - (iii) as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the words "HIRED" or other indication that the vehicle has been hired is legible on the face of the taximeter, and the machinery of the taximeter in action until the termination of the hiring
- (c) cause the dial of the taximeter to be properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer

7. 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

8. The driver of a hackney carriage shall, when plying for hire in the street and not actually hired:-
- (a) proceed with reasonable speed to one of the hackney carriage stands appointed by the Authority under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 for his particular class of vehicle;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at the stand in Front Street, Tynemouth (at eastern end of the parking area in the centre of the carriageway opposite the junction with Hotspur Street) if the same is not already occupied by the full number of carriages authorised to occupy it, station the carriage obliquely to the line of the carriageway in the direction indicated by white lines painted upon the carriageway and on one of the vacant spaces indicated by such white lines; and
 - (d) on arriving at the stand other than one referred to in paragraph (c) above:-
 - (i) if the stand is not already occupied by the full number of carriages authorised to occupy it, station the carriage or carriages on the stand and so as to face the same direction; and
 - (ii) from time to time when any other carriages immediately in front is driven off or moved forward causing his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
9. 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.
10. If a badge has been provided by the Authority and delivered to the driver of a hackney carriage, either with the licence granted to him by the Authority or afterwards, he shall when standing, plying for hire and when hired, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the vehicle:-
- (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading
 - (c) afford reasonable assistance in removing it to or from the entrance to any house, station or place, at which he may take up or set down such a person
12. The proprietor or driver of a hackney carriage shall at all times when standing, plying for hire and when hired, conduct himself in an orderly manner, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
13. Every proprietor of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Authority.
14. A driver or proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any persons to hire such carriage and shall not make use of the services of any other person for this purpose.
15. A proprietor of a hackney carriage shall not convey or permit to convey in such carriage any greater number of persons than the number of persons specified by the Authority which number shall be legible marked or painted on the plates required by Byelaw 2(a). For the purpose of this byelaw two children each under the age of 12 years may be regarded as one person.
16. Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by any police constable or any person hiring such carriage produce a copy of these byelaws for the perusal and inspection of such constable or person.

17. The driver of a hackney carriage shall not at anytime when driving for hire, smoke tobacco or any like substance without the permission of the person hiring and being conveyed in such carriage.

PROVISION FOR SECURING THE DUE PUBLICATION OF FARES

18. (a) 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 Authority, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- (b) Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Authority which it may not be possible to record on the face of the taximeter.
- (c) The proprietor of a hackney carriage shall:-
- (i) cause a statement of the fares from time to time fixed by the Authority under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 to be painted or marked on the inside of the carriage, or on a place fixed thereto in clearly distinguishable letters and figures; and
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible
- (d) The proprietor 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 REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

19. The proprietor or driver of a hackney carriage shall immediately after termination of any hiring or as soon as practicable thereafter and before the next hiring, carefully search the carriage for any property that may have been accidentally left therein.
20. 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 within twenty four hours, if not sooner claimed by or on behalf of its owner, to the office of the Superintendent of Police at North Shields, Wallsend or Whitley Bay and leave it in the custody of the officer in charge on his giving a receipt for it,
 - (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 nearest office of the Superintendent of Police referred to in Byelaw 22(a) whichever is the greater) but not more than five pounds.

SPECIAL PROVISIONS IN RELATION TO HACKNEY CARRIAGES DRAWN BY ANIMALS

21. The driver of a hackney carriage drawn by any animal or animals shall, while standing, ply or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage, and under due control.
22. The proprietor or driver of a horse-drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacles suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. The proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.

- 24.** The distance to which the driver of a hackney carriage drawn by any animal or animals may be compelled to take passengers shall be any distance along the sea front between Feathers Caravan Site, Whitley Bay to the North, and the Haven, Tynemouth to the south, provided that, on journeys from south to north, this shall include such deviations from the Sea Front Highway along Park Avenue and Park Road, Whitley Bay as are required by the Whitley Bay one way circulatory System.
- 25.** The following provisions shall not apply in respect of horse drawn hackney carriages:-
- Byelaws 3(a), (b), (c), (d), (e), (g) and (i), 4, 5, 6, 7 and 12.
- 26.** Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

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Appendix 2

Amendments to Policy

Consultation document

Chapter	Description of amendment and consultation Question
Pg 2	Insertion of Executive Summary
Pg 3	Insertion of version control
Ch 1	Expansion of objectives to include environmental considerations
Ch 1	Detail of link to Transport Strategy
Ch 1	Updated information on list of wheelchair accessible vehicles (designated vehicles) and the responsibilities that drivers have to customers with protected characteristics under the 2010 Act.
Ch 2	Advertisements, signs and notices Addition to allow in car digital advertising if in accordance with the approvals contained in this Policy. Q1 Do you agree or disagree with the addition of an exception for in car digital advertisements? Please provide the reasons for your response.
Ch 2	Vehicle testing Q2 Which of the following options do you prefer: That the only testing station vehicles can use is one provided by North Tyneside Council? That other authorised testing stations within North Tyneside can also be used? I do not have an opinion on this proposal. Please provide reasons for your response.
Ch 2	Application procedure Insertion to allow applications to be made on line where available.
Ch 2	Tinted windows No minimum light transmission to rear of B pillar. Q3 – Do you agree or disagree that the Policy should be amended to allow windows with no minimum tint for all windows to the rear of the B pillar provided it is fitted as standard to the vehicle? Please give reasons for your response.
Ch 2	Emission/Age standards Insertion of age standards starting from 1 April 2020. Q4 Do you: a) Agree or disagree that an age standard should be added to this Policy? b) Please give reasons for your reasons. c) If agree, do you agree or disagree with the age standards proposed in this Policy? d) If disagree, what alternative age standards would

	you suggest?
Ch 3	Driver knowledge/locality test Q5 Do you have any comment to make on the proposal that there be restrictions on the number of attempts within a three month period? Please give reasons for your response.
Ch 3	Driver knowledge/locality test Q6 Do you believe the driver knowledge/locality test should: a) continue in its current format b) remove the locality element of the test for both hackney carriage and private hire driver applicants c) remove the locality element of the test for private hire driver applicants only? Please give reasons for your response.
Ch 3	DBS process Inclusion of mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service. Q7 Do you agree or disagree with the mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service? Please give reasons for your response.
Ch 3	New /renewal applications Insertion to allow applications to be made on line.
Ch 3	Incomplete applications Insertion to allow applications to be made on line and increase in time period to submit renewal application from 7 days to 10 working days.
Ch 3	Insertion of need for drivers to be aware of conditions and byelaws.
Ch 4	Insertion of fitness test for Operators.
Ch 4	Insertion of need for operators to be aware of conditions.
Ch 4	Application procedure Insertion to allow applications to be made on line where applicable.
Ch 7	Hackney carriage and private hire drivers Insertion of Authority's ability to suspend, revoke or refuse to renew a driver licence if the driver convicted of an immigration offence or failure to pay an immigration penalty.
Ch 7	Section A – Guidance as to the Relevance of Convictions, Reprimands, Final Warnings, Cautions & Fixed Penalties Amendment from Regulation and Review Committee to Cabinet Clarification concerning convictions of abuse and exploitation Clarification on matters to be considered when assessing the fitness of a person to hold a licence.
Ch 7	Formal Cautions, Fixed Penalties or Community Resolutions Expansion of meaning of consideration of convictions Addition of Community Resolutions and clarification of all

	disposals that need to be referred to the Authority.
Ch 7	Offences of violence, discrimination and possession of a weapon Increase of time free from conviction for offences of violence, discrimination and possession of a weapon. Convictions following some offences will mean that a licence is not granted.
Ch 7	Sexual and Indecency offences Clarification of consideration of sexual and indecency offences.
Ch 7	Expansion of driving offences Q8. Do you agree or disagree with the proposal that the time periods during which a licence will not be granted is expanded for: a) drink driving and drug convictions b) using a hand-held mobile telephone or device? Please give reasons for your response.
Ch 7	Vehicle use offences Addition of offences which involve the use of a vehicle.
Ch 7	Licensing offences Q9. Do you agree or disagree with the time periods contained within chapter 7? Please give reasons for your response.
Ch 9	Decision making Update of information concerning Members Code of Conduct.
Ch 10	Addition of creation of rank using Road Traffic Regulation Act 1984.
Ch 10	Waiting on stands and rank etiquette Addition of requirement to turn off engine whilst waiting or use stop start technology
Removal from Policy	Appendix – list of ranks. This will be available from website and licensing office.

North Tyneside Council Report to Cabinet Date: 14 October 2019

Title: Fostering Strategy 2019-21

Portfolio(s):	Children, Young People and Learning	Cabinet Member(s):	Councillor P. Earley
Report from Service Area:	Health, Education, Care and Safeguarding		
Responsible Officer:	Jacqui Old, Head of Health, Education, Care and Safeguarding (Tel: 0191 643 7317)		
Wards affected:	All Wards		

PART 1

1.1 Executive Summary:

The purpose of this report is to seek Cabinet approval for the proposed Fostering Strategy, attached at Appendix 1, for the three-year period 2019 to 2021. The Strategy seeks to give effect to the Authority's duties under Section 22G of the Children Act 1989 which requires the Authority take steps to secure, so far as reasonably practicable, sufficient accommodation within the Authority's area which meets the needs of children that the Local Authority care for and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the Local Authority's area (the so-called 'sufficiency duty').

The Fostering Strategy has the following key aims and objectives:

1. To increase the total number of local Foster Carers available for the children and young people of North Tyneside;
2. To increase the number of Foster Carers with the skills to care for teenagers;
3. To increase the number of Foster Carers with the skills to care for sibling groups;
4. To improve the resilience of our Foster Carers through our support to them, reducing the number of placements which break down;
5. To cease the use of Independent Fostering Agency placements by the Authority;
6. To reduce the number of Children's Home placements for children and young people in favour of placements with skilled Foster Carers.

The Strategy is intentionally ambitious. It seeks to introduce improved consultation and

engagement with Foster Carers, improve the allowances paid by the Authority to Foster Carers and link payments to skills, improve the support provided, recruit more actively and enhance the training that is offered. Over the three-year period, the Strategy will seek to deliver:

- The end of the use of Independent Fostering Agency placements;
- An additional 30 Fostering Households, of which 10 will offer specialist placements;
- The placement of 90% of our children in care with our own local Foster Carers, keeping them connected to their community;
- The placement of 80% of sibling groups together.

1.2 Recommendation(s):

Cabinet is recommended to agree and if minded to do so, to authorise the Head of Health, Education, Care and Safeguarding to implement the Strategy as detailed within this Report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and this item first appeared on the Forward Plan that was published on 9 September 2019.

1.4 Council Plan and Policy Framework

The 2018-2020 Our North Tyneside Plan states that 'Our people will':

- Be listened to so that their experience helps the Council work better for residents.
- Be ready for school – giving our children and their families the best start in life.
- Be ready for work and life – with the right skills and abilities to achieve their full potential, economic independence and meet business needs.
- Be healthy and well – with the information, skills and opportunities to maintain and improve their health, well-being and independence, especially if they are carers.
- Be cared for, protected and supported if they become vulnerable including if they become homeless.
- Be encouraged and enabled to, whenever possible, be more independent, to volunteer and to do more for themselves and their local communities.

Effective recruitment and retention of Foster Carers contributes to these priorities, in particular ensuring that children and young people resident in the Borough are cared for, protected and supported.

1.5 Information:

1.5.1 Background

The Authority has pledged to the children and young people of the Borough that it will only care for them when it has first worked tirelessly to keep them safe within their family home. The Authority successfully delivers on this pledge and hundreds of children remain within their family home and connected to their community because of the help and support that the Authority and its partners provide to make it safe for them to do so.

When it is absolutely necessary for a child or young person to move from their family home to keep them safe, the Authority will try to place a child or young person in the care of someone known to them and part of their network. Such placements minimise the impact

on children and young people having to leave their own home. There are about 75 of our children helped in this way by the Authority at any one time.

Where the network of family and friends around a child or young person is not able to care for them, the Authority requires Foster Carers – residents who open their door and their lives to a child or young person in need of love and care. At any one time, over 120 of our children and young people are cared for in Foster Care. Accordingly, Foster Carers make an extraordinary and important contribution to the life of our community.

Nationally, there are too few Foster Carers for the number of children and young people requiring care. This is also the situation locally. The Authority has faced significant challenge in recruiting and retaining sufficient numbers of Foster Carers to meet the needs of the Borough, in particular Foster Carers skilled at caring for teenagers (85% of our children needing care are between 11-15 years of age) and Foster Carers who are skilled at caring for sibling groups (only 40% of sibling groups in our care are currently placed together). Set against this challenging need, the Authority is recruiting in an increasingly competitive marketplace for new carers, with other local authorities and Independent Fostering Agencies actively recruiting residents within our Borough.

To meet the Foster Care needs of the Borough, a new three-year Fostering Strategy has been developed in consultation with Foster Carers and other stakeholders (details of the consultation process, findings and implications can be found in Appendix 3). The Strategy identifies five key changes that the Authority's Fostering Service will implement if the Strategy is approved. Under the Strategy the Authority will:

1. In line with Our North Tyneside Plan to listen, consult more widely and more often

This element of the Strategy relates to feedback from Foster Carers that their voice and experience has not been as central to developments in fostering as possible. The Fostering Strategy details a range of actions that will improve consultation and engagement with our Fostering Community. As with the consultation to inform the current improvements these consultation events will be supported by the participation and engagement service.

2. Pay more and pay differently in order to establish transparency in finance and a competitive fostering payment structure to improve recruitment of foster carers

This element of the Strategy relates to the need to respond to innovations by other providers in relation to payments to Foster Carers and the need for payments by the Authority to be competitive. The Strategy details a range of changes to the payments made to Foster Carers, most significantly linking payments to the skills of carers and training accessed. It also includes uplifts in the amounts of some allowances, achieving parity with the payments made by other providers. These changes represent critical elements of our recruitment and retention effort.

3. Offer more and better support, following the Our North Tyneside plan to support people to be cared for and protected

This element of the Strategy relates to the need for the Authority to be a Fostering Agency of choice for prospective Foster Carers. It details enhancements in the support that is offered to our Foster Carers.

4. Make the Fostering role more visible and accessible as part of the corporate parenting responsibility of the whole Council

This element of the Strategy relates to the need for the Authority to be more active in marketing its need for and offer to prospective Foster Carers. It includes the deployment of a dedicated advertising budget.

5. Offer more training to more skilled Carers in order to encourage and enable carers to meet the needs of vulnerable children young people

This element of the Strategy focuses on the training offer to Foster Carers provided by the Authority. It details a competitive and compelling offer.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet accepts the recommendations set out in paragraph 1.2.

