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MINUTES OF A MEETING OF THE EXECUTIVE

HELD AT THE GUILDHALL,
ABINGDON ON THURSDAY, 5TH
APRIL, 2007 AT 2.30PM

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillor Jerry Patterson (Chair), Tony de Vere (Vice-Chair), Mary de Vere, Richard Farrell, Joyce Hutchinson, Bob Johnston and Roz Smith

OFFICERS IN ATTENDANCE Steve Bishop, Steve Culliford, Nikki Malin, Tim Sadler, Terry Stock, Lorna Edwards, Morgan Einon, Rodger Hood, Toby Warren and Nicola Dearling

NON-PARTICIPATING MEMBERS: Councillors Monica Lovatt, Derek Rawson and Melinda Tilley

DISTRICT AUDITORS: Andy Burns and Mary Fettigan

NUMBER OF MEMBERS OF THE PUBLIC: 10

Ex.217 APOLOGIES FOR ABSENCE

None

Ex.218 MINUTES

The public minutes of the Executive meeting held on the 2 March 2007 were adopted and signed as a correct record.

Ex.219 DECLARATIONS OF INTEREST

Councillors Mary de Vere and Tony de Vere both declared a personal interests in item 14 'Thames Water's Stage 2 Consultation on its Proposed New Reservoir' as they were both members of the Wilts and Berks Canal Trust that was affected by the reservoir proposals (minute Ex.230 refers). Councillor Bob Johnston also declared a personal interest in item 16 'Community Grants' regarding the application by Sunngwell School of Art as he was the County Councillor for that area (minute Ex.232 refers.)

Ex.220 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair reordered the agenda bring forward the items relating to Community Grants and Revised Tariffs for Hackney Carriages. However, the minutes are recorded here in the order of the agenda.

Ex.221 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

Four members of the public made statements to the Executive as follows.

- (a) Mr Michael Howells made a statement regarding comments made in the Herald newspaper by the Council's Leader and Chair of the Executive, Councillor Jerry Patterson, about the Old Gaol in Abingdon. He referred to comments attributed to Councillor Jerry Patterson in the Abingdon Herald and a subsequent reply by a member of the public. Mr Howells believed he had a good plan for a Jailhouse playhouse or theatre at the Old Gaol site. He reaffirmed his interest in the project and

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stressed he was serious about wanting to make it happen. He urged the Executive to proceed with the project as quickly as possible.

- (b) Mr Thomas Li made a statement on behalf of the Oxfordshire Chinese Community and Advice Centre, supporting the grant application submitted to the Executive. He asked for a grant of £3,276 in 2007/08 as rent charged by Oxford City Council had increased. The Advice Centre was seeking additional support on a level based on the percentage of the Chinese community living in the Vale. Awarding this grant would allow the centre to continue operating and supporting the Chinese population.
- (c) Mary Thompson spoke on behalf of the Citizen's Advice Bureau based at The Old Abbey House in Abingdon. The Bureau was very grateful for the core funding given by the Council to support its services but sought an additional £7,477 to allow it to operate and meet its increased costs. Some of these increased costs were levied by the Council through rent and service costs, together with the cost of repairs and redecoration caused by a leak from the first floor premises - an incident beyond the Bureau's control. However, the Bureau was very grateful for the planned works to repair its windows and roof.

The Bureau had reorganised again to meet its customers' needs and had been given good marks when audited recently. The public had also expressed satisfaction with the service provided. Consequently, it was hoped to re-open the Bureau on Thursday mornings. Other funding sources had been investigated but not all Parish Councils had supported the Bureau. An application had also been made to the Lottery Fund. The Bureau would continue to work closely with the Vale on social policy issues and provide close links with the Members of Parliament. She asked the Executive to equal the level of financial support it gave last year.

- (d) Vanessa Woodward, on behalf of Sunningwell School of Art, sought support for a contribution towards a new heating system. The current system was old, prone to break down, and wasted money due to not being environmentally efficient. The School had sought other funding elsewhere but was not confident of receiving support from all. The School provided a service in all of the arts for all ages.

Ex.222 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None

Ex.223 REFERRAL UNDER THE OVERVIEW AND SCRUTINY PROCEDURE RULES OR THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

None

Ex.224 REFERRALS FROM THE OVERVIEW AND SCRUTINY COMMITTEES AND OTHER COMMITTEES

The Executive received references from the Scrutiny Committee, the Personnel, Regulatory and Appeals Committee, and the Taxi Licensing Sub-Committee as follows.

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- (1) Scrutiny Committee
Best Value Performance Indicators – Performance against Top and Bottom Quartile 2005/06
(Time: 2.46pm to 2.52pm)

At its meeting on 15 March 2007, the Scrutiny Committee considered report 159/06 - Best Value Performance Indicators – Performance against Top and Bottom Quartile 2005/06 and resolved:

"that the Executive takes up with the Audit Commission, through the Local Government Association, the relevance of some of the Best Value Performance Indicators, especially those that conflict with each other (BVPI 82aⁱⁱ [tonnage of waste recycled] and 84a [household waste collected]) and those outside the control of the Council – Crime (BVPI 126 [domestic burglaries], 127 [violent crimes and robberies], 128 [vehicle crimes], 156 [percentage of authority buildings open to the public and accessible to the disabled] and 175 [racial incidents])."

The Executive thanked the Scrutiny Committee for supporting the Executive's concerns about some of the Best Value Performance Indicators being contradictory and in conflict with the Government's and the Council's aims and some of the Indicators being outside of the Council's control. Members were unhappy about the Council being urged to collect and recycle green waste when it was believed to be better to persuade the public to compost green waste at home. Other examples were given. The Council could not control the levels of burglary in the District but was working with the Police to reduce burglary through measures such as alley gates and dispersal orders.