Option 2

Cabinet does not accept the recommendations set out in paragraph 1.2, and provides an alternative response to the Report at the meeting.

1.7 Reasons for recommended option:

Option 1 is recommended in order to meet the Foster Care needs of the Borough.

1.8 Appendices:

Appendix 1 – Fostering Strategy
Appendix 2 – Fostering Framework
Appendix 3 – Equality Impact Assessment

1.9 Contact officers:

Jacqui Old, Head of Health, Education, Care and Safeguarding Tel. 0191 643 7317
Julie Firth, Assistant Director, Safeguarding and Children's Services Tel. 0191 643 5943
Stephen Ballantyne, Legal Manager – Governance and Employment, Law and Governance Tel. 0191 643 5329
Jodie Henderson, Senior Manager, Children Services Tel. 0191 643 7388

1.10 Background information:

No additional background papers/information have been used in the compilation of this report.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Detailed financial modelling has been undertaken to ensure that the three-year Fostering Strategy is affordable and provides best value for money. The Strategy adopts an invest to save approach in which increases in some of the amounts paid as allowances to our Foster Carers to ensure parity of our offer with other providers are offset by the reduction

of third-party expenditure on placements as the Strategy delivers increased numbers of Carers.

Financial Implications	2019/20 £m	2020/21 £m	2021/22 £m	Cumulative £m
Cost Increase	0.526	0.976	1.148	2.650
Cost Saving	(0.430)	(1.014)	(1.248)	(2.692)
Net Increase / (Decrease) in Costs	0.096	(0.038)	(0.100)	(0.042)
Efficiency Savings Target	0.060	0.060	0.060	0.180
Efficiency Savings Unachieved / (Over Achieved)	0.156	0.022	(0.040)	0.138

The Strategy is predicted to require an additional investment of £0.156m in Year 1, and in year 2 £0.022m funded within existing resources within Children's Services. In year 3 the Strategy is predicted to achieve cost savings of £0.040m. Should the Strategy exceed the recruitment targets set, further cost savings may be realised.

This is part of the fostering policy savings business case which projects to save £0.180m by the end of 2021/22. It is expected that the implementation of this Fostering Strategy will achieve £0.042m of the total £0.180m saving target. The Service are continuing to explore other options to achieve the remaining £0.138m balance and remain confident this will be achieved by the end of 2021/22.

2.2 Legal

Under section 22G of the Children Act 1989 the Authority is required to take steps to secure, so far as reasonably practicable, sufficient accommodation within the Authority's area which meets the needs of children that the local authority are looking after and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the Local Authority's area (the so-called 'sufficiency duty').

2.3 Consultation/community engagement

In the development of the proposed Fostering Strategy our Fostering Community has been consulted. The consultation has taken the form of four events spread over different days and times of the week and at different venues to promote ability for carers to attend. These events were attended by 53 carers. Carers were provided with a summary of the strategy and the proposed changes. At these events the carers were invited to record any questions or comments. In addition, a snap survey was provided to support the gathering of views on the strategy. A further 10 Carers who were unable to attend events and who did not want to complete the survey met with the fostering team managers separately and shared their views.

The main themes arising from the consultation relate to: -

- The proposals around mileage – 10 responses
- Sibling payments, payments and allowances – 10 responses

- Wider support – 12 responses
- Development and approval of the strategy – 4 responses
- The skills to foster framework -17 responses
-

We received 43 completed surveys from foster carers. The responses to the survey questions largely, mirrored the issues that had been raised through the consultation events.

As a result of the consultation feedback we have taken the following actions: -

- Revised the mileage proposals
- Agreed to provide greater clarity around how the skills to foster framework will be applied
- We have not made any changes to the proposals regarding sibling payments but have given an undertaking to review the framework bi-annually, to ensure our offer is in line with near neighbours
- We have re-emphasised our commitment to extending our wider support and training offer and will continue to develop this outside of the bi-annual review of the framework

2.4 Human rights

There are no direct human rights implications arising from this report.

2.5 Equalities and diversity

An Equality Impact Assessment (EIA) has been undertaken in relation to the Fostering Strategy detailed in this report. This attached at Appendix 3.

2.6 Risk management

The implementation of the proposed Fostering Strategy will address the risk of insufficient Foster Care placements to meet the needs of the Borough. The lack of placements for child and young people requiring care to safeguard them from harm is a significant corporate risk in terms of our statutory responsibilities towards children and in relation to placement budget pressures resulting from the purchase of higher cost placements from third party commercial providers.

2.7 Crime and disorder

There are no specific crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no specific environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive ☒
- Head of Service ☒
- Mayor/Cabinet Member(s) ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy and Customer Service ☒



North Tyneside Council

Fostering Strategy 2019-21



September 2019

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Introduction

North Tyneside Council has pledged to the children and young people of the Borough that it will only care for them when it has first worked tirelessly to keep them safe within their family home. I am delighted to say that we successfully deliver on this pledge day-in, day-out and hundreds of children remain within their family home and connected to their community because of the help and support that the Council and its partners provide to make it safe for them to do so.

Sometimes, sadly, children and young people do have to live elsewhere to keep them safe. This is never an easy decision and not one we take lightly. If it is absolutely necessary to move them from their family home, we do all that we can to place a child or young person in the care of someone known to them and part of their network. I am pleased to say that I can give countless examples of where we have worked incredibly hard to support carers to make their commitment to care for a child or young person a reality. We do so because children and young people have told us that carers known to them help to soften the impact of having to leave their own home. There are about 75 children helped in this way by the Council at any one time.

For a range of reasons, sometimes the network of family and friends around a child or young person are not able to care for them. This is why Foster Carers are such a special and hugely important part of what the Council does to safeguard children and young people. At any one time, over 120 children and young people are cared for by some of the Borough's true heroes. They may not wear superhero capes and costumes, but as they walk along the sea front, shop or live next door to you, they are making one of the most amazing contributions to the life of our community – opening their door and their lives to a child or young person in need of love and care.

This Strategy is all about making what is already strong just that bit stronger. It details how we will seek over the next three years to do something which sounds straight forward – ***recruit the right number of Foster Carers with the right skills for the children and young people who need our care***. It is an ambitious plan, but rightly so. The children and young people of the Borough deserve no less.

Peter Earley Lead member for Children's Services

Julie Firth, Assistant Director

Aims and Objectives

The key aims and objectives of this Strategy are as follows:

1. To increase the total number of local Foster Carers available for the children and young people of North Tyneside
2. To increase the number of Foster Carers with the skills to care for teenagers
3. To increase the number of Foster Carers with the skills to care for sibling groups
4. To improve the resilience of our Foster Carers through our support to them, reducing the number of placements which break down
5. Cease the use of Independent Fostering Agency placements by the Council
6. Reduce the number of Children's Home placements for children and young people in favour of placements with skilled Foster Carers

- Most children in care are cared for in foster placements. 55,200 (73%) children in care on 31 March 2018 were in foster placements, an increase in numbers from 53,010 in 2017 and 51,850 in 2016;
- There has been a shift in the profile of children coming into care with a declining number aged less than 5 years (this may reflect the increasing use of Special Guardianship Orders for younger children who are placed with family and connected people);
- The largest age group of children who are now fostered are teenagers aged 10–15 years (39%);
- The ‘Staying Put’ initiative has also changed the profile of Foster Care, with a 17% increase in the number of young people in Foster Care turning 18 and still living with their former foster carer;
- The children and young people entering care do so with ever more complex difficulties including serious physical and mental health problems and developmental problems;
- Local Authorities have faced increasing problems recruiting and retaining sufficient numbers of foster carers, particularly for those who require specialist placements. As a result there has been a significant use of and growth in Independent Fostering Agencies (33%);
- Independent Fostering Agencies are 5 times more successful at recruiting than Local Authorities;
- There is estimated to be a national shortage of 5,900 Fostering Households – demand outstripping supply;
- The lack of Foster Carers means that matching – the decision which Foster Carers are best able to meet the needs of a child or young person – is overwhelmingly supply led and not needs led. Research has suggested that in as many as half of all placements, the Social Worker has no choice at all when choosing carers.

North Tyneside Context

- Over the past 5 years, the number of children in the care of North Tyneside Council has remained relatively stable. The number is however higher (76 per 10,000) than the national average (64 per 10,000), though lower than all but one of the North East Local Authorities;
- The children and young people that have entered our care have more complex difficulties including serious physical and mental health problems and developmental problems;
- Over the last 5 years the number of Foster Carers we have approved as our local carers have reduced;
- The age profile of our carers is increasing, with a number planning to retire in the near future;
- We have a particular need for Foster Carers skilled at caring for teenagers; with 85% of our children needing care being in the 11-15 year olds age band;
- We have a need for more Foster Carers who are skilled at caring for sibling groups. Only 40% of sibling groups have been able to be placed together
- We recruit in an increasingly competitive market place for new carers, with other Local Authorities and Independent Fostering Agencies actively recruiting, some offering higher fees and allowances;
- The average cost of an Independent Fostering Agency placement is three times higher than that of a North Tyneside Foster Carer;
- Some children and young people placed in a Children's Home could be placed with skilled Foster Carers were such carers available;
- Our lack of Foster Carers means that matching – the decision which Foster Carers are best able to meet the needs of a child or young person – is not always as needs led as it could be

Our Ambitions

Within 3 years we will:

- No longer use any Independent Fostering Agency placements
- Recruit an additional 30 Fostering Households, of which 10 will offer specialist placements
- Place 90% of our children in care with our own local Foster Carers, keeping them connected to their community
- Place 80% of sibling groups together

Our Plan

Consult more widely and more often

We acknowledge that we have not consulted with our Fostering Community as often as we should have done in the past. The development of this Strategy is evidence of our commitment to change. We have worked in partnership with the Fostering Community to develop our plan, listening closely to what our Foster Carers have told us. We will in future ensure that we meaningfully and genuinely co-produce the best possible way forward.

We will:

- Increase our use of surveys to Foster Carers to ensure the collective voice of our Fostering Community is heard and their views and experiences understood;
- Increase the range of Foster Care Support Groups so that our Fostering Community has a representative voice on issues affecting particular aspects of the role;
- Ensure that Leaders and Managers of the Fostering Service meet regularly and in different forums with as many of our Fostering Community as possible so that we make full use of our Foster Carers' experiences and ideas to develop the best possible service for children and young people;
- Undertake regular reviews of the progress of this Strategy so that it delivers in the way we all intended it to;
- Consult on the development of the next Strategy in two years' time so our Fostering Community remains central to our Service Planning.

Pay more and pay differently

Our payment structure is no longer fit for purpose – it does not reflect the variety and complexity of the fostering role and has in recent years failed to keep up with innovations in payments made by other fostering providers. It is no longer the competitive offer we need to deliver on our ambitions. Most importantly, it does not value the extraordinary commitment and contribution of our Fostering Community. As our consultation work clearly evidenced, it is time for a new approach.

We will replace our payments structure, simplifying some elements and enhancing others. We will make it more transparent. We will also increase the overall value of the payments we make.

We will:

- Introduce a Payment for Skills structure with three payment bands linked to competency, skills and training: 'Accredited', 'Advanced' and 'Specialist';
- Increase the fees we pay to Carers, linked to the Payment for Skills structure;
- Increase the allowance we pay to Carers of 16 year olds and above;
- Increase the amount we pay to Carers for Short Break Care of children and young people;
- Increase the amount we pay for mileage driven by Carers;
- Increase the amount we pay as an allowance to Carers for clothing for children and young people in an emergency;
- Increase the scope of equipment provided to Foster Carers;
- Align the amount of direct payment to young people in Foster Care to those in residential accommodation;
- Align the 'Teen Fee' allowance paid to Carers to 13 years of age or more;
- Simplify the rates paid for Child-minding to a single hourly rate;
- Remove inconsistencies in additional allowances paid to Carers for the placement of siblings, simplifying payments to a multiple placement allowance for Foster Carers with three or more children in care;
- Continue to pay the full amount Carers are required to pay in Council Tax for having spare rooms available in their home (the 'bedroom tax');
- Commit to review the payments on an annual basis to ensure we pay our Carers an amount which is fair and competitive in an ever-changing marketplace.

Offer more and better support

Our Fostering community does an extraordinary job welcoming into their homes, their families and their lives some of the most vulnerable children and young people in the Borough. They do so with warmth, skill and good humour and regularly show remarkable resilience and tenacity that goes way beyond the extra-mile. We have carers that advocate, care for and love the children and young placed with them as if they were their own and in so doing provide the best possible homes for children in care to grow up in. We know however, that occasionally, the Fostering role can be overwhelming, frustrating, sometimes too much or even scary. We know it is at this point that we need to provide high quality, effective and meaningful support.

We will:

- Continue to provide our much-valued, dedicated Foster Carer Advice and Support telephone service which is available 24 hours a day, 7 days a week and enables members of our Fostering Community to speak immediately and directly to a specialist Fostering Social Worker;
- Continue to offer our Fostering Community the opportunity for less experienced Carers to 'buddy' more experienced carers for peer advice, support and mentoring;
- Increase the number of Foster Care Support Groups within the Borough, recognising the diversity of our Fostering Community;
- Provide specialist support to our Fostering Community from the Raising Health and Education of Looked After Children (RHELAC) including:
 - Attachment Training;
 - Theraplay;
 - Counselling;
 - Behaviour Management Strategies.
- Enhance our training offer to our Fostering Community with a particular focus on equipping Carers to meet the needs of children and young people with complex additional social, emotional and mental health needs;
- Provide an EASE Card enabling our Fostering Community themselves to access local facilities such as libraries and leisure centres at a reduced rate;

- Negotiate with providers of leisure activities within the Borough possible reductions in costs for our Fostering Community;
- A commitment to explore best practice models and approaches such as 'Mockingbird'.

Make the Fostering role more visible and more accessible

We are aware that other providers of Foster Care within the North East have raised their public profile through media campaigns in recent years in order to support their recruitment in an increasingly competitive marketplace for prospective Foster Carers. North Tyneside has not been as proactive in raising its profile as it could have been and this has, in part, been reflected in the numbers of Foster Carers applying to join our Fostering Community. We are therefore committed to trying new things and doing things differently than we have done before.

We will:

- For the first time have a dedicated annual budget allocated to the Fostering Service to support marketing activities. The Fostering Service will use this budget to purchase:
 - Advertising on buses within the Borough;
 - Advertising on local radio;
 - Advertising on Social media;
 - Advertising through the placement of Banners in public areas within the Borough
 - Advertising through the distribution and display of Posters and Post Cards in public areas within the Borough
- Continue to use North Tyneside Council communications to residents;
- Work with partner agencies such as Police, Health and Education to raise awareness of the Fostering role and recruitment through the development of a 'toolkit' of messages and images that can be used;
- Increase the number of 'Information Evening' Events held by the Fostering Service

- Refresh our 'Information Packs' to ensure they are attractive, informative and represent the high ambitions we have for children and young people in care
- Target the employees of the Council's key 'neighbours' on the Cobalt Business Park and large employers within the Borough with awareness raising literature;
- Attend an increased number of key community, Borough and regional events such as the Mouth of Tyne Festival with awareness raising 'stalls';
- Produce video stories related to the role and experience of our Foster Carers and care-experienced young people to raise awareness. These videos will be shared on the North Tyneside Council website, social media channels and used at information evenings;
- Improve the Fostering Service web-content on the North Tyneside Council Website, regularly updating with marketing campaign key messages;
- Launch an Online Expression of Interest Form on the North Tyneside Council website, improving the accessibility of the Fostering Service;
- Increase the responsiveness of the Fostering Service to Expressions of Interest;
- Better understand the experience of the journey of assessment to approval by Foster Carers through the use of interview and survey;
- Evaluate what works and what does not as we go along.

Offer more training to more skilled Carers

The introduction of a Payment for Skills structure means that our training and development offer to our Fostering Community needs to change. This has provided an opportunity to really think through what our offer should be to best equip our Fostering Community to meet the challenges of caring for the children and young people in the Borough who need our care. We have worked closely with our Fostering Community. They have strongly influenced what our offer will be. The result is that our offer will be more frequent, more accessible and cover a broader range of skills. We

will also specifically focus on those within our Fostering Community who are interested in developing and strengthening their skills to care for more complex young people.

We will:

- Continue to maintain a dedicated Training post within the Fostering Service;
- Provide a greater range of times and venues for the delivery of training to our Fostering Community, improving accessibility;
- We will work harder to meet the individual circumstances of Foster Carers to enable them to access training, including the provision of alternative care for a child or young person;
- Broaden the providers of our training, with increased participation from RHELAC, CAMHs, Youth Justice, Education Psychology and others
- Support members of our Fostering Community to complete the Children's and Young Peoples Workforce Social Care Diploma up to Level 5
- Offer a minimum of 8 development sessions per year that can be accessed by our Foster Carers

How we will know if our Plan is working

This Strategy is deliberately ambitious. We know there is a lot to do. We want to:

- Consult more widely and more often
- Pay more and pay differently
- Offer more and better support
- Make the Fostering role more visible and more accessible
- Offer more training to more skilled Carers

Each of these elements of our plan has a range of outputs that can be counted – how many Fostering Support Groups do we have, how often is the Advice Line called, how many likes on our Fostering Service Facebook page – data like this will form a part of our understanding about whether our plan is working and on the right track. However, we will not lose sight of the focus of all our activity, the Aims of the Strategy. The following four questions will be key:

- How many Independent Fostering Agency placements have we used
- How many additional Fostering Households have we recruited
- What percentage of our children in care are placed with our own local Foster Carers
- What percentage of sibling groups have we been able to place together

Of course, our Strategy will not be a success if our Fostering Community – our heroes – does not feel that the difference we are trying to achieve has improved their own experience of the Fostering role. We will be asking them on a regular basis how they think we are doing.

Finally, the success of this Strategy should mean that children and young people have the right care at the right time in the right place with the right carers. This Strategy is all about them. We will be asking our children and young people in care how they think we are doing.



North Tyneside Council

Fostering Framework

Introduction

This document sets out the revised level of payments for foster carer's and the rationale for the introduction of Payments for Skills framework.

The framework underpins North Tyneside Fostering Services commitment to achieving best possible outcomes for children who are fostered by ensuring they are supported by skilled, motivated and rewarded foster carers.

The payments for skills framework incorporates:

- The foster carer's experience of the fostering task
- Training the foster carer has completed and qualifications they have received
- The range of the fostering tasks the foster carer is willing and able to undertake
- Fees linked to accreditation level

Our primary aim is:

- To provide choice in high quality, in-house, child-centred family placements for children of all ages, ensuring safety, stability and positive outcomes for them.
- To recruit and retain skilled foster carers.
- To provide a clear, fair, consistent framework for all carers.
- To provide motivation for the continued personal development and training of carers.
- To promote the delegation of authority to foster carers.
- To develop a wide range of placement options for looked after children
- To provide a range of quality foster carers who deliver a wide choice of placement options to meet the needs of children and Young People in care in North Tyneside
- To provide appropriate remuneration to competent and skilled carers in a competitive fostering market

The framework contains three band levels; the three levels are based on the complexity of placements and on the foster carers' skills and experience.

Band Level 1 - Accredited
Band Level 2 - Advanced
Band Level 3 - Specialist

Each band provides entry requirements and clearly sets out expectations regarding carer training, skills development and reflective learning. The model also supports existing carers wishing to progress to a higher level; to progress up through the bands if they meet the task, skills and competencies requirements.

This framework supersedes all previous policies on the provision of payments to persons approved by North Tyneside Fostering Service as foster carers in accordance with regulation 27 of the 2011 Regulations, or temporarily approved under regulation 24 of the 2010 Regulations. It applies to both related (Connected Person/Family and Friend foster carers) and unrelated foster carers and to both long term and short term placements. This framework will be reviewed at least every two years

Progression:

A foster carer can be a person who is approved as a local authority foster parent in accordance with Regulation 27 of the 2011 Regulations, or temporarily approved under Regulation 24 of the 2010 Regulations but who has not yet progressed via completed Training and Development Standards and Core Training to become an accredited foster carer.

The competencies identified as essential for each level must be clearly demonstrated in the care offered to children.

Foster carers wishing to be considered for progression to another grade should discuss this with their supervising social worker who will be able to provide further advice on progression requirements and procedure.

Foster carers will be required to provide evidence for their foster carer review that they meet, or continue to meet, the requirements of the respective grade.

Transferring between levels will also be considered via Foster Carer Review; depending on how many spaces at each band. The review will consider whether criteria are met for ongoing approval in a particular band or indeed whether progression or regression between bands is evidenced. Recommendations from previous reviews must be fulfilled. Recommendations from the Fostering Service and Independent Chair of Foster Carers Reviews will then be presented to the Fostering Panel the final recommendation to the Agency Decision maker for ratification.

Where foster carer applicant expresses a commitment to being 'fast tracked' to a specific foster carer band due to their previous experience (e.g. foster carers from other agencies), they may be initially recognised at that band. There will be a stipulation that the foster carer demonstrates within an agreed time limit, that they can fully meet the tasks, skills and competencies required of that band; enabling verification of banding and a continuation at this band.

If a foster carer fails to meet or retain grade requirements (including training), a foster carer review will be undertaken with a time limited action plan of no more than a 6 month period in place to support recovery. If this plan proves to be unsuccessful; a recommendation of a reduction in band level will be presented to the Fostering Panel the final recommendation to the Agency Decision maker for ratification.

Payment:

The weekly skills related fee is paid to all Bands of carer; this fee is paid in addition to weekly maintenance allowance payments, Foster carers who are at the pre-accreditation level will receive the age related weekly maintenance allowance but no skills related fee.

Fees are paid 52 weeks per year and are payable for the first two weeks of any holiday taken without the Child in Care.

Band 1 - Accredited Carer – Once you are approved as a foster carer in accordance with Regulation 27 of the Fostering Services (England) Regulation 2011 and completed the relevant skills to Foster Training you will qualify for a fee by fulfilling the criteria requirements for foster carers as detailed in the framework.

Band 2 - Advanced Carer - Foster carers who have attended training and are assessed as having demonstrated their ability to offer care to complex children and young people, including (not exclusively) UAAS children, children with complex health and/or behavioural needs.

Band 3 - Specialist Carer - Foster carers who have attended training and are assessed as able to demonstrate their ability to meet the needs of children and young people who may display significantly challenging behaviour that might otherwise require residential child care.

Foster Carer Fees

Payment for Skills (PFS) Bandings 1, 2, & 3 foster carers are paid a weekly fee, based on the PFS level for which the foster carer is approved. Each fee levels reflect the PFS Tasks, Skills and Competencies (TSC) requirements for that level.

Skills and competencies will be assessed annually at foster care review to ensure all training requirements are complete and skills are maintained.

Table 1 – Payment for Skills (PFS) Fee Structure

Band Levels	Fees
Band 1 - Accredited Carer	£110.00

Band 2 - Advanced Carer	£380.00
Band 3 - Specialist Carer	£550.00

Additional Premiums – per child	Fees
Siblings (3 rd & 4 th child only)	£75.00
Disability	£50.00
Mother & Baby (only mother LAC)	£90.00
Teen (13+) accredited carers only	£60.00
Out of Hours placement	£50 (one off)

In exceptional circumstances, there will be social work practice issues that will necessitate consideration of placing a child/young person with assessed advanced or specialist needs with an accredited foster carer. In such circumstances the foster carer may temporarily be paid as an advanced foster carer or specialist foster carer for the duration of the placement by recommendation of the Resource Allocation Panel for a recommendation and then to the monthly complex decision making meeting which is chaired by Assistant Director Children's Services. Decisions outside of this timeframe will be made by Assistant Director Children's Services or the delegated senior manager.

For advanced carers, there will also be an expectation that there is a decrease in working hours/income that is compensated for by then receiving the advanced fee. The carer will return to the accredited or advanced level unless there is a requirement for new advanced or specialist foster carers and they meet the criteria for the level.

Carers in receipt of a fee but with a vacancy may be asked to contribute support to other carers i.e. supporting family time, mentoring and respite.

Traditional short break carers offer in the range of 24 – 50+ nights care a year and are paid for each night of care given. For advanced and Specialist short break carers an agreement to give up to 200 nights of care a year. All short break carers will receive a payment for each night of care they provide based on the age of the children, they also receive a pro rota annual fee depending on skill band level identified if not already provided full time care to other children.

Table 2 – Fostering Allowances 2019 - 2022

Age	Weekly Standard Fostering Allowance
0 – 4	£134.50
5– 10	£148.00
11 – 15	£184.00
To Carer for 16+	£194.00
To Young Person 16+	£15

In addition payment equivalent to four week's age related fostering allowance is payable annually towards the cost of birthday, Christmas/religious festival and holiday costs; as outlined in the table below:

Table 3 – Annual Allowances

Age	Birthday	Christmas / Festivals	Holidays (2 weeks)
0 -4	134.50	134.50	134.50 x 2
05 - 10	148.00	148.00	148.00 x 2
11 - 15	184.00	184.00	184.00 x 2
16+	194.00	194.00	194.00 x 2
Staying Put (18-21 in full time education or training)	194.00	194.00	194.00 x 2

The competency framework aims to assist foster carers by providing clarity about expectations and requirements at each level both for new entrants and for those approved carers wishing to progress to a higher level.

There are nine essential competency areas identified in each band; with overarching criteria that must be met to attain each level:

1. Availability
2. Care / Behaviour Support
3. Health
4. Education
5. Records / Written Assessments
6. Planning / Team Working
7. Placement Stability
8. Support / Supervision
9. Family Time

Pre-Accredited	
Entry Requirements	<ul style="list-style-type: none"> Connected person foster carer/ foster to adopt carers ; who have been granted temporary approval via the agency decision maker

Training Requirements	<ul style="list-style-type: none"> • Plan to complete the TSDS standards within 18 month if a connected person foster carer or 12 month if mainstream foster carer • Have completed or plan to complete the training identified for them in line with their assessment • Complete the relevant Skills to Foster Training • Attend a minimum of one development session per year; this can include support groups, foster carer's consultation meetings and training
Evidence	<ul style="list-style-type: none"> • Supervision records • Foster care review • Diary recording • Observations of practice • Demonstrate reflective practice from training and learning • Attendance and contributions to meeting
1. Availability	
<ol style="list-style-type: none"> 1. Meet Fostering Regulations and National Minimum Standards. 2. Provide and maintain suitable accommodation for the number, needs and age of the child or children in placement. 	
2. Care / Behaviour Support	
<ol style="list-style-type: none"> 1. Care for the child as if s/he was a member of your family. 2. Respond to all basic care needs of child in placement including providing appropriate levels and standards of clothing. 3. Keep to Safer Caring Agreement for each child placed. 4. Contribute to Life Story and maintain a Memory Box for child in placement. 5. Ensure the physical condition of the home is conducive to fostering. 6. Establish and maintain daily routines for children e.g. school attendance, mealtimes, bedtimes, homework completion. 7. Provide a range of age appropriate activities and opportunities for developing interests. 8. Maintain confidentiality. 9. Provide a pattern of care designed to meet the cultural needs of the child. 10. To meet the transport requirements of the child 11. Empathise with the children and young people placed and have well developed skills in engaging, communicating and building relationships with these children and young people. 12. Ensure emotional resilience in children and young people is developed and the child's voice is heard. 13. Significant events such as unauthorised absences from the foster home; family time, child behaviours are managed well maintaining perspective and following procedures as required 14. Be aware of how they respond to stress and have effective support/ strategies in place to sustain positive relationships and effective functioning during periods of stress 15. Demonstrate an ability to manage stress and maintain functioning during prolonged periods of difficulty and pressure 	
3. Health	
<ol style="list-style-type: none"> 1. Support children and young people to have a healthy lifestyle by encouraging a balanced diet of food and drinks, taking part in regular exercise and activities. 2. Support the child/ young person with all health needs such as arrange and attend any necessary health appointments (e.g. GP/dentist/ therapist/paediatrician), manage repeat prescriptions and taking of prescribed medications. 3. Support good emotional and mental health by facilitating and modelling good attachments, play and development. 4. Work to establish routines for positive wellbeing and a healthy sense of self, including supporting a good sleep pattern and routine. 5. Encourage awareness of drug and alcohol risks and positively promote healthy relationships. 6. To be able to have healthy conversations about growing up, puberty and sexual relationships. 7. Support the child/young person to meet their short and long term health needs such as diabetes, epilepsy, asthma, allergies or eczema and administer prescribed medication. 	