Members asked that a letter was written to the Audit Commission along the lines suggested by the Scrutiny Committee.

RESOLVED

that the Chief Executive, in consultation with the Chair of the Executive, be requested to take up with the Audit Commission, through the Local Government Association, the relevance of some of the Best Value Performance Indicators, especially those that are contradictory and in conflict with the Government's and the Council's aims (BVPI 82aⁱⁱ [tonnage of waste recycled] and 84a [household waste collected]) and those outside the control of the Council – Crime (BVPI 126 [domestic burglaries], 127 [violent crimes and robberies], 128 [vehicle crimes], 156 [percentage of authority buildings open to the public and accessible to the disabled] and 175 [racial incidents]).

- (2) Taxi Licensing Sub-Committee
Taxi and Private Hire Vehicles Policy
(Time: 2.52pm to 2.53pm)

At its meeting on 29 March 2007, the Taxi Licensing Sub-Committee considered a draft Taxi and Private Hire Vehicles policy. The Sub-Committee had amended the policy and the amended version was appended to a briefing note to the Executive. Members of the Executive noted that the policy was a draft for consultation with the Taxi and Private Hire trade. This would need the Council's approval first. The Executive commended the draft policy as attached to the briefing note.

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RECOMMENDED

that the draft Taxi and Private Hire Vehicles Policy, as appended to these minutes, be adopted for consultation.

- (3) Personnel, Regulatory and Appeals Committee
Personnel Policies
(Time: 2.53pm to 2.55pm)

At its meeting on 29 March 2007, the Personnel, Regulatory and Appeals Committee considered the following draft policies:

- Capability Policy and Procedure
- Absence Policy and Procedure
- Smoke Free Policy
- Discretionary Payments Policy

The Committee had amended the policies and the amended versions were appended to a briefing note to the Executive. The Executive supported the policies, noting that the Staff Side wished to take advice on the implications of the Discretionary Payments Policy and any further comments would be submitted to the Council before the policies were adopted.

It was suggested that the new political groups following the local Elections might wish to consider these policies and there would not be much time to do so before the next Council meeting in May. However, it was noted that the policies could be adopted as an interim measure pending further discussions, if necessary.

RECOMMENDED

that the following draft personnel policies, as appended to the minutes, be adopted as interim measures pending further consideration by the political groups:

- Capability Policy and Procedure
- Absence Policy and Procedure
- Smoke Free Policy
- Discretionary Payments Policy

- Ex.225 FINANCIAL MONITORING
(Time: 2.55pm to 2.57pm)

The Executive received and considered requests to approve three virements totaling £20,800 and noted other virements approved under delegated authority totaling £7,400.

Also appended to the agenda were the supplementary estimates noted at the last meeting of the Executive, now showing the correct total of £35,740. These were noted.

RESOLVED

that the virements be approved, as set out on the agenda.

- Ex.226 FORWARD PLAN
(Time: 2.57pm to 2.58pm)

The Executive received the Forward Plan setting out Executive decisions to be taken from April to July 2007.

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It was reported that both the Sports Strategy and Arts Strategy had been signed off by the Executive Portfolio Holder.

RESOLVED

that the Forward Plan for April to July 2007 be noted.

Ex.227 ANNUAL AUDIT AND INSPECTION LETTER

(Time: 2.58pm to 3.10pm)

The Executive received and considered the Annual Audit and Inspection Letter, dated March 2007, which provided a summary of the Audit Commission's assessment of the Council over the past year.

The District Auditor, Andy Burns, and his assistant, Mary Fettigan, had attended the meeting to present the report. He reported that the Council's performance was largely very positive, with above average performance of Best Value Performance Indicators. However, the Audit Commission tried to look beyond the performance indicators as some were out of date. It looked at the Council's achievements against its priorities. There had been strong achievement and improvements in areas such as Development Control. The Council had also shared services with a neighbouring authority to reduce costs and improve performance. Many Councils were thinking about such a move; to this Council's credit, the Vale had already taken that step, one of the first in the country to do so. Effective community leadership had been illustrated by creating increased capacity to make improvements in the future and improve the overall focus of the authority. The Council had come through the reorganisation pain barrier of the past few years and now had its new structure in place. There were many positives. There had been improvements in value for money but there was still a need to improve some services further. The challenge was to turn plans into actions, driving through what had been started, and to implement a robust system of programme management.

Members considered that better than average represented 'good', although it was recognised that this was not a reclassification from the previous Comprehensive Performance Assessment result which classified the Council as 'fair'. However, the Council was aiming for a higher performance rating in its next assessment and was on its way to achieving that.

In relation to issues with some of the performance indicators, the District Auditor acknowledged that some of the performance indicators were out of date and needed replacing.

Members thanked the Mr Burns for his report and wished him well in his new placement following the end of his five years as the Vale's District Auditor. Mr Burns commented that the Council would be in good hands as his assistant Mary Fettigan took up the reins this year.

RESOLVED

that the Audit and Management Letter dated March 2007 be noted.

Ex.228 HOUSING NOMINATIONS POLICY REVIEW

(Time: 4.11pm to 4.12pm)

The Executive noted that, following a report to Strategic Review Committee in January 2007, the officers had committed to bring a report to the Executive detailing the changes to the housing nominations policy. Since any alteration to policy would require alterations to the Council's Choice Based Lettings System advice had been sought from the IT consultant as to

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the feasibility of certain proposals and their likely cost. Therefore a revised policy had been delayed until the IT implications were known. It was likely that this report would be likely to be submitted to the Executive in July. Members noted the latest position.

Ex.229 ORGANISATIONAL DEVELOPMENT PROGRAMME

(Time: 4.12pm to 4.16pm)

The Executive received and considered report 189/06 of the Strategic Director and Monitoring Officer regarding the development of an organisational development programme, one of the Vale's corporate priorities. A new team had been set up to introduce the programme, using best practice guidance to build the capacity to deliver the Vale's aspirations for improvement. An iterative process of learning, development, consultation and review had produced six interlinked programmes within the overarching development programme. The report sought approval of these programmes.

Members were pleased to see the introduction of the programme and noted that staff were enthusiastic about its aims to achieve higher service standards through the development of staff across the organisation. The Executive considered that the programme should take into account Member resources also. Members thanked the officers involved in the programme's development.

RESOLVED (by six votes to nil)

that the concept of the organisational development programme being made up of the six interlinked programmes, as outlined in report 189/06, be approved, subject to the programme also taking into account Member resources also.

Ex.230 THAMES WATER'S STAGE 2 CONSULTATION ON ITS PROPOSED NEW RESERVOIR

(Time: 4.16pm to 4.48pm)

(Councillors Mary and Tony de Vere both declared personal interests in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.)

The Executive received and considered a briefing note from the Reservoir Advisory Group on the Council's response to Thames Water's Stage 2 consultation on its proposed new reservoir. Stage 2 was about the design of the reservoir, Thames Water's preferred option.

Thames Water had not responded to the Council's questions on the needs case for a reservoir (the Stage 1 consultation) as promised. Despite this, the Advisory Group considered that it would be unwise and irresponsible of the Council not to respond to the Stage 2 consultation on the reservoir's design. The alternative was to wait until the Council was consulted on the Compulsory Works Order application, a consultation period lasting only 28 days. Members considered this was an unrealistic timescale to construct a full response and therefore it was better to respond to the consultation on the reservoir's design at this stage.

The Executive supported the suggested response appended to the briefing note. However, one amendment was agreed, that under the heading of 'Outer Face' wording should be added regarding the need to protect an alternative route of the Wilts and Berks Canal around the north and west sides of the reservoir and ensuring it had a suitable clay base.

The Advisory Group had met with representatives from Parish and Town Councils. The platform had been shared with the County Council and the Environment Agency. These bodies were sharing information about the reservoir proposal so far as they were able. Also, Members and officers from the Council and the County Council had visited Rutland Water to

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assess impacts on the local community and to discuss issues with Members and officers of the local authority, Rutland County Council.

OFWAT, the economic regulator for the water and sewerage industry, had been asked to investigate how Thames Water's balance sheet would be affected by the reservoir as opposed to the effect of Thames Water investing in reducing leaks from its existing infrastructure. Members also queried what assurances Macquarie, Thames Water's new owners, had been given by the Government about the reservoir proposal before it bought the water company. Members considered it would be interesting to know the answer, even if an answer was unlikely to be forthcoming.

The Executive thanked the officers involved for their work.

RESOLVED

- (a) *that the attached response to Thames Water's Stage 2 consultation be submitted to Thames Water with a covering letter from the Chief Executive, subject to the addition of a statement under the heading of 'Outer Face' regarding the need to protect an alternative route of the Wilts and Berks Canal around the north and west sides of the reservoir and ensure it had a suitable clay base;*
- (b) *that the Chief Executive be requested to advise Thames Water that it is unreasonable to expect the Council to respond to the Stage 2 consultation on the design detail of the reservoir, when the Council's questions on the Stage 1 consultation, on the need for a reservoir, have not yet been answered;*
- (c) *that the Chief Executive be requested to write to the Government Office for the South East seeking funding assistance to assist with its work on the proposed reservoir and to ask how the Government sees the current review of Thames Water's Water Resources Plan influencing the need for a reservoir and how the Government sees the Council involved in it;*
- (d) *that the local Member of Parliament, Ed Vaizey, be advised of the Vale's position and urged to take up its case with the Government, and that neighbouring MPs Evan Harris and Boris Johnson be advised of this position also;*
- (e) *that copies of the response and letter to Thames Water be publicised to Parish and Town Councils, the County Council and South Oxfordshire District Council, and a media release be issued.*

Ex.231 BUDGET CARRY FORWARDS REQUESTS

(Time: 4.48pm to 4.49pm)

The Executive received and considered requested to approve unused 2006/07 revenue budgetary provision for specific one-off projects to be carried forward to 2007/08 without the need to budget for them again. Members noted that requests to carry forward unused capital budgets were being dealt with separately. The Contingency Fund was the approved mechanism used to carry forward revenue budget provision from 2006/07 to 2007/08.

RESOLVED

that the revenue budget carry forward requests, set out in the appendix to the agenda, be carried forward from 2006/07 to 2007/08.

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Ex.232 COMMUNITY GRANTS

(Time: 3.13pm to 4.11pm)

(Councillor Bob Johnston declared a personal interest in this item but in accordance with Standing Order 34, he remained in the meeting during its consideration.)

The Executive received and considered report 190/06 of the Strategic Director and Monitoring Officer, which set out the budget position for community grants and set out details of thirteen grant applications. The Executive gave careful consideration to each application but had less budgetary provision than the total amount applied for by the applicants combined.

Some applications were received seeking grants to meet increased operating costs. The Executive did not have the budget to fund all applications for these costs but urged applicants to instead consider applying for funds towards specific projects.