<ol style="list-style-type: none"> Facilitate and promote statutory health checks and support meeting the actions from the health plan as appropriate, including Education, Health and Care Plan for Children and young people with SEND. Ensure child has an EASE card if in North Tyneside. Complete SDQ in a timely manner and encourage young person over the age of 11 to complete their SDQ. Ensure the RHELAC Team are notified if any concerns around Health
4. Education
<ol style="list-style-type: none"> Support the child's education by promoting learning at home, maintaining links with school, including attending parents evening, and attending PEP meetings. Ensure children are transported to school in a consistent and timely manner. Support child's attendance at school ensuring that no holidays are booked within term time. Ensure the RHELAC Team are notified if any concerns around education. This can be via supporting social worker. Support child with any learning needs in line with their Education, Health and Care Plan or SEN Support Plan
5. Records / Written Assessments
<ol style="list-style-type: none"> Maintain systematic record of developments on child in placement. To provide information for court reports if required. Ensure the safe storage and confidentiality of all information given.
6. Planning / Team Working
<ol style="list-style-type: none"> Contribute to care planning. Attend all meetings relating to the child and be prepared to contribute. Work as part of a professional team and at times follow guidance and instruction in carrying out aspects of the care of the young people placed.
7. Placement Stability
<ol style="list-style-type: none"> To sustain and provide stability for the children. To end placements in a planned way unless it is unsafe.
8. Support / Supervision
<ol style="list-style-type: none"> Prepare for supervision and accept guidance from a supervising social worker. Undertake actions agreed in supervision with supervising social worker.
9. Family Time
<ol style="list-style-type: none"> Promote contact with the child's family network in line with the care plan. Provide emotional support for a child having family time If appropriate support family time within the foster carer home subject to a risk assessment Keep appropriate written records of family time as per agency guidelines.

Band Level 1 – Accredited	
Entry Requirements	<ul style="list-style-type: none"> Evidence and ability to meet the needs of a range of children. Have completed skills to foster training ,

	<ul style="list-style-type: none"> • Have a completed fostering assessment and been approved by the ADM following fostering panel.
Training Requirements	<ul style="list-style-type: none"> • Have completed or plan to complete the TSDS standards within 18 month, if a connected person foster carer or 12 month mainstream foster carer • Have completed or plan to complete with 12 months of approval, their mandatory and core training alongside other identified training from the assessment • Ensure that their personal development plan is completed annually • Attend a minimum of two development session per year; this can include support groups, foster carer's consultation meetings and training
Evidence	<ul style="list-style-type: none"> • Supervision records • Foster care review • Diary recording • Observations of practice • Demonstrate reflective practice from training and learning • Attendance and contributions to meeting • Personal Development Plan PDP • Training engagement and feedback
1. Availability	
	<ol style="list-style-type: none"> 1. Provide and maintain suitable accommodation for the number, needs and age of the child or children in placement. 2. Remain available to foster existing or new children on request within approval category and preference.
2. Care / Behaviour Support	
	<ol style="list-style-type: none"> 1. Provide a high standard of care to the child in placement in a safe , healthy and nurturing environment meeting fostering regulations and National Minimum Standards 2. Understand the implications of delegated authority 3. Care for the child as if s/he was a member of your family. 4. Contribute to Life Story and maintain a Memory Box for child in placement. 5. Ensure the physical condition of the home is conducive to fostering. 6. Establish and maintain daily routines for children e.g. school attendance, mealtimes, bedtimes, homework completion. 7. Provide a range of age appropriate activities and opportunities for developing interests. 8. Maintain confidentiality. 9. To meet the transport requirements of the child 10. Ensure emotional resilience in children and young people is developed and the child's voice is heard. 11. Significant events such as unauthorised absences from the foster home; family time, child behaviours are managed well maintaining perspective and following procedures as required 12. Be aware of how they respond to stress and have effective support/ strategies in place to sustain positive relationships and effective functioning during periods of stress 13. Demonstrate an ability to manage stress and maintain functioning during prolonged periods of difficulty and pressure 14. Provide a positive parenting experience which contributes to the child's wellbeing and sense of self -esteem 15. To attend and support child with all appropriate appointments. 16. Promote positive behaviour and provide clearly understood boundaries 17. Help children cope with separation and loss and assist them with coming to terms with previous experiences. 18. Act in the best interests of the child in co-operation with other professional and agencies e.g. education, health, police. 19. Maintain a Safe Care plan to protect each child placed from all forms of abuse, neglect, exploitation and deprivation. 20. Provide foster care that positively values and promotes diversity and equality of the child. 21. Enable children to move on positively to other placements when required and as part of their placement plan e.g. return to a birth parent, to other foster placement or to an adoption placement.

22. Promote and encourage the development of life skills to help young people develop the skills, confidence and knowledge necessary for independent living.

3. Health

1. Promote children and young people to have a healthy lifestyle by encouraging a balanced diet of food and drinks, taking part in regular exercise and activities.
2. Support the child/ young person with all health needs such as arrange and attend any necessary health appointments (e.g. GP/dentist/ therapist/paediatrician), manage repeat prescriptions and taking of prescribed medications.
3. Work to establish routines for positive wellbeing and a healthy sense of self, including supporting a good sleep pattern and routine.
4. Promote the child/ young person to identify their own key priorities in developing independence skills to manage their health needs. Provide role modelling support to then enable the development of Children and young people's key health skills working towards independence.
5. Support good emotional and mental health and self- esteem by facilitating and modelling good attachments, play and development alongside recognising when children/ young people may need additional support.
6. Encourage awareness of drug and alcohol risks and support children and young people to identify problematic use of drug and alcohol and seek appropriate support to change.
7. Support the young person in all aspects of their sexuality including proactively negotiating healthy relationship choices and good sexual health including accessing services.
8. Support the child/young person to meet their short and long term health needs such as diabetes, epilepsy, asthma, allergies or eczema and administer prescribed medication. Alongside consider any health transition requirements for children and young people with long term conditions or complex health needs.
9. Facilitate the delivery and monitoring of any prescribed care or intervention such as speech and language therapy, physiotherapy, occupational therapy and psychotherapy.
10. Facilitate and promote statutory health checks and support meeting the actions from the health plan as appropriate, including Education, Health and Care Plan for Children and young people with SEND.
11. Ensure child has an EASE card and promote the use of this if in North Tyneside.
12. Complete SDQ in a timely manner and encourage young person over the age of 11 to complete their SDQ.
13. Ensure the RHELAC Team are notified if any concerns around Health

For short break fostering:

1. Support the child with any additional health needs in line with any plan including an Education, Health and Care Plan.
2. Support child with emotional, mental, physical or sensory needs including use of any specialist equipment and bespoke approaches to care delivery.
3. Understand and administer individual child/ young person therapy plans including liaison with therapists.

4. Education

1. Support the child's education by promoting learning at home, maintaining links with school, including attending parents evening, and attending PEP meetings.
2. Ensure children are transported to school in a consistent and timely manner.
3. Support child's attendance at school ensuring that no holidays are booked within term time.
4. Ensure the RHELAC Team are notified if any concerns around education. This can be via supporting social worker
5. Support child with any learning needs in line with their Education, Health and Care Plan or SEN Support Plan.
6. Play an active role in relationships with education providers contributing and commenting on school reports and actively supporting school-home agreements.
7. Understand a child's Special Educational Needs and contribute to requests for advice and contributions to reviews.

4. Provide a suitable place for completing homework to include a desk and IT equipment appropriate to age of child.
5. Records / Written Assessments
<ul style="list-style-type: none"> 1. Maintain systematic record of developments on child in placement. 2. To provide information for court reports if required. 3. Ensure the safe storage and confidentiality of all information given.
6. Planning / Team Working
<ul style="list-style-type: none"> 1. Contribute to care planning. 2. Attend all meetings relating to the child and be prepared to contribute. 3. Work as part of a professional team and at times follow guidance and instruction in carrying out aspects of the care of the young people placed. 4. Attend court proceedings involving children and/or contribute to court statements when required.
7. Placement Stability
<ul style="list-style-type: none"> 1. To provide durable and stable placements. 2. Demonstrate commitment to sustaining a placement as agreed in the child's care plan. 3. Demonstrate a commitment to ending placements, where needed, in a planned way and in the best interests of the child.
8. Support / Supervision
<ul style="list-style-type: none"> 1. Prepare for supervision and accept guidance from a supervising social worker. 2. Undertake actions agreed in supervision with supervising social worker. 3. Attend local support groups regularly. 4. Make positive use of supervision and guidance from a supervising social worker. 5. Demonstrate reflective practice from training, learning and supervisory visits and how this learning can shape future practice. 6. Positively represent the fostering service to external partners and work in co-operation with the fostering service to achieve positive outcomes for children.
9. Family Time
<ul style="list-style-type: none"> 1. Provide emotional support for a child having family time. 2. If appropriate support family time within the foster carer home subject to a risk assessment 3. Keep appropriate written records of family time as per agency guidelines 4. To take appropriate steps when required to facilitate and supervise family time with those important to the child and as detailed within child's care plan.

Band Level 2 – Advanced

Entry Requirements	<ul style="list-style-type: none"> • Evidence significant child care experience e.g. parenting, paid or voluntary work in child care, previous fostering experience or experience in a related field such as youth work or teaching. • Demonstrate an ability to take challenging children with more complex needs, showing greater levels of vulnerability and where there is a greater risk or barriers to overcome. • One approved carer in the household must have a full time commitment to fostering with no other paid work commitments outside of the fostering service. • Have completed skills to foster training. • Have a completed fostering assessment and been approved by the ADM following fostering panel.
Training Requirements	<ul style="list-style-type: none"> • Have completed or if direct entry plan to complete the TSDS standards within 18 month, if a connected person foster carer or 12 month mainstream foster carer • Have completed their mandatory and core training and ensure it is refreshed on a 3 yearly basis. If direct entry core training to be completed within 1 year of approval. This includes Solihull training • Completed or plan to complete the Children's and Young Peoples Workforce Social Care Diploma Level 3 • Ensure that their personal development plan is completed annually • Therapeutic Parenting programme; which will inform practice • Any further training considered to be appropriate to support practice i.e. Youth Justice, Substance Misuse, Mental Health • Attend a minimum of six development session per year; this can include support groups, foster carer's consultation meetings and training
Evidence	<ul style="list-style-type: none"> • Supervision records • Foster care review • Diary recording • Observations of practice • Demonstrate reflective practice from training and learning • Attendance and contributions to meeting • Personal Development Plan PDP • Training engagement and feedback
1. Availability	
<ol style="list-style-type: none"> 1. Provide and maintain suitable accommodation for the number, needs and age of the child or children in placement. 2. To be available, accessible and meet unexpected situations that will come up in caring for children/young people with advanced needs. If advanced carers are in employment this needs to be on the basis that it provides flexibility to meet the demands of fostering. 3. An additional placement can be taken subject to appropriate matching, stability and space. 4. If a child/young person is still in placement and has been reassessed as no longer meeting this level of need, and the reduction in need is not attributable to the care provided, the carer will retain their fee for a maximum of three weeks and then choose to either: <ol style="list-style-type: none"> a. Receive the lower fee. b. Offer a new advanced placement with appropriate matching. c. Make themselves available to offer support to other foster carers as part of an agreed support package working alongside of the foster carers and in conjunction with the fostering service. 5. Have in place a robust support network to assist in an emergency situation. 	
2. Care / Behaviour Support	
<ol style="list-style-type: none"> 1. Provide a high standard of care to the child in placement in a safe , healthy and nurturing environment meeting fostering regulations and National Minimum Standards 2. Understand the implications of delegated authority 3. Care for the child as if s/he was a member of your family. 	

4. Contribute to Life Story and maintain a Memory Box for child in placement.
5. Ensure the physical condition of the home is conducive to fostering.
6. Establish and maintain daily routines for children e.g. school attendance, mealtimes, bedtimes, homework completion.
7. Provide a range of age appropriate activities and opportunities for developing interests.
8. Maintain confidentiality.
9. To meet the transport requirements of the child
10. Significant events such as unauthorised absences from the foster home; family time, child behaviours are managed well maintaining perspective and following procedures as required
11. Be aware of how they respond to stress and have effective support/ strategies in place to sustain positive relationships and effective functioning during periods of stress
12. Demonstrate an ability to manage stress and maintain functioning during prolonged periods of difficulty and pressure
13. Provide a positive parenting experience which contributes to the child's wellbeing and sense of self -esteem
14. To attend and support child with all appropriate appointments.
15. Help children cope with separation and loss and assist them with coming to terms with previous experiences.
16. Act in the best interests of the child in co-operation with other professional and agencies e.g. education, health, police.
17. Provide foster care that positively values and promotes diversity and equality of the child.
18. Enable children to move on positively to other placements when required and as part of their placement plan e.g. return to a birth parent, to other foster placement or to an adoption placement.
19. Promote and encourage the development of life skills to help young people develop the skills, confidence and knowledge necessary for independent living.
20. Be committed to working with children/young people with complex needs and be confident in positively managing challenging behaviour.
21. To be able to implement Safety Plan / Risk Assessment
22. Empathise with the children and young people placed and have well developed skills in engaging, communicating and building relationships with these children and young people and ensure the child's voice is heard.
23. .Utilise basic therapeutic parenting techniques under the guidance of social workers or other professionals.
24. Evidence ability to manage more challenging and demanding behaviours and support more specialist placement commitments such as aggression , sexualised behaviour, substance misuse, self-harm, diagnosed mental health issues, disability, parent and child placement subject to assessed levels of risk and need.
25. Be able to offer significant flexibility in meeting the placement needs of more complex children/ young people e.g. (but not exclusively) non school attendance , children / young people missing from home, young people at risk of sexual exploitation.
26. Carer can maintain perspective about the causes and influences of behaviour and remain child focused in their responses.
27. In their work consistently demonstrate an understanding of the reasons for development delay due to the impact of early life experiences of children and young people.

3. Health

1. Promote children and young people to have a healthy lifestyle by encouraging a balanced diet of food and drinks, taking part in regular exercise and activities.
2. Support the child/ young person with all health needs such as arrange and attend any necessary health appointments (e.g. GP/dentist/ therapist/paediatrician), manage repeat prescriptions and taking of prescribed medications.
3. Positively engage with specialist practitioners with regards to supporting care of Children and young people with physical, emotional or mental health needs including trauma and attachment difficulties.
4. Work to establish routines for positive wellbeing and a healthy sense of self, including supporting a good sleep pattern and routine.
5. Facilitate prescribed specialist therapeutic interventions for emotional and mental health needs and behavioural support. Follow any care plans and interventions relating to therapeutic approaches to care. Be able to monitor interventions and feedback to therapists.