RESOLVED

- (a) that it be noted that the community grants budget for 2007/08 for Vale-wide grants is £23,814;
- (b) that the following applications be approved:

<u>Applicant</u>	<u>Scheme</u>	<u>Grant</u>
<i>Oxfordshire My Life My Choice Association</i>	<i>Running four self-advocacy groups</i>	<i>£1,000 (by 7 votes to nil; Social agenda; Access priority)</i>
<i>Oxfordshire Community and Voluntary Action</i>	<i>Running a volunteer brokerage service</i>	<i>£2,500 (by 7 votes to nil; Social agenda; Town and Village Vitality priority)</i>
<i>Root and Branch</i>	<i>Purchase of a wood lathe to extend the woodworking project</i>	<i>£400 (by 7 votes to nil; Social agenda; Town and Village Vitality priority)</i>
<i>Oxfordshire Play Association</i>	<i>Support for after school clubs and holiday play schemes</i>	<i>£2,000 (by 7 votes to nil; Social agenda; Access priority)</i>
<i>Oxfordshire Visual Arts Festival Ltd.</i>	<i>Production of Artweeks Guide</i>	<i>£1,000 (by 7 votes to nil; Social agenda; Town and Village Vitality priority)</i>
<i>Oxford Film and Video Makers</i>	<i>Running the Summerscreen 2007 film and digital media festival</i>	<i>£1,500 (by 7 votes to nil; Social agenda; Town and Village Vitality priority)</i>
<i>Oxfordshire Chinese Community and Advice Centre</i>	<i>Increased running costs</i>	<i>£1,000 (by four votes to three; Social agenda; Access priority) (also see (c) below)</i>
<i>Abingdon and District Citizen's Advice Bureau</i>	<i>Increased running costs</i>	<i>£4,000 (by 7 votes to nil; Social agenda; Access priority) (also see (f) below)</i>
<i>Oxfordshire Children's Information Service</i>	<i>Enhancement of services</i>	<i>£1,000 (by 7 votes to nil; Social agenda; Access priority)</i>
<i>Sunningwell School of Art</i>	<i>Replacement heating system to achieve greater energy efficiencies</i>	<i>£1,000 (by 7 votes to nil; Environmental agenda; Town and Village Vitality priority)</i>
<i>Accessible Sailing (The Farmoor Trust Pontoon Project)</i>	<i>Construction of a pontoon</i>	<i>£2,500 (by 7 votes to nil; Social agenda; Access priority) (see (g) below)</i>

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- (c) *that the issue of continued funding for the Oxfordshire Chinese Community and Advice Centre be raised with other local authorities in Oxfordshire to seek a firmer funding arrangement for the future;*
- (d) *that the following applications be deferred pending the receipt of an amended application relating to a specific project (by 7 votes to nil):*

<u>Applicant</u>	<u>Scheme</u>	<u>Reason</u>
Neighbourhood Watch	Towards costs in expanding the service	Grants will not be given for extra costs of running the service but applications will be considered for projects

- (e) *that the application from the Wantage Diving Club be referred to the South East Area Committee for determination unless its is considered that the majority of club members are from outside the South East Area of the Vale, then the application be referred back to the Executive for further consideration in October 2007 (by 7 votes to nil);*
- (f) *that a report be submitted to the October meeting of the Executive to re-examine the large Service Level Agreements between the Council and other bodies;*
- (g) *that the application from Accessible Sailing, operating as the Farmoor Reservoir Pontoon Project, be referred to the Abingdon Area Committee, the South East Area Committee and the West Area Committee for further consideration;*
- (h) *that for future applications, the officers be requested to obtain information on the breakdown of local authority funding for schemes in the previous year;*
- (i) *that the unspent Area Committee community grants budgets be carried forward from 2006/07 to 2007/08;*
- (j) *that that the range of projects, services and events supported by the Executive in 2006/07 be noted.*

Ex.233 REVISED TARIFFS FOR HACKNEY CARRIAGES

(Time: 3.10pm to 3.13pm)

The Executive received and considered report 191/06 of the Strategic Director and Chief Finance Officer regarding a review of the tariff structure and charges for Hackney Carriages. The report set out the results of a consultation exercise with Hackney Carriage drivers in the Vale and asked Members to determine the tariff level which should be proposed for the next two years.

Members noted that the proposed tariff must be published in a local newspaper to allow any member of the public or trade to make representations. At least 14 days must be allowed for receipt of these representations, from the date of publication. If no objections to the proposal were received, the tariff would take effect on a previously specified start date. Any objections which were received must be considered at Member level, and the tariff (with any necessary amendments) must be introduced within two months of the original start date.

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RESOLVED

- (a) that the proposal to increase the tariff for Hackney Carriages within the Council's District to the average amounts (rounded to the nearest five pence) arising from the recent consultation exercise, as given in the table below, be approved:

	Tariff One (£)				Tariff Two (£)			
	Less than $\frac{7}{10}$ Mile	More than $\frac{7}{10}$ Mile	Subsequent $\frac{1}{10}$'s Mile	Waiting Time (per minute)	Less than $\frac{7}{10}$ Mile	More than $\frac{7}{10}$ Mile	Subsequent $\frac{1}{10}$'s Mile	Waiting Time (per minute)
Rounded average requested	3.00	3.00	0.20	0.25	4.10	4.15	0.30	0.30
Soiling charge	£50 (No change)							

- (b) that this proposed tariff be published for consultation on 12 April 2007, and takes effect from 27 April 2007, provided that no objections have been received;
- (c) that the Portfolio Holder with responsibility for Licensing be invited to consider any objections which are received and approve a final tariff, with any necessary amendments; and
- (d) that a periodic consultation exercise with the taxi trade within the District is undertaken once every two years, to ascertain their views on tariff levels, the results of which will be reported to Members with recommendations made as to the amendment of tariff levels.

Ex.234 LOCAL DEVELOPMENT FRAMEWORK: STRATEGIC FLOOD RISK ASSESSMENT - JOINT STUDY WITH SOUTH OXFORDSHIRE DISTRICT COUNCIL

(Time: 4.49pm to 4.53pm)

The Executive received and considered an agenda report regarding the need to carry out a Strategic Flood Risk Assessment as part of the Local Development Framework. The Government had published Planning Policy Statement 25 (PPS25), on Development and Flood Risk. This required local authorities to carry out Strategic Flood Risk Assessments for their area. An assessment, looking at all forms of flooding, would refine the information on the Flood Maps and determine the variations in flood risk across and from the District. The Assessment would be used to inform the Sustainability Appraisal of the Local Development Documents and would provide the evidence base from which to apply the sequential test and exception test in allocating sites for development and considering planning applications in the development control process.

The Planning Policy Statement stated there were considerable practical and technical benefits in local authorities joining together to commission Strategic Flood Risk Assessments which were best undertaken on a river catchment wide basis. In addition, if the Council jointly commissioned a study with South Oxfordshire District Council, the cost of one study was likely to be substantially less: about 25% to each authority. The cost of the work would be met from the Council's Local Development Framework fund, as the assessment was a vital part of the Local Development Framework process.

In order for South Oxfordshire to commission the work on behalf of both Councils, the Executive's authority was sought for this Council's Standing Orders to be suspended in favour of those of South Oxfordshire. The Executive agreed to the request.

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RESOLVED

that in accordance with Contract Standing Order 2C(4) this Council's Contract Standing Orders are suspended in favour of South Oxfordshire's in order to commission a joint Strategic Flood Risk Assessment to cover both Districts.

Ex.235 LOCAL AUTHORITIES IN OXFORDSHIRE

(Time: 4.53pm to 4.54pm)

The Executive received and considered an agenda report regarding the Government's announcement that proposals for unitary councils were to proceed to consultation without the Oxford City Council proposal being included. This meant that the two-tier system of Local Government would remain in Oxfordshire for the foreseeable future. However, the Government's press release included the statement that "in remaining two-tier areas Government expects all councils to pursue new working arrangements to achieve the same level of improvement and efficiency gains as we expect the new unitaries will be achieving." The Executive was recommended to recommend the in-coming Council to determine its approach to this expectation as a matter of urgency.

RECOMMENDED

that the in-coming Council determines its approach to the expectation for Oxfordshire County Council and the five District Councils to pursue as a matter of urgency new working arrangements to achieve the same level of improvement and efficiency gains as new unitary authorities.

Ex.236 EXCLUSION OF THE PUBLIC, INCLUDING THE PRESS

RESOLVED

that in accordance with Section 100A(4) of the Local Government Act 1972, the public, including the press, be excluded from the remainder of the meeting to prevent the disclosure to them of exempt information, as defined in Section 100(1) and Part 1 of Schedule 12A, as amended, to the Act when the following items are considered:

Minutes

(Category 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).)

Property Matters

(Category 3.)

SUMMARY OF EXEMPT ITEMS CONSIDERED AT THE MEETING OF THE EXECUTIVE ON THURSDAY 5 APRIL 2007 AT 2.30PM

Ex.237 Minutes

The exempt minutes of the meeting held on 2 March 2007 were adopted and signed as a correct record.

Ex.238 Property Matters

The Executive agreed to lease two properties.



CONSULTATION DRAFT

VALE OF WHITE HORSE DISTRICT COUNCIL

LICENSING POLICY

For Hackney Carriages
And Private Hire Vehicles

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Appendix G - Code of Conduct for Licensed Drivers

1. EXECUTIVE SUMMARY, DEFINITIONS & INTERPRETATION

1.1 The main proposals contained in this draft document are to:

- Consider all current policies in the light of the Department for Transport Best Practice Guidance and, so far as is possible and consistent with that document, make appropriate and necessary adjustments.
- Revise the specification of licensed vehicles
- Deal with the requirements for vehicle inspections
- Consider the environmental impacts of licensed vehicles
- Revise application procedures for drivers, including a knowledge test (to include both topographical knowledge of the area, Hackney Carriage and Private Hire law and local conditions)
- Provide for medical fitness standards for drivers to DVLA Group 2 requirements
- Implement New requirements for dealing with prospective drivers from outside the United Kingdom and for the checking of criminal records
- Provide information regarding the conduct of licensed drivers for the purpose of maintaining minimum standards

1.2 Throughout this document:

- 'The Council' or 'The Authority' means the Council of the Vale of White Horse
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- 'Private Hire vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake.
- 'The DfT' means the Department for Transport, including previous names under which that Department has been known.
- 'The DfT Guidance' means The Department for Transport - Hackney Carriage and Private Hire vehicle Licensing: Best Practice Guidance, published in November 2006.
- 'The Sub-Committee' will mean the Taxi Licensing Sub-Committee of the Council.
- The word "Taxi" has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire vehicles.
- The term DVLA driving licence means a full original GB driving licence

1.3 This draft policy document contains information about legal requirements, government guidance, Council policy, procedures and standards. For ease of interpretation **text which represents a legal requirement or Council policy is shown in bold**

3. BACKGROUND

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 Hackney Carriage and Private Hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.2 Aims and Objectives of Licensing

3.2.1 The aim of licensing of the Hackney Carriage and Private Hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the authority’s Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The Hackney Carriage and Private Hire industry within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the industry’s existing strengths.