6. Promote the child/ young person to identify their own key priorities in developing independence skills to manage their health needs. Provide role modelling support to then enable the development of Children and young people's key health skills working towards independence.
7. Support good emotional and mental health and self- esteem by facilitating and modelling good attachments, play and development alongside recognising when children/ young people may need additional support.
8. Encourage awareness of drug and alcohol risks and support children and young people to identify problematic use of drug and alcohol and seek appropriate support to change.
9. Support the young person in all aspects of their sexuality including proactively negotiating healthy relationship choices and good sexual health including accessing services.
10. Support the child/young person to meet their short and long term health needs such as diabetes, epilepsy, asthma, allergies or eczema and administer prescribed medication. Alongside consider any health transition requirements for children and young people with long term conditions or complex health needs.
11. Facilitate the delivery and monitoring of any prescribed care or intervention such as speech and language therapy, physiotherapy, occupational therapy and psychotherapy.
12. Facilitate and promote statutory health checks and support meeting the actions from the health plan as appropriate, including Education, Health and Care Plan for children and young people with SEND.
13. Ensure child has an EASE card and promote the use of this if in North Tyneside.
14. Complete SDQ in a timely manner and encourage young person over the age of 11 to complete their SDQ.
15. Ensure the RHELAC Team are notified if any concerns around Health

For short break fostering:

1. Deliver prescribed complex medical care and prescribed treatment e.g. suction, injections, tracheotomy care and administer emergency medication.
2. Facilitate care for a complex range of medical needs such as uncontrolled epilepsy, low/high muscle tone, oxygen saturation monitoring and end of life care.
3. Follow prescribed physiotherapy plans for Children and young people with mobility difficulties were there has been a skin breakdown, to provide a dressing regime in line with the care plan
4. As prescribed by a mental health professional as part of the care plan provide reassurance and support for children with extreme levels of stress, anxiety disorders or mental health issues.

4. Education

1. Support the child's aspirations and dreams by promoting learning at home and supporting involvement in enrichment activities. Maintain high expectations and seek support when needed.
2. Have effective working relationships with school, ensuring that all meetings are attended so that appropriate planning for the child is achieved.
3. Ensure children are transported to school in a consistent and timely manner.
4. Be pro-active in ensuring that any potential issues at school are raised at the earliest opportunity through school or The RHELAC Team to ensure support is put in place and to prevent escalation.
5. Have an understanding of the impact of trauma and loss on learning.
6. To support the view that looked after children shouldn't be excluded and alternatives should be used in the first instance, such as use of internal exclusion or First Day Response. Have an awareness of the impact of attachment needs in school.
7. Understand a child's Special Educational Needs and contribute to requests for advice and contributions to reviews.
8. Provide a suitable place for completing homework to include a desk and IT equipment appropriate to age of child.
9. Ensure a child's attendance at school ensuring that no holidays are booked within term time.
10. Support child with any learning needs in line with their Education, Health and Care Plan or SEN Support Plan.

5. Records / Written Assessments

1. Maintain systematic record of developments on child in placement.
2. To provide information for court reports if required.
3. Ensure the safe storage and confidentiality of all information given.

6. Planning / Team Working	
<ol style="list-style-type: none"> 1. Contribute to care planning. 2. Attend all meetings relating to the child and be prepared to contribute. 3. Work as part of a professional team and at times follow guidance and instruction in carrying out aspects of the care of the young people placed. 4. Attend court proceedings involving children and/or contribute to court statements when required. 	
7. Placement Stability	
<ol style="list-style-type: none"> 1. To provide durable and stable placements. 2. In the event of a placement having to end, this should be achieved in a considered way appropriate for the child or young person. 	
8. Support / Supervision	
<ol style="list-style-type: none"> 1. Attend local support groups regularly. 2. Make positive use of supervision and guidance from a supervising social worker. 3. Demonstrate reflective practice from training, learning and supervisory visits and how this learning can shape future practice 4. Attend advanced/specialist focus groups. 5. Provide support to inexperienced foster carers. 6. Be involved in buddying /mentoring new foster carers. 7. Positively represent the fostering service to external partners and work in co-operation with the fostering service to achieve positive outcomes for children. 	
9. Family Time	
<ol style="list-style-type: none"> 1. Provide emotional support for a child having family time. 2. Keep appropriate written records of family time as per agency guidelines. 3. To take appropriate steps when required to facilitate and supervise family time with those important to the child and as detailed within child's care plan. 	

Entry Requirements	<ul style="list-style-type: none"> • Significant formal child care experience e.g. previous fostering experience caring for children with complex needs, employment in child care or related experience • Demonstrate an ability to reflect upon professional experience and relate this to the fostering task • Evidence experience of caring for children who are highly vulnerable where there are increased risks and where there is very likely to be on going challenges and set back in caring for them • One approved carer in the household must have a full time commitment to fostering with no other paid work commitments outside of the fostering service. • Have completed skills to foster training. • Have a completed fostering assessment and been approved by the ADM following fostering panel.
Training Requirements	<ul style="list-style-type: none"> • Have completed or if direct entry plan to complete the TSDS standards within 18 month, if a connected person foster carer or 12 month mainstream foster carer • Have completed their mandatory and core training and ensure it is refreshed on a 3 yearly basis. If direct entry core training to be completed within 1 year of approval. This includes Solihull training • Completed or plan to complete the Children's and Young Peoples Workforce Social Care Diploma Level 5 • Ensure that their personal development plan is completed annually. • Therapeutic Parenting programme; which will inform practice • Any further training considered to be appropriate to support practice i.e. Youth Justice, Substance Misuse, Mental Health • Attend a minimum of eight development session per year; this can include support groups, foster carer's consultation meetings and training
Evidence	<ul style="list-style-type: none"> • Supervision records • Foster care review • Diary recording • Observations of practice • Demonstrate reflective practice from training and learning • Attendance and contributions to meeting • Personal Development Plan PDP • Training engagement and feedback • Engagement and implementation in therapeutic work
1. Availability	
<ol style="list-style-type: none"> 1. Provide and maintain suitable accommodation for the number, needs and age of the child or children in placement. 2. To be available on a full time basis to care for the young person placed. 3. An additional placement can be taken subject to appropriate matching, stability and space. 4. If a carer is without a specialist placement or the child/young person has been reassessed and no longer meets this level of need, and the reduction in presenting need is not attributable to the care provided. The carer will then be required to choose to either: <ol style="list-style-type: none"> a. Receive the lower fee. b. Offer a new specialist placement with appropriate matching. c. Make themselves available to offer support to other foster carers as part of a support package working alongside of the foster carers and in conjunction with the fostering service. 5. Specialist foster carers may be asked to support other foster carers out of hours. 6. On occasions and where appropriate provide a second short term holiday/respite placement for another child/young person placed with matched needs. 7. When specialist carers are 'between placements' to provide time limited emergency placements or carry out additional tasks to assist young people and other foster carers. . 8. Have in place a robust support network to assist in an emergency situation. 	

2. Care / Behaviour Support

1. Provide a high standard of care to the child in placement in a safe , healthy and nurturing environment meeting fostering regulations and National Minimum Standards
2. Understand the implications of delegated authority
3. Care for the child as if s/he was a member of your family.
4. Contribute to Life Story and maintain a Memory Box for child in placement.
5. Ensure the physical condition of the home is conducive to fostering.
6. Establish and maintain daily routines for children e.g. school attendance, mealtimes, bedtimes, homework completion.
7. Provide a range of age appropriate activities and opportunities for developing interests.
8. Maintain confidentiality.
9. To meet the transport requirements of the child
10. Significant events such as unauthorised absences from the foster home; family time, child behaviours are managed well maintaining perspective and following procedures as required
11. Be aware of how they respond to stress and have effective support/ strategies in place to sustain positive relationships and effective functioning during periods of stress
12. Demonstrate an ability to manage stress and maintain functioning during prolonged periods of difficulty and pressure
13. . Provide a positive parenting experience which contributes to the child's wellbeing and sense of self -esteem
14. To attend and support child with all appropriate appointments.
15. Help children cope with separation and loss and assist them with coming to terms with previous experiences.
16. Act in the best interests of the child in co-operation with other professional and agencies e.g. education, health, police.
17. Provide foster care that positively values and promotes diversity and equality of the child.
18. Enable children to move on positively to other placements when required and as part of their placement plan e.g. return to a birth parent, to other foster placement or to an adoption placement.
19. Promote and encourage the development of life skills to help young people develop the skills, confidence and knowledge necessary for independent living.
20. To be able to implement Safety Plan / Risk Assessment
21. Specialist carers must have the required confidence and skills in positively managing extremes of challenging behaviour.
22. Provide a Therapeutic Parenting approach which contributes to the child's wellbeing and sense of self -esteem
23. Be committed to working with very complex and vulnerable groups of children or severely disabled children. Note the range of complex needs specialist carers are likely to be expected to meet as listed below.
24. Empathise with the troubled and disadvantaged young people placed and have highly developed skills in communicating and building relationships with these young people.
25. To take part in intensive therapeutic work with children following appropriate advice and direction or to work closely with other professionals in carrying out individualised therapeutic programmes, skills development or educational programmes.
26. Challenge constructively opinions and views of other professionals and agencies.
27. Effectively manage persistently challenging and anti-social behaviours of children / young people placed
28. Provide commitment to specialist placements of children / young people with the most complex needs e.g. Parent / Child ; Assessment ; Permanence; Children with a disability; Children / Young people having experienced significant disruption; Single placements in the household; Children / Young People who might otherwise require a residential placement
29. Carer is able to maintain perspective and unconditional positive regard in their care of children and young people during periods of stress and pressure while remaining resilient about addressing pertinent issues
30. Demonstrate considerable resilience and skill in daily practice to achieve desired outcomes for children and young people
31. Can anticipate and prepare for setbacks , struggles, barriers and provide continuity of care during these times.

3. Health

1. Promote children and young people to have a healthy lifestyle by encouraging a balanced diet of food and drinks, taking part in regular exercise and activities.
2. Support the child/ young person with all health needs such as arrange and attend any necessary health appointments (e.g. GP/dentist/ therapist/paediatrician), manage repeat prescriptions and taking of prescribed medications.
3. Positively engage with specialist practitioners with regards to supporting care of Children and young people with physical, emotional or mental health needs including trauma and attachment difficulties.
4. Work to establish routines for positive wellbeing and a healthy sense of self, including supporting a good sleep pattern and routine.
5. Facilitate prescribed specialist therapeutic interventions for emotional and mental health needs and behavioural support. Follow any care plans and interventions relating to therapeutic approaches to care. Be able to monitor interventions and feedback to therapists.
6. Promote the child/ young person to identify their own key priorities in developing independence skills to manage their health needs. Provide role modelling support to then enable the development of Children and young people's key health skills working towards independence.
7. Support good emotional and mental health and self- esteem by facilitating and modelling good attachments, play and development alongside recognising when children/ young people may need additional support.
8. Encourage awareness of drug and alcohol risks and support children and young people to identify problematic use of drug and alcohol and seek appropriate support to change.
9. Support the young person in all aspects of their sexuality including proactively negotiating healthy relationship choices and good sexual health including accessing services.
10. Support the child/young person to meet their short and long term health needs such as diabetes, epilepsy, asthma, allergies or eczema and administer prescribed medication. Alongside consider any
11. health transition requirements for children and young people with long term conditions or complex health needs.
12. Facilitate the delivery and monitoring of any prescribed care or intervention such as speech and language therapy, physiotherapy, occupational therapy and psychotherapy.
13. Facilitate and promote statutory health checks and support meeting the actions from the health plan as appropriate, including Education, Health and Care Plan for Children and young people with SEND.
14. Ensure child has an EASE card and promote the use of this if in North Tyneside.
15. Complete SDQ in a timely manner and encourage young person over the age of 11 to complete their SDQ.
16. Ensure the RHELAC Team are notified if any concerns around Health
17. Make pro-active contributions to issues around emotional, mental or physical care resolution in school or other settings alongside supporting birth parents in problem resolution where appropriate.

For short break fostering:

1. Facilitate care for a complex range of medical needs such as uncontrolled epilepsy, low/high muscle tone, oxygen saturation monitoring and end of life care.
2. Receive individualised training for the management of emergency/ urgent situations eg seizures including administering emergency medication.
3. Following individualised training deliver proactive personalised care to children and young people with profound cognitive and complex physical needs according to written care plans
4. Follow prescribed Physiotherapy/Occupational Therapy/ Speech and Language Therapy or other specialist care plans. Liaise with specialists as required and facilitate all health appointments.
5. Follow prescribed physiotherapy plans for children and young people with mobility difficulties were there has been a skin breakdown, to provide a dressing regime in line with the care plan
6. Provide reassurance and support for children with complex stress and anxiety disorders to help them understand and manage their emotions and responses to stressful situations and triggers.
7. Be able to deliver a sensory approach to care for Children and young people with additional and complex sensory needs related to ASD/ADHD or other conditions.

4. Education

1. Support the child's aspirations and dreams by promoting learning at home and supporting involvement in enrichment activities. Maintain high expectations and seek support when needed.
2. Have effective working relationships with school, ensuring that all meetings are attended so that appropriate planning for the child is achieved.
3. Ensure children are transported to school in a consistent and timely manner.
4. Be pro-active in ensuring that any potential issues at school are raised at the earliest opportunity through school or The RHELAC Team to ensure support is put in place and to prevent escalation.
5. To support the view that children in care shouldn't be excluded and alternatives should be used in the first instance, such as use of internal exclusion or First Day Response.
6. Have an awareness of the impact of attachment needs in school and demonstrate an ability to put learning of these issues into practice.
7. To provide advice and support to other foster carers about the education of looked after children.
8. Have an understanding of the impact of trauma and loss on learning.
9. Understand a child's Special Educational Needs and contribute to requests for advice and contributions to reviews.
10. Provide a suitable place for completing homework to include a desk and IT equipment appropriate to age of child.
11. Ensure a child's attendance at school ensuring that no holidays are booked within term time.
12. Support child with any learning needs in line with their Education, Health and Care Plan or SEN Support Plan.

5. Records / Written Assessments

1. Maintain systematic record of developments on child in placement.
2. To provide information for court reports if required.
3. Ensure the safe storage and confidentiality of all information given.

6. Planning / Team Working

1. Work as part of a professional team and at times follow guidance and instruction in carrying out aspects of the care of the young people placed.
2. Attend court proceedings involving children and/or **contribute to court** statements when required.
3. Contribute to high level discussions / meetings
4. To promote / project a proactive approach to working intensively and cohesively with care team members
5. To respond appropriately to frequently changing circumstances and short notice occurrences/requirements.

7. Placement Stability

1. There is a strong expectation that specialist placements will be robust and durable and unplanned placement endings or crisis disruptions will be an exceptional event.
2. In the event of a placement having to end, this should be achieved in a considered way appropriate for the child or young person.