3.3 Licensing Profile

3.3.1 The Council currently licenses approximately 130 Hackney Carriages and 70 Private Hire vehicles. There are approximately 300 Hackney/Private Hire drivers licensed by the Council.

3.4 Review of Policies & Practices

3.4.1 The Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the district of the Vale of White Horse. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

3.4.2 A comprehensive review of these policies and procedures has been prompted by new guidance for licensing authorities, which has been issued by central Government. This guidance sets out what is considered to be best practice in terms of Hackney Carriage and Private Hire licensing.

3.4.3 The guidance does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Where a section of the guidance provides advice that is relevant to a particular section of this policy document, this will be confirmed at the beginning of the relevant section. It will normally be followed by a statement of the Council’s policy in respect of that specific issue, highlighted in bold text.

3.5 Best Practice Guidance & legislation

3.5.1 The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. As a result of the Office of Fair Trading producing its recent report on the UK Hackney Carriage and Private Hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities.

3.5.2 This Best Practice Guidance has now been produced. It is directed at local authorities in England and Wales who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There is recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

3.5.3 This document interprets the DfT's considered views about what constitutes "Best or Good Practice" in terms of Hackney Carriage and Private Hire licensing, together with local factors specific to this District.

3.5.4 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

3.6 Costs and Benefits of Licensing Policies

3.6.1 The Guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of Hackney Carriage and Private Hire services, by increasing the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are, therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

3.6.2 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public, for example, through increased safety.

4. INTRODUCTION TO THE POLICY

4.1 Powers and Duties

4.1.1 This draft statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles.

4.2 Objectives

4.2.1 In setting out its policy, the Council seeks to promote the following objectives, through the licensing process:

- The protection of public health and safety;
- The establishment of a professional and respected Hackney Carriage and Private Hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

It is the Authority's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

4.3 Policy Status

4.3.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document and the objectives set out above.

4.3.2 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 substantially from its policy, clear and compelling reasons will be given for so doing.

4.3.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. Where applications go outside the policy and are therefore contentious, this is likely to involve determination by the Sub-Committee.

5. VEHICLES – (Hackney Carriage & Private Hire)

5.1 Limitation of Numbers

5.1.1 No powers exist for licensing authorities to limit the number of Private Hire vehicles which they license. The present legal provisions on quantity restrictions for Hackney Carriage vehicles 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 Hackney Carriages “if, but only if, the local Authority 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”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

5.1.2 Many local licensing authorities do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. The over-riding principles are the benefit to be achieved for them by the continuation of controls and how they might benefit if the controls were removed. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.

5.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

5.1.4 If the local authority were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

5.1.5 The Council does not intend to set a limit on the number of Hackney Carriages which it licences, since no evidence has been provided of any difficulty arising from this stance. However, this will be re-examined during the review of this policy in two years' time.

5.2 Specifications and Conditions

5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can license as Hackney Carriages and Private Hire vehicles.

5.2.2 The DfT Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

5.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that that implies. (There are at present only a small number of designs of purpose-built Hackney Carriage.) Councils are, however encouraged to make use of the “type approval” rules within any specifications they determine (this is explained in more detail elsewhere in this policy).

5.2.4 The Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. **The council has**

adopted minimum standards as set out in Appendix A, which it will apply in respect of all licensed vehicles

5.2.5 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. Purpose built vehicles are amongst those which a local authority will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of vehicle.

5.3 Accessibility

5.3.1 Of the 130 Hackney Carriages currently licensed, only a small proportion are reported to be wheelchair accessible. The Government's proposals to implement the provisions of the Disability Discrimination Act 1995 involve splitting implementation into two phases, dependant upon a number of criteria. Authorities in Phase 1 are required to introduce accessible vehicles as Hackney Carriages between 2010 and 2020. This Council is, however, classified as a Phase 2 authority; no time provisions for implementation are currently laid down for Phase 2 authorities.

5.3.2 The National Taxi Association, supported by ROSPA and a number of disabled persons' groups, have recently written to all licensing authorities asking them to prohibit the use of Hackney Carriage vehicles which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is, therefore, exposed to risk from traffic. This is seen as being particularly relevant for Hackney Carriages, which, of necessity, operate from side loading Hackney Carriage stands.

5.3.3 It is, ultimately, the DfT's intention to make accessibility regulations under the Disability Discrimination Act 1995. However, **unless Regulations are introduced in the meantime, the Council will carry out further research on this subject with a view to specifying requirements for accessibility in relation to Hackney Carriages, during the next review of this policy in two years' time.**

5.4 Maximum Age of Vehicles

5.4.1 The DfT Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing is appropriate for older vehicles (see 5.5 below).

5.4.2 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives, for example, by setting vehicle emissions standards or promoting cleaner fuels (see 5.11 below).

5.4.3 The council does not intend to place an age restriction on licensed vehicles but will apply other measures including a higher frequency of testing to older vehicles

5.5 Vehicle Testing

5.5.1 No vehicle may be used as a taxi unless it has been given a Certificate of Compliance in respect of a satisfactory test, and has been appropriately licensed by the Council.

5.5.2 In respect of MOT requirements, Hackney Carriages are subject to an MOT test when they have reached the age of one year from the date of first registration, and Private Hire vehicles after the first 3

years. In addition to this, vehicles must be tested and licensed in accordance with 5.5.1 above. **The Council requires a greater frequency of testing for older vehicles: annual tests and Certificates of Compliance will be required for all taxi vehicles up to three years old (after the date of first registration); any taxi vehicle over three years old will be subject to a vehicle test every six months (but will be licensed for one year, subject to the six month test being satisfactory).**

5.5.3 The Guidance suggests that it is good practice for local authorities to consider having more than one testing station, and argues that there could be advantages in contracting out the testing work to different garages.