8. Support / Supervision

8. Attend local support groups regularly.
9. Make positive use of supervision and guidance from a supervising social worker.
10. Demonstrate reflective practice from training, learning and supervisory visits and how this learning can shape future practice
11. Be involved in buddying /mentoring new foster carers. .
12. Attend and help to facilitate local support groups with fostering service.
13. Specialist carers need to have an advanced capacity to reflect on their work and take responsibility for their own training requirements and their professional development.
14. Uphold high professional standards
15. Participate in the delivery of training and support of foster carers and social workers.
16. Mentoring newly approved foster carers.
17. Positively represent the fostering service to external partners and work in co-operation with the fostering service to achieve positive outcomes for children.

9. Family Time

1. Provide emotional support for a child having family time.
2. Keep appropriate written records of family time as per agency guidelines
3. To take appropriate steps when required to facilitate and supervise family time with those important to the child and as detailed within child's care plan
4. Work professionally with parents even where there is conflict.

Equality Impact Assessment (EIA)

The separate EIA guidance notes outline what should be included for each section. Please read them before you begin. If you have any queries, contact your Corporate Equality Group rep, or the Engagement Team on 643 2828.

1. Author, service area, date

Jodie Henderson Senior Manager HECS, September 2019

2. Who else has been involved in writing this EIA?

Julie Firth Assistant Director, Children's Services

Nik Flavell Senior Manager HECS

Ellie Anderson Assistant Director, Adult Services

3. What proposal is this EIA assessing?

A proposed three year strategy of the North Tyneside Fostering Service relating to its recruitment and retention of Foster Carers to meet the needs of the Borough for children and young people requiring care

4. What is the purpose of your proposal and what is it expected to achieve?

The purpose of the Strategy is to:

- 1. To increase the total number of local Foster Carers available for the children and young people of North Tyneside*
- 2. To increase the number of Foster Carers with the skills to care for teenagers*
- 3. To increase the number of Foster Carers with the skills to care for sibling groups*
- 4. To improve the resilience of our Foster Carers through our support to them, reducing the number of placements which break down*

5. Cease the use of Independent Fostering Agency placements by the Council

6. Reduce the number of Children's Home placements for children and young people in favour of placements with skilled Foster Carers

5. Is there any relevance to the aims of the public sector equality duty? Write your answers in the table

Aim	Yes, No, or N/A	Details if 'yes'
Advance equality of opportunity between people who share a protected characteristic and those who do not	Yes	<i>One element of Strategy seeks to improve the transparency and consistency of payments to Foster Carers and improve remuneration for all members of our Fostering Community. Another element looks to improve the training and support afforded to Carers, including the way in which they meet the particular needs of children and young people in their care. The Strategy also seeks to ensure recruitment of carers from across the Borough, increasing the diversity of the Fostering Community. Fostering assessment and placement match take into account all protected characteristics with the specific aim of ensuring equality of opportunity.</i>
Foster good relations between people who share a protected characteristic and those who do not	Not applicable	

6. Analysis by characteristic Write your answers in the table

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
Age	There is a potential negative impact of adults who are either very young	<i>Fostering assessment takes into account the skills knowledge and experience of the carer in relation to their ability to meet children's needs. Although age is not a criteria it is less likely that a very young adult would be able to demonstrate the skills required to meet the fostering standards. For elderly adults it is possible that the impact of aging on stamina may impact adversely on the fostering assessment.</i>

	adults or very elderly adults.	
Disability	There is a potential negative impact on this protected characteristic.	<i>Fostering assessment takes into account the skills knowledge and experience of the carer in relation to their ability to meet children's needs. Although disability as a characteristic in its own right does not preclude an adult from fostering or being paid in any particular band, there may be circumstances in which the level of disability makes matching a child with that carer unfeasible.</i>
Gender	N/A	<i>The proposals for the improvements in fostering support and fees for skills payment structure are not in any way linked to gender; therefore we have no reason to believe that the proposals would have any greater or lesser effect regarding gender.</i>
Gender reassignment	N/A	<i>We have no reason to believe that the proposals would have any greater or lesser effect on people on account of gender reassignment.</i>
Marriage and civil partnership status	N/A	<i>We have no reason to believe that the proposals would have any greater or lesser effect on people on account of marriage and civil partnership status.</i>
Pregnancy and maternity	N/A	<i>We have no reason to believe that the proposals would have any greater or lesser effect on those people who are pregnant or have young children.</i>
Race	There is a possible positive effect for these protected characteristics.	<i>It is possible that carers from a particular race may be actively recruited to meet the needs of specific children.</i>
Religion or belief	There is a possible positive effect for these protected characteristics.	<i>It is possible that carers from a particular religion may be actively recruited to meet the needs of specific children</i>
Sexual orientation	N/A	<i>We have no reason to believe that the proposals would have any greater or lesser effect on people on account of sexual orientation</i>

7. Have you carried out any engagement in relation to this proposal? If so, what?

Consultation has been undertaken with members of the North Tyneside Council Fostering Community. This has included regular consultation with children and young people in care about their needs, and 4 specific events and a snap survey with North Tyneside Foster Carers.

8. Is there any information you don't have that you need to find?

No

9. What actions are already in place, or will be taken, to remove or reduce potential negative impacts? (add more lines to the table if you need to)

Action	Responsibility	Timescale
<i>We have identified potential negative impact in relation to age and disability. Neither of these characteristics absolutely preclude adults from fostering. It is important to note that a decision is made on suitability to foster which is identified through a full assessment, which is done in partnership with the individual and is completely person centred. As a result, no additional generic action can be identified however the assessment will identify on a case by case basis whether individuals can be provided with development training and support to enable them to foster. This is done in every case.</i>	<i>Senior Manager for the Fostering Service</i>	<i>Immediate and ongoing at every assessment.</i>

10. Are there any potential negative impacts that cannot be removed or reduced? If so, why is this?

Yes, the assessment may identify that despite training development and support the adult cannot meet the fostering requirements.

11. Based on your conclusions from this assessment, what are your next steps?

Implementation of the three year Strategy following the approval of Cabinet on 14 October 2019

12. How will the impact of this proposal be monitored after it is introduced?

The impact of the Strategy on meeting its aims and objective will be monitored by the Service. This will include regular consultation with the Fostering Community and children and young people in care. We will also use four key metrics:

- 1. How many Independent Fostering Agency placements have we used*
- 2. How many additional Fostering Households have we recruited*
- 3. What percentage of our children in care are placed with our own local Foster Carers*
- 4. What percentage of sibling groups have we been able to place together*

13. When will this EIA be reviewed?

This EIA will be reviewed in September 2021

North Tyneside Report to Cabinet Date: 14 October 2019

Title: Better Care Fund Plan for 2019/20

Portfolio(s):	Public Health and Wellbeing	Cabinet Member(s):	Councillor Margaret Hall
Report from Service Area:	Health, Education, Care and Safeguarding		
Responsible Officer:	Jacqui Old, Head of Health, Education, Care and Safeguarding	Tel: (0191) 6437317	
Wards affected:	All		

PART 1

1.1 Executive Summary

This report presents a proposed plan for the Better Care Fund (BCF) covering the financial year 2019/20. The BCF, which has been in operation since 2015/16, is a government initiative to improve the integration of health and care services, with an emphasis on keeping people well outside of hospital and facilitating discharge from hospital.

The BCF creates a pooled fund, managed jointly by the Authority and NHS North Tyneside Clinical Commissioning Group (the CCG). The total value of the fund is £27,547,883, an increase of 14.1% over 2018/19.

CCGs are required to contribute a defined amount to the fund, to support adult social care. The resulting income from the NHS is £10.5m. Together with the “Improved Better Care Fund”, which is paid direct by Government to the Authority, the BCF supports 21% of adult social care revenue expenditure.

BCF income helps to fund our community based social care services, such as reablement, immediate response home care, CareCall, and loan equipment/adaptations. It also contributes towards our services to support carers, our Community Falls First Responder Service, and to independent living support for people with learning disabilities.

Government guidance for the BCF states that 2019/20 is to be a year of minimal change for the BCF. The national conditions for the fund are unchanged. BCF plans are required to be signed off by Health and Wellbeing Boards (HWB). The North Tyneside HWB approved the BCF plan on 12th September 2019.

An allocation for winter pressures, which in 2018/19 was paid direct to Local Authorities but not included in the BCF, is included in the BCF for 2019/20. In 2018/19 that money

was used to support short-term admissions to residential care (79% of the funds) and additional hours of home care support (21% of the funds). Both of these measures relieve pressure on the NHS by supporting discharge from hospital or avoiding admission to hospital.

The timetable for submitting a BCF plan is in advance of the timetable for agreeing a winter plan. Discussions with NHS and social care stakeholders have been organised by the Local Area Delivery Board (LADB) to progress a Winter Plan for 2019/20.

The BCF Partnership Board (which is established by a Section 75 Agreement, between the Authority and NHS North Tyneside CCG), will take soundings from the LADB, to determine the most appropriate use of winter pressures funding to support the 2019/20 Winter Plan, as it is developed further.

The plan represents a natural progression from the 2017/18/19 plan, with some changes to take into account progress that has been made. Within the Future Care Programme, action is under way to further develop services for older people, which will lead to reconfiguration of some services included in the BCF, within the overall financial envelope set out in the BCF Plan. An Integrated Community Frailty Service for North Tyneside will be created through the reconfiguration of Care Point, Care Plus, Day Hospital services, and the intermediate care beds at Howdon and Royal Quays.

Cabinet are asked to approve the Better Care Fund plan.

1.2 Recommendation(s)

It is recommended that Cabinet:

- a) note the arrangements and progress made to date in terms of developing the Better Care Fund Plan in North Tyneside; and
- a) authorise the Head of Health, Education, Care and Safeguarding, in consultation with the Chair of the Health and Wellbeing Board, the Cabinet Member for Adult Social Care, and the Cabinet Member for Finance, to approve the final Better Care Fund plan on behalf of the Authority for submission to the Department of Health.

1.3 Forward Plan

Twenty-eight day's notice of this report have been given and this item first appeared in the Forward Plan that was published on 6th September 2019.

1.4 Council Plan and Policy Framework

This item relates to the following objectives of the Our North Tyneside Plan 2018-2021:

“As part of these priorities, our people will...

- Be listened to
- Be ready for work and life
- Be cared for, protected and supported
- Be healthy and well”

1.5 Information:

1.5.1 Background

The BCF Policy Framework for 2019-20¹ was published on 10th April 2019 by the Department of Health and Social Care and the Ministry of Housing, Communities, and Local Government.

The Framework notes:

“The Government is committed to the aim of person-centred integrated care, with health, social care, housing and other public services working seamlessly together to provide better care. This type of integrated care is the key to strong, sustainable local health and care systems which prevent ill-health (where possible) and the need for care and avoid unnecessary hospital admissions. It also ensures that people receive high-quality care and support in the community. For people who need both health and social care services, this means only having to tell their story once and getting a clear and comprehensive assessment of all their needs with plans put in place to support them. This means they get the right care, in the right place, at the right time.” (para 1.1)

2019-20, the report states, is to be a year of minimal change for the BCF:

- The national conditions for the fund are unchanged
- BCF plans should be signed off by Health and Wellbeing Boards
- Clinical Commissioning Groups (CCGs) will continue to be required to pool a mandated minimum amount of funding
- Local Authorities will be required to pool grant funding from the Improved Better Care Fund and the Disabled Facilities Grant.
- The Improved Better Care Fund, as in previous years, can be used only to meet adult social care needs; reduce pressures on the NHS, including supporting more people to be discharged from hospital when they are ready; and to ensure that the local social care provider market is supported.
- Local Authorities will be required to pool Winter Pressures funding in the BCF in 2019/20.
- Winter Pressures funding will be paid to local authorities, with an attached set of conditions, requiring the funding to be used to alleviate pressures on the NHS over winter, and to ensure it is pooled into the BCF. This funding does not replace, and must not be offset against, the NHS minimum contribution to adult social care.

This year, there is no requirement to submit a detailed narrative plan to the BCF national team; the central reporting requirements are met through a spreadsheet, which is available on request from the author of this report.

1

1.5.2 What difference does the Better Care Fund make?

The Better Care Fund continues to play a key role in integrating health, social care and housing. The fund provides the governance and a context in which the NHS and local authorities work together, as equal partners, with shared objectives.

The BCF plan has enabled us to have a single, local plan for the integration of health and social care which has improved joint working and had a positive impact on integration. This has helped to relieve pressure on the health care system, with system performance in the North East remaining relatively strong against a difficult picture nationally.

The BCF accounts for 21% of adult social care revenue expenditure. Hence, we would be unable to maintain the current level of services without the benefit of the Better Care Fund income.

It is a requirement of the Better Care Fund process, that Local Authorities and CCGs agree the Better Care Fund plan and create a pooled fund managed through a Section 75 Agreement.

Without approval of the BCF plan by the Authority, there is a risk that NHS England would exercise powers to prevent NHS funds being paid to the Authority.

1.5.3 Governance arrangements

The detailed operations of the Better Care Fund in North Tyneside are set out in a Section 75 Agreement between North Tyneside Council and NHS North Tyneside Clinical Commissioning Group (CCG). That agreement establishes a BCF Partnership Board with representatives from each party.

As previously requested by the Health and Wellbeing Board, regular reports on the operation and performance of the BCF have been provided to the Adult Social Care, Health and Wellbeing Subcommittee of the Overview and Scrutiny Committee.

The BCF Policy Framework requires that BCF plans are agreed by Health and Wellbeing Boards. As in previous years, the Cabinet and the Governing Body of the CCG will also be asked to agree the BCF Plan.

The Health and Wellbeing Board considered the BCF Plan for 2019-20 on 12th September 2019 and endorsed the general principles of the use of the Better Care Fund, as set out in this report.

The Governing Body of NHS North Tyneside Clinical Commissioning Group will consider the plan on 22nd October 2019.

1.5.4 The value of the Better Care Fund

The minimum value of the North Tyneside Better Care Fund is set nationally. Table 1 below shows the value in the current year, and changes from the previous year.

Table 1

Income Component	2018/19	2019/20	% difference	£ difference
Disabled Facilities Grant	1,526,533	1,647,220	7.9%	120,687
Minimum CCG Contribution	15,833,838	16,603,777	4.9%	769,939
Improved Better Care Fund	6,772,688	8,265,809	22.0%	1,493,121
Winter Pressures Grant		1,031,077		1,031,077
TOTAL	24,133,058	27,547,883	14.1%	3,414,825

The national framework also stipulates minimum contributions to be paid by the CCG to adult social care, and on NHS-commissioned out of hospital services

Table 2

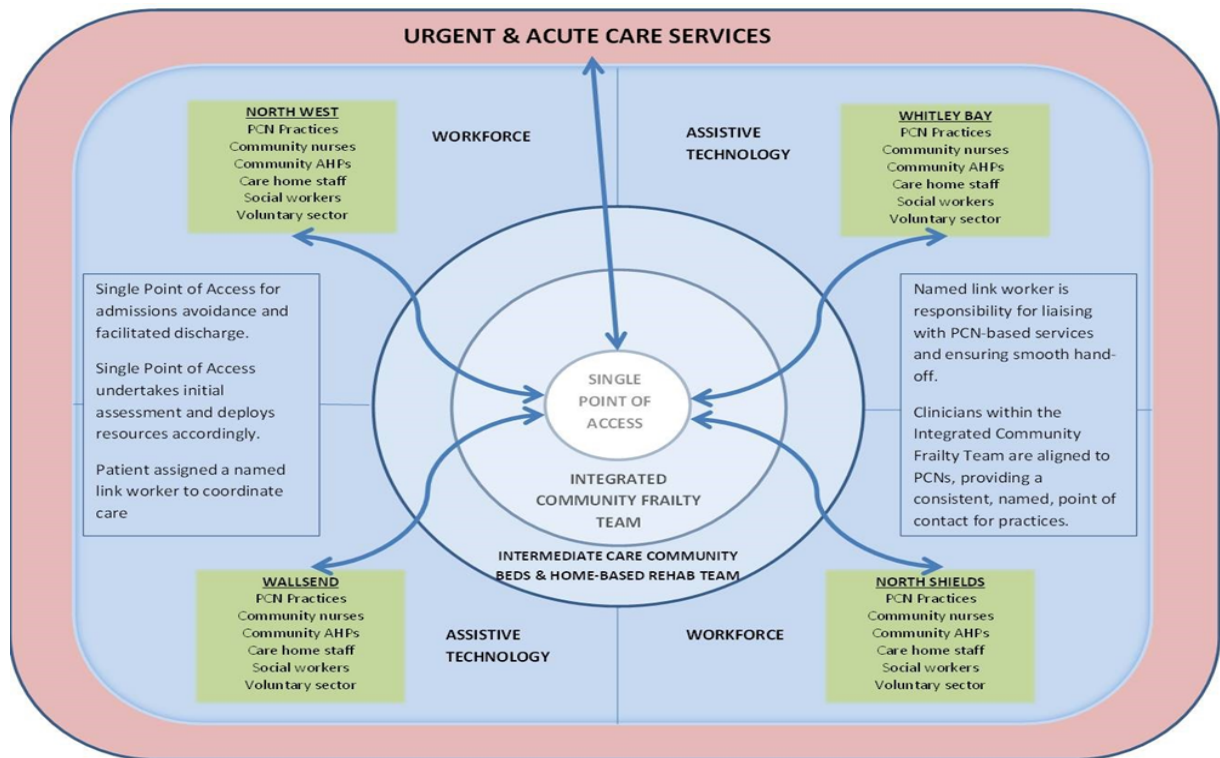
	2018/19	2019/20	% difference	£ difference
CCG minimum contribution to adult social care	10,085,863	10,576,301	4.9%	490,438
NHS commissioned out-of-hospital spend	4,449,528	4,718,332	6.0%	268,804

1.5.5 Key features of the BCF plan

The plan represents a natural progression from the 2017/18/19 plan, with some changes to take into account progress that has been made. Within the Future Care Programme, action is under way to further develop services for older people, which will lead to reconfiguration of some services included in the BCF, within the overall financial envelope set out in the BCF Plan.

An Integrated Community Frailty Service for North Tyneside will be created through the reconfiguration of Care Point, Care Plus, Day Hospital services, and the intermediate care beds at Howdon and Royal Quays.

- The development of an integrated frailty service within exiting NHS and Local Authority services contracts.
- The development of a new community bed based intermediate care facility that will also house an integrated community frailty / aging well service, which would bring together Care Point, Care Plus and Jubilee Day Hospital and community bed based care under a shared management structure to provide a 'one-stop-shop' for frailty elderly patients.



The key components of the planned model are:

- A single point of access and assessment, capable of understanding demand and deploying resources to avoid admission and facilitate rapid discharge.
- A single integrated community frailty team providing proactive and reactive, multidisciplinary assessment, interventions, rehabilitation, reablement and care planning for frail elderly patients in North Tyneside.
- All North Tyneside residents have rapid and equitable access to step-up and step-down beds, regardless of which local hospital they are accessing that care from.
- Coordination of care and closer alignment with community nursing teams, including mental health and Primary Care Networks.

This service will consist of:

- Single point of access
- Integrated Community Frailty Team
- Integrated Care community beds and reablement
- Integration with primary care networks and community services

Single point of access

The single point of access will:

- Act as a true single access to the Integrated Community Frailty Service. This will end the current system whereby referrals can be made via Care Point or directly into individual services themselves.
- Assess the patient's needs and deploy the resources of the Integrated Community Frailty Team accordingly. This will include the assignment of a clinical link-worker who will take responsibility for coordinating the patient's care.
- Assess patients requiring access to community step-up and step-down beds.

- Replicate the ‘back of house functions’ of the existing Care Point service and the admissions avoidance and discharge planning resource funded under the BCF.
- Coordinate the alignment of the clinical and social care workforce within the integrated community frailty team to the localities, ensuring that there is a consistent, named, point of contact for practices and community nursing teams seeking guidance and support.
- Use technology to manage system wide community capacity and demand in real-time

Integrated community frailty team

The integrated community frailty team will bring together the teams currently delivering the following services:

- Day Hospital
- Care Plus
- Care Point ‘front of house functions and teams’
- Falls First Responder
- Community Falls Clinic (once existing contracts expire)

To provide:

- Single multi-disciplinary team-based assessment, diagnosis and management of frail elderly patients with the aim of enabling self-management, preventing further deterioration, avoiding admission and facilitating discharge.
- A person-centred single assessment and care plan based upon the comprehensive geriatric assessment process
- Patients will also be assigned a clinical link worker to act as their main point of contact to ensure person centred care coordinated care delivery.
- Care will be delivered in the patient’s place of residence or a community-based setting wherever possible, particularly for patients with more severe levels of frailty.
- The service will be accessed on an equitable basis which reflects the fact that c.40% of North Tyneside residents’ access acute care in Newcastle.

Intermediate care community beds and reablement

Intermediate care services in North Tyneside will continue to be provided in line with the 2017-18-19 BCF Plan.

Phase two of the agreed plan commenced in 2019. More care will be delivered in a community setting, with additional investment in community services and social care provision being used to support this transition. This will include:

- Creation of a new community-based facility capable of housing the Single Point of Access and the Integrated Community Frailty Team alongside the intermediate care beds.
- Creation of step-up community bed pathways to support admission avoidance and functions of the SPA.
- Strengthening the role of the peripatetic service.
- Enhancing the role of Personal Independence Coordinator workers and volunteers

Integration with Primary Care Networks and community services

Patients and clinicians have both identified the need for a single named person to coordinate care and manage transition into and out of specialist frailty services. This ensures that patients will only have to “tell their story once” during a specific episode of

care and that healthcare is delivered more efficiently by removing unnecessary duplication of assessment.

The Community Matrons that are currently deployed within Care Plus will normally act as the named link-worker for the majority of patients referred into the Integrated Community Frailty Service. They will also act as the primary point of contact between the specialist frailty teams and the wider healthcare system, including practices, district nursing teams and hospital-based services.

In order to foster strong working relationships between the Community Matrons, GP practices and community services, the Community Matron workforce will be aligned to an existing locality of North Tyneside.

1.5.6 Winter Pressures

The Winter Pressures element of the BCF is not new money. The same amount was paid directly to North Tyneside Council in 2018/19. In that year the money was used to support short-term admissions to residential care (79% of the funds) and additional hours of home care support (21% of the funds). Both of these measures relieve pressure on the NHS by supporting discharge from hospital or avoiding admission to hospital.

The timetable for submitting a BCF plan is in advance of the timetable for agreeing a winter plan. Discussions with NHS and social care stakeholders have been organised by the Local Area Delivery Board (LADB) to progress a Winter Plan for 2019/20.

The BCF Partnership Board will take soundings from the LADB, to determine the most appropriate use of winter pressures funding to support the 2019/20 Winter Plan, as it is developed further.

1.6 Decision options:

The following decision options are available for consideration by Cabinet

Option 1

- a) note the arrangements and progress made to date in terms of developing the Better Care Fund Plan in North Tyneside; and
- b) authorise the Head of Health, Education, Care and Safeguarding, in consultation with the Chair of the Health and Wellbeing Board, the Cabinet Member for Adult Social Care, and the Cabinet Member for Finance and Resources, to approve the final Better Care Fund plan on behalf of the Authority for submission to NHS England.

Option 2

Not agree to Option 1 and to suggest an alternative approval mechanism to ensure that North Tyneside is able to meet the externally prescribed timetable for submission of the BCF plan to NHS England.

Cabinet is recommended to agree Option 1.

1.7 Reasons for recommended option:

The continuation of the Better Care Fund presents an opportunity to take forward the principles of the Health and Wellbeing Strategy. Delay in agreeing a plan for use of the Fund may lead to delay in the release of funds by NHS England.

1.8 Appendices:

Appendix 1 – List of BCF services

1.9 Contact officers:

Kevin Allan, Programme Manager, Integrated Care for Older People. Tel (0191) 643 6078

1.10 Background information

The following background papers have been used in the compilation of this report:

- a) North Tyneside Joint Health and Wellbeing Strategy 2013-23
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/JHWBS.pdf>
- b) 2019-20 Better Care Fund Policy Framework. Department of Health and Social Care and the Ministry of Housing, Communities and Local Government
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821676/Better_Care_Fund_2019-20_Policy_Framework.pdf
- c) Better Care Fund Planning Requirements for 2019 to 2020. Department of Health and Social Care, Ministry of Housing, Communities and Local Government, and NHS England. <https://www.gov.uk/government/publications/better-care-fund-planning-requirements-for-2019-to-2020>

PART 2 - COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The plan does not of itself create additional demands for the Authority's services above those which are created by the growth of our population and in particular the number of elderly people we serve.

As in previous years, the Authority is in discussion with the CCG to create a s75 pooled budget to operationalise the BCF.

2.2 Legal

The NHS Act 2006, as amended, gives NHS England the powers to attach conditions to the payment of the Better Care Fund Plan. In 2019/20 NHS England have set a requirement that Health and Wellbeing Boards agree plans on how the money will be spent and plans must be signed off by the relevant local authority and Clinical Commissioning Group.

2.3 Consultation/community engagement

The Health and Wellbeing Board considered the plan on 12th September 2019.

The service developments referred to in section 1.5.4 above have been considered by the Future Care Programme Board, which includes representation from the CCG, the Authority, NHS providers, the GP federation, Healthwatch, the Patient Reference Group, and the community and voluntary sector.

2.4 Human rights

There are no human rights implications arising directly from this report.

2.5 Equalities and diversity

There are no equality and diversity implications arising directly from this report.

2.6 Risk management

The Better Care Fund Partnership Board maintains a risk assessment for the BCF.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

SIGN OFF

- | | |
|--|-------------------------------------|
| • Chief Executive | <input checked="" type="checkbox"/> |
| • Head of Service | <input checked="" type="checkbox"/> |
| • Cabinet Member | <input checked="" type="checkbox"/> |
| • Chief Finance Officer | <input checked="" type="checkbox"/> |
| • Monitoring Officer | <input checked="" type="checkbox"/> |
| • Head of Corporate Strategy
and Customer Service | <input checked="" type="checkbox"/> |

Appendix 1 – List of BCF services
(with comparative scheme values for two previous years)

Funding source, scheme type, and scheme name	2017/18 £	2018/19 £	2019/20 £
Disabled Facilities Grant	1,416,617	1,526,533	1,647,220
Social Care	1,416,617	1,526,533	1,647,220
Disabled Facilities Grant	1,416,617	1,526,533	1,647,220
Improved Better Care Fund	5,043,226	6,772,688	8,265,809
Social Care	5,043,226	6,772,688	8,265,809
Impact on other increased fees (ISL, day care, direct payments, etc) of national living wage	1,244,000	1,609,000	3,483,827
Impact on care home fees of national living wage	2,145,226	2,775,688	2,345,847
Effect of demographic growth and change in severity of need	1,270,000	1,892,000	1,689,666
Impact on domiciliary care fees of national living wage	384,000	496,000	746,469
Winter Pressures Grant			1,031,077
Social Care			1,031,077
Measures to respond to winter pressures			1,031,077
Minimum CCG Contribution	15,538,604	15,833,838	16,603,777
Community Health	5,225,197	4,881,835	4,376,591
Intermediate Care Beds	3,653,432	3,722,847	2,709,097
Admission avoidance and discharge planning services	724,177	737,936	762,586
CarePlus	620,208	189,351	677,528
End of Life Care – RAPID	227,380	231,700	227,380
Mental Health	749,991	764,241	713,817
Liaison Psychiatry	749,991	764,241	713,817
Primary Care	100,000	101,900	937,068
Enhanced Primary Care in Care Homes	100,000	101,900	937,068
Social Care	9,463,416	10,085,863	10,576,301
Community--based support	7,138,533	7,274,165	7,627,881
Intermediate Care - Community Services	421,411	747,059	783,386
Care Act implementation	607,686	619,232	670,914
Independent support for people with learning disabilities	610,740	622,344	652,606
Carers Support	570,024	580,854	609,099
Community Falls First Responder Service	0	125,000	131,078
Seven Day Social Work	64,128	65,346	68,524
Improving access to advice and information	50,895	51,862	32,813
Grand Total	21,998,447	24,133,059	27,547,883

North Tyneside Council Report to Cabinet Date: 14 October 2019

Title: Council Tax Empty Homes Premium

Portfolio(s): Finance and Resources		Cabinet Member(s): Councillor Ray Glindon
Report from Service Area:	Resources	
Responsible Officer:	Janice Gillespie, Head of Resources	(Tel: (0191) 643 5701)
Wards affected:	All Wards	

PART 1

1.1 Executive Summary:

In November 2017 the Chancellor of the Exchequer announced the government's intention to legislate to tackle the number of empty domestic properties. Parliament introduced the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 which amended section 11b of the Local Government Finance Act 1992. These changes to the 1992 Act enabled local authorities to increase Council Tax charges by applying premiums to long term empty properties.

The purpose of this report is to seek approval from Cabinet to consult upon the introduction of a Council Tax Premium for domestic properties that have been unoccupied and unfurnished for a period in excess of two years. Local authorities now have the power to apply premiums as set out at 1.5.7 of this report.