5.6 Signage & Advertising

5.6.1 Members of the public can often confuse Private Hire vehicles with Hackney Carriages, without realizing that Private Hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

5.6.2 It is possible to prohibit Private Hire vehicles from displaying any identification at all apart from the local authority licence plate or disc. Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a Private Hire vehicle operator to be able to state on the vehicle the contact details for hiring.

5.6.3 The Guidance recommends, as best practice, a licence condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local Authority, and which specifies that the vehicle can be 'pre-booked only'. This approach identifies the vehicle as Private Hire and helps to avoid confusion with a Hackney Carriage, but also gives useful information to the public wishing to make a booking.

5.6.4 Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Hackney Carriage.

5.6.5 The Guidance also recognises that there is a case for allowing any Hackney Carriage operators, who wish to do so, to make it clear by advertising on their vehicle that they charge less than the maximum fare.

5.6.6 Within the Council's area, both Hackney Carriages and Private Hire vehicles are required to display a taxi license plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

5.6.7 In view of the above details, all Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI", and nothing else, and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, Private Hire Vehicles must not carry roof-mounted signs of any kind, and they must have no signs using the words "Taxi", "Hackney", "Cab", or "For Hire".

5.6.8 Limited advertising giving details concerning the proprietor's or operator's taxi business will be permitted, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum.

5.6.9 In view of the variety of signage allowed in other districts, a specification has been adopted for the colour, size, shape, and content of the signs which identify the vehicle as licensed. The specification is contained within Appendix A.

5.6.10 In addition, details will be formulated for Private Hire Vehicles, where a sign is permitted to show contact details and to specify a 'pre-booked' operation, and for Hackney Carriages, where a sign is permitted to show that a lower charge than the approved tariff is made.

5.7 Security & Closed Circuit Television (CCTV)

5.7.1 The DfT Best Practice Guidance recommends licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

5.7.2 The Council will not require enhance security or CCTV measures in vehicles as it is considered that they are best left to the judgment of the owners and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

5.8 Application Procedures

5.8.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence are not prescribed. Therefore, existing practice will largely be retained. **The Council requires that applications must be made on the specified application form in accordance with the application procedure set out in Appendix B.**

5.9 Consideration of Applications

5.9.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

5.10 Grant and Renewal of Licences

5.10.1 The Guidance makes no recommendations in respect of the duration of Hackney Carriage or Private Hire vehicle licences, and legislation limits the maximum period of such licences to 12 months.

5.10.2 Therefore, Hackney Carriage and Private Hire vehicle licences will continue to be granted for a period of one year. However, a licence may be granted for a shorter period, should this be appropriate in the circumstances.

5.10.3 . It is the proprietor or operator's responsibility to ensure that re-tests are carried out in sufficient time for a new Certificate of Compliance, and other necessary documentation, to be available for processing by Council staff.

5.10.4 Council officers will send a reminder letter to the current taxi proprietor or operator, one month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

5.10.5 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of one week is required before the appropriate licence can be issued.

5.10.6 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

5.10.7 The licence fees payable are subject to annual review and will be published together with other Council licensing fees.

5.11 Environmental Considerations

5.11.1 The Government suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars, these standards are introduced for new vehicles as follows:

- **Euro I technology** – became mandatory for new cars from 1993 (light goods vehicles 1994).
- **Euro II technology** – became mandatory for new cars from 1997 (light goods vehicles 1998).
- **Euro III technology** – became mandatory for new cars from 2001 (light goods vehicles 2002).
- **Euro IV technology** – will become mandatory for new vehicles in 2006.

5.11.2 Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and, in particular, whether it would be appropriate to shorten the period of time from the introduction of new standards to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to ensure that operating profits are maintained. This would mean not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.

5.11.3 Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 technology) designed to improve air quality.

5.11.4 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

5.11.5 Hackney Carriages and Private Hire vehicles are an essential form of transport in the Council area. Many people depend on these services for trips that buses or cars do not or cannot make. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is, however, clearly important that emissions from Hackney Carriages and Private Hire vehicles are reduced as far as possible.

5.11.6 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO₂ emitted. There is a movement towards the use of alternative fuels and, in many areas, LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

5.11.7 In view of the above details, unless more urgent measures are introduced by central government in the meantime, this Council will carry out further research with a view to specifying vehicle emissions standards and promoting cleaner fuels in respect of licensed taxis, during the next review of this policy in two years' time.

5.11.8 At present there are no local emission controls applicable in the Council's area. However, the Council has declared an Air Quality Management Area in parts of Abingdon in places where national air quality standards have been breached as a result of vehicle emissions. An Air Quality Action Plan is scheduled for development during 2007 and commencement in early 2008 and local vehicle emission controls might be brought in as part of that Plan.

5.11.9 In the event that local emission controls were to be required by an Air Quality Action Plan the Council would review its policy on emission standards for licensed vehicles accordingly.

5.12 Stretched Limousines

5.12.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all Private Hire work plus special occasions such as stag and hen parties and children's birthday parties.

5.12.2 Licensing authorities are sometimes asked to license stretched limousines as Private Hire vehicles. The Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the Private Hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive).

5.12.3 Licensing authorities have, however, generally considered there to be some problems preventing stretched limousines from being licensed including:

- some of the vehicles are capable of carrying more than eight passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons;
- due to their origin many parts may not be available making adequate maintenance difficult.