1.2 Recommendation(s):

1.2.1 It is recommended that Cabinet:

- (a) agree that the Authority carries out consultation on the introduction of Council Tax Premiums and that the results of the consultation are brought back to Cabinet for it to consider; and
- (b) notes that any decision to introduce Council Tax Premiums is the responsibility of Full Council.

1.3 Forward Plan:

- 1.3.1 Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 9 September 2019.

1.4 Council Plan and Policy Framework

This report links directly to priorities identified in the 2018-2020 Our North Tyneside Plan.

These are Our People; be cared for, protected and supported if they become vulnerable including if they become homeless. The proposed introduction of a Council Tax Premium is to tackle the number of properties that are left vacant for a considerable length of time and increase housing stock, which will support homeless intervention.

Our Places; be a great place to live by focusing on what is important to local people, such as tackling the derelict properties that are blighting some of our neighbourhoods.

1.5 Information:

Background

- 1.5.1 Various decision options have been taken to full Council since the power to reduce Council Tax discounts awarded in respect of empty properties became available in April 2013. In April 2013 Council took the decision to reduce empty property discounts for properties that were unoccupied less than 6 months or for those that were undergoing structural alteration, as well as removing entirely the 50% discount that had been applied for properties that had been empty for longer than six months.
- 1.5.2 In 2015 Council further reduced the period of discount available in respect of empty properties and subsequently in 2017 empty property discounts were removed altogether.
- 1.5.3 Since April 2013, local authorities have been able to apply a maximum 50% Council Tax Premium on properties which have been unoccupied and unfurnished for more than two years. To date the charging of a 50% premium was not considered viable, due to government guidance on best practice of exempting any properties from the additional premium that are actively up for sale, as well as the low collection rates of the premium elsewhere in the country and the low additional debit that would be gained against increased administrative costs.

New Legislation

- 1.5.4 In the November 2017 Budget, the Chancellor of the Exchequer announced the government's intention to legislate to bring the maximum charge for long term empty homes in England up to 200%, with the following statement: 'I want to address the issue of empty properties. It cannot be right to leave property empty when so many are desperate for a place to live, so we will legislate to give local authorities the power to charge a 100% Council Tax Premium on empty properties'.
- 1.5.5 Parliament introduced the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 which inserted sub-sections (1A),(1B) and 1(C) to section 11B, of the Local Government Finance Act 1992 (the 1992 Act).
- 1.5.6 These changes to the 1992 Act enabled local authorities to increase Council Tax Empty Property Premiums at the rates sets out in paragraph 1.5.7 below.
- 1.5.7 a) From 1 April 2019 local authorities now have the power to charge a 100% Council Tax Premium for properties that have been unoccupied and unfurnished for more than two years.

b) From 1 April 2020 local authorities will be able to charge a 200% premium on those properties which have been empty for five years or more.

c) From 1 April 2021 local authorities will be able to charge a 300% premium on those properties which have been empty for ten years or more.

Current position in North Tyneside

- 1.5.8 In North Tyneside, as at 1 September 2019, the total number of properties that could attract the Council Tax Premium stood at 460. Of those properties 305 have been empty for a period of between 2 and 5 years, 104 properties empty for a period of between 5 and 10 years with 51 properties empty for more than 10 years.

The breakdown of these empty properties by Council Tax band is shown in Table 1 below.

Table 1

	Empty more than 2 and less than 5 years	Empty more than 5 and less than 10 years	Empty more than 10 years	Total
Band A	181	61	38	280
Band B	34	21	6	61
Band C	43	10	5	58
Band D	27	5	2	34
Band E	13	5	0	18
Band F	2	1	0	3
Band G	4	1	0	5
Band H	1	0	0	1
Total	305	104	51	460

- 1.5.9 If full Council chooses to implement a 100% premium for properties that have been unoccupied and unfurnished for a period in excess of two years but less than five years the following debit would be created, as set out in Table 2.

Table 2

Council Tax Band	Number	Assume 25% removed for active sale	Charge based on 19/20 (£)	Debit (£)
A	181	136	1189.81	161,814
B	34	25	1388.10	34,702
C	43	32	1586.40	50,765
D	27	20	1784.71	35,694
E	13	10	2181.32	21,813
F	2	2	2577.91	5,156
G	4	3	2974.52	8,924
H	1	1	3569.42	3,569
Total	305	229		322,437

- 1.5.10 If full Council also chose to implement a 200% premium for properties that have been unoccupied and unfurnished for a period in excess of five years a further additional debit would be created, as set out in Table 3 below.

Table 3

Council Tax Band	Number	Assume 25% removed for active sale	2x Charge based on 19/20 (£)	Debit (£)
A	99	74	2379.62	176,092
B	27	20	2776.20	55,524
C	15	11	3172.80	34,901
D	7	5	3569.42	17,847
E	5	4	4362.64	17,451
F	1	1	5155.82	5,156
G	1	1	5949.04	5,949
H	0	0	7138.84	0
Total	155	116		312,920

- 1.5.11 From Tables 2 and 3 the total debit initially created based on the situation as at 1 September 2019 would amount to £635,357. As other local authorities have found some difficulty in collecting the premium, it is prudent to build in an allowance for non-collection. Assuming a collection rate of 85% would reduce the collectable debit to £540,053. Of this debit collected 12.2% would be collected on behalf of Northumbria Police and the Tyne & Wear Fire and Rescue Service as part of their Council Tax precept. This would reduce the North Tyneside Council element of the additional debit to £474,167.
- 1.5.12 The concept behind the introduction of Council Tax Premiums is to encourage owners to bring their long term empty properties back in to use by providing a financial disincentive for absentee landlords or owners to retain on a long term basis empty properties. It is therefore anticipated that if the initiative is successful the amount of additional Council Tax debit created will diminish considerably.
- 1.5.13 The majority of long-term empty properties in North Tyneside are in the lowest Council Tax band (A), often in the more deprived areas of the borough and if brought back in to occupation could be a useful source of more affordable housing.
- 1.5.14 However, the potential benefits of the proposals do need to be considered in the context that in some areas where there may currently be a lower demand for rental properties, some owners may feel forced into letting properties to avoid paying the premium. This in turn could result in property management problems if properties were let to unsuitable tenants.
- 1.5.15 Cabinet may wish to consider proposing that some of the additional Council Tax income gained from introducing the premiums is used to support the initiatives already in place to tackle empty homes in the Authorities Housing and Regeneration Teams.
- 1.5.16 The Empty Homes and Private Sector Housing Officer within the Regeneration Team works with owners of empty properties to identify the most appropriate action to bring such property back in to use. A combination of support, guidance and enforcement can be used to reach a satisfactory result. Additional services provided include referral to the

Authority's Deposit Guarantee Scheme for help setting up tenancies and finding tenants, advice on how to claim back Value Added Tax on renovation works for long term empty properties and how to find a suitable builder and access to other Authority services.

1.5.17 The Authority also operates an Empty Homes Leasing Scheme. This offers owners of long term empty properties the opportunity to voluntarily lease their properties for use as affordable housing. The Authority will repair the empty property, let the property and manage the tenancy as part of the Authority's housing stock. The Authority recovers the refurbishment costs, a management fee and any day to day repair costs through the rental income gained. The scheme is aimed at addressing the issues caused by long term problematic empty properties which require a high level of investment to return them to occupation. The scheme has been successful in procuring 23 affordable housing units (for the Authority and partners) in recent years and will successfully return 18 properties to occupation in the next two years.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet agrees that the Authority carries out consultation on the introduction of Council Tax Premiums and that the results of the consultation are brought back to Cabinet for it to consider making proposals to full Council.

Option 2

Cabinet may choose to reject Option 1 and ask that the Service consider an alternative approach.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

- Consultation as set out at 2.2 of the report will provide an opportunity for residents, landlords and other key organisations to express an opinion on the use of Council Tax Premiums to bring long term empty properties back into use.

1.8 Appendices:

1) Equality Impact Assessment

1.9 Contact officers:

Janice Gillespie, Head of Resource, tel. (0191) 643 5701

Andrew Scott, Senior Client Manager, Revenues, Benefits and Customer Service, tel. (0191) 643 7150

Tracy Hunter, Client Manager Revenues, Benefits and Customer Service, tel. (0191) 643 7150

1.10 Background information:

The following background papers/information has been used in the compilation of this report and are available at the office of the author:

- (1) [Local Government Finance Act 1992](#)
- (2) [The Rating \(Property in Common Occupation\) and Council Tax \(Empty Dwellings\) Act 2018](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

If a decision is made to implement Council Tax Premiums as set out in the report then an initial increase in Council Tax income would be gained in the sum of £474,167 based on figures as at 1 September 2019. If initiatives are successful in bringing empty properties back in to use then the amount received from Council Tax Premiums will reduce accordingly.

Cabinet may wish to consider proposing that some of the additional Council Tax income gained from introducing the premiums is used to support the initiatives already in place, or consider new initiatives, to tackle empty homes.

2.2 Legal

The amendments made to section 11B of the Local Government Finance Act 1992 have been set out in the body of the report and the amendments specify the maximum percentage of Council Tax Premium that can be applied to properties that have been empty for the relevant periods of time as set out in section 11B of the 1992 Act.

Section 67 of the Local Government Act 1992 states that the function of making a determination under section 11B of the 1992 Act - Higher amount for long-term empty dwellings: England - is matter for full Council.

2.3 Consultation/community engagement

Internal consultation has already taken place. If Cabinet agree to carry out external consultation this will be done by

- an online questionnaire
- a discussion with the North Tyneside branch of the National Landlords Association
- presentation at the Community and Voluntary Sector Forum for organisations that offer welfare advice in the borough

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

An EIA has been carried out and is appendix 1 to this report.

Should Council decide to implement Empty Homes Premium from 2020/21, there would be a negative financial impact on the owners of these properties which remain unoccupied. There is no evidence to demonstrate a disproportionate impact in relation to those who have a protected characteristic.

The potential to incentivise owners of long term empty properties to bring them back into use, should prove positive for those groups more likely to experience housing issues such as younger people, single men and women and single parent families. Therefore this proposal may lead to positive impacts in relation to the Authority's approach to housing and homelessness.

2.6 Risk management

Where owners of long term empty properties feel forced into letting properties to avoid paying the premium, this could lead to some property management issues if properties were let to unsuitable tenants.

2.7 Crime and disorder

The reduction of long term empty properties in the borough may lead to a potential reduction in vandalism and anti-social behaviour associated with these properties.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive ☐
- Head(s) of Service ☐
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy and Customer Service ☐

Appendix 1 – Equality Impact Assessment for removing Risk Based Verification of Housing Benefit and Council Tax Support new claims

Equality Impact Assessment (EIA)

The separate EIA guidance notes outline what should be included for each section. Please read them before you begin. If you have any queries, contact your Corporate Equality Group rep, or the Engagement Team on 643 2828.

1. Author, service area, date

Andy Scott, Senior Client Manager Revenues, Benefits & Customer Services, 13 September 2019

2. Who else has been involved in writing this EIA?

Tracy Hunter, Client Manager Revenues, Benefits and Customer Services

3. What proposal is this EIA assessing?

To consider implementing Council Tax Premiums to long term empty properties. .

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4. What is the purpose of your proposal and what is it expected to achieve?

The purpose of the proposal is to incentivise owners of long term empty properties to bring them back in to use. The majority of long term empty properties in North Tyneside are in the lowest Council Tax band, often in more deprived areas of the borough. If these were brought back in to occupation it would offer a useful source of more affordable housing.

5. Is there any relevance to the aims of the public sector equality duty? *Write your answers in the table*

Aim	Yes, No, or N/A	Details if 'yes'
Eliminate unlawful discrimination, victimisation and harassment	N/A	
Advance equality of opportunity between people who share a protected	Yes	This should prove positive for groups more likely to experience housing issues such as younger people, single residents and single person families. This decision may lead to positive impacts in terms of age, sex and potentially pregnancy/maternity

characteristic and those who do not		
Foster good relations between people who share a protected characteristic and those who do not	N/A	

6. Analysis by characteristic *Write your answers in the table*

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
All protected characteristics	Negative	There is potential for negative financial impact on some individuals where they will be required to pay more Council Tax if they own a property which has been empty for more than two years.
Age	Positive	The proposal to introduce Empty Homes Premiums should incentivise owners to bring long term empty properties back in to use. This will potentially boost the supply of properties available to buy or rent, leading to a positive impact on our Housing and Homeless Strategies. This should prove positive for groups more likely to experience housing issues such as younger people, single residents and single person families. This decision may lead to positive impacts in terms of age, sex and potentially pregnancy/maternity.
Disability	No impact	
Gender	Positive	The proposal to introduce Empty Homes Premiums should incentivise owners to bring long term empty properties back in to use. This will potentially boost the supply of properties available to buy or rent, leading to a positive impact on our Housing and Homeless Strategies. This should prove positive for groups more likely to experience housing issues such as younger people, single residents and single person families. This decision may lead to positive impacts in terms of age, sex and potentially pregnancy/maternity.
Gender reassignment	No impact	
Marriage and civil	No impact	

partnership status		
Pregnancy and maternity	Positive	The proposal to introduce Empty Homes Premiums should incentivise owners to bring long term empty properties back in to use. This will potentially boost the supply of properties available to buy or rent, leading to a positive impact on our Housing and Homeless Strategies. This should prove positive for groups more likely to experience housing issues such as younger people, single residents and single person families. This decision may lead to positive impacts in terms of age, sex and potentially pregnancy/maternity.
Race	No impact	
Religion or belief	No impact	
Sexual orientation	No impact	

7. Have you carried out any engagement in relation to this proposal? If so, what?

- We have discussed the process internally with the Head of Finance and the Lead member for Finance and Resources has also been consulted.
- We have discussed impacts with the other 11 North East regional authorities.
- We are seeking permission from Cabinet to consult externally by way of an online questionnaire, liaison with national landlords association and our Community and Voluntary Sector Partners.

8. Is there any information you don't have that you need to find?

No

9. What actions are already in place, or will be taken, to remove or reduce potential negative impacts? (add more lines to the table if you need to) *Write your answers in the table*

Action	Responsibility	Timescale

10. Are there any potential negative impacts that cannot be removed or reduced? If so, why is this?

No negative impacts have been identified. We will carry out regular reviews of this process to ensure that no negative impacts emerge.

11. Based on your conclusions from this assessment, what are your next steps?

Cabinet will consider the report on the 14 October 2019

12. How will the impact of this proposal be monitored after it is introduced?

We will have regular review meetings to discuss outcomes of this proposal if the premiums are ultimately introduced to identify any emerging issues.

13. When will this EIA be reviewed?

The EIA will be reviewed annually commencing in October 2020.

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

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