5.12.4 Accordingly, many Local Authorities have been reluctant to license these vehicles because of possible risks to the public. Clearly, stretched limousines will normally fall within the Private Hire vehicle Licensing regime for licensing and enforcement purposes.

5.12.5 Most limousines are imported for commercial purposes, although there are loopholes in the import procedures by which some vehicles may never be inspected prior to being used on roads in the UK.

5.12.6 The Local Government (Miscellaneous Provisions) Act 1976 defines a Private Hire vehicle as a motor vehicle constructed or adapted to carry fewer than eight passengers, other than the Hackney Carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the 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.

5.12.7 Stretched limousines may be granted a Private Hire Vehicle license provided that they are capable of carrying no more than eight passengers and meet the requirements of the Act.

5.12.8 Stretched limousines which are not offered for Private Hire or which do not operate under a long-term exclusive contract or which are used for funeral and weddings do not, as a rule, require a licence. Some operators of these vehicles have a wedding car insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

5.12.9 In accordance with the Guidance, all applications to license stretched limousines as Private Hire vehicles will be treated on their merits. Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met.

5.13 Contract Vehicles

5.13.1 There is no requirement for a vehicle to be licensed where it is used for a contract with an organisation/firm for a period of at least seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. However this exemption only applies to the vehicle and driver subject to the contract, and then only during the period of the contract. Any vehicle being used for a contract with one firm cannot be used for any other contract or purpose during the period of that contract. It is anticipated that this exemption will be extinguished by a change of law during 2007 so that all such vehicles will need to be licensed. **In the event that Government requires that vehicles currently exempt from licensing because they are used for this type of contract work, the Council will review its policy and procedures accordingly forthwith.**

5.14 Funeral Vehicles

5.14.1 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.

5.15 Wedding Vehicles

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

5.15.1 Written certification from the Authority of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

5.16 Livery

5.17.1 Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this Council's area. It is felt that that the visual distinction between Hackney Carriages and Private Hire vehicles can be achieved by the appropriate signage (see Appendix A). **The Council does not require that licensed vehicles are finished in a special livery or appearance, notwithstanding requirements set out in para. 5.6 et seq.**

6. DRIVERS

6.1 Parallel Procedures

6.1.1 The statutory and practical criteria and qualifications for a Private Hire driver are broadly similar to those for a Hackney Carriage driver. The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers.

6.2 Age and Experience

6.2.1 The Guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory age for holding a full driver's licence are inappropriate, advising that applicants should be assessed on their merits. **The Council will not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification experience of one year is required..**

6.2.2 In relation to those persons over 65, reference should be made to 6.5 below.

6.3 Topographical and other tests

6.3.1 Hackney Carriage and Private Hire drivers clearly need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at Hackney Carriage stands or on the street. The DfT recognises that most authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry into the trade are not unnecessarily high).

6.3.2 In order to maintain the high standards that the Council expects of drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Council; is satisfied that the applicant is a fit and proper person, which includes a knowledge of the area in which they operate, safety matters, and basic taxi licensing law.

6.3.3 In order to determine such fitness, applicants will be required to undertake a test as to their knowledge of:

- **Local geography (at least a knowledge of key topographical features, and an ability to find destinations and read local road maps);**
- **The Highway Code;**
- **The basic requirements of Hackney Carriage and Private Hire licensing law.**

The procedures in relation to the above are those set out in Appendix C. The test procedure is shown in Appendix E

6.3.4 There appears to be no substantial difficulty concerning the use of or understanding spoken English amongst taxi drivers in this area, and therefore no language test is considered to be necessary at this time. However, **If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests**

6.4 Driving Proficiency and Qualifications

6.4.1 The Driving Standards Agency provides a driving assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers. Whilst most licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the above mentioned DSA or some

further driving test to be taken. Authorities considering this route are asked to be mindful as to whether or not this produces benefits, which are commensurate with the costs involved for would-be drivers, in terms of both money and broader obstacles to entry to the trade. Similarly there are nationally recognised vocational qualifications for the Hackney Carriage and Private Hire trades. These cover customer care, including how best to meet the needs of people with disabilities, and there may be advantages in encouraging drivers to obtain one of these qualifications in the future.

6.4.2 It is believed that the standard car-driving test provides sufficient evidence of driving competency for the drivers of Hackney Carriage and Private Hire vehicles in the Council's area. It is considered that introducing a requirement that drivers pass the specific DSA test or indeed any other competency qualification would not produce benefits which are commensurate with the costs involved.

6.4.3 Although any person who has held a DVLA driving licence for at least 12 months, is qualified to apply for a Hackney Carriage or Private Hire vehicle drivers licence, other arrangements will apply for those applicants who have recently arrived from other countries.

6.4.4 Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a Hackney Carriage or Private Hire vehicle drivers licence.

6.4.5 Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. **The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.**

6.4.6 An applicant who has held a non EU licence for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing the DSA (see 6.4.1 above)

6.5 Medical Examination

6.5.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and thereafter for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying the C1 standards to Hackney Carriage and Private Hire drivers with insulin treated diabetes is considered to be best practice.

6.5.2 A medical examination by a GP, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

6.5.3 A request form for a medical examination, which may be presented to the applicant's GP, is obtainable from the Licensing Unit. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report will be submitted to the Licensing Unit. The applicant may, on request, have a copy of the report.

6.5.4 Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined every five years before next renewing their licences. Drivers of 65 and over must be examined annually. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.

6.5.5 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical examination not more than one month old, will not be required to undergo a further medical examination before licensing or re-licensing.

6.5.6 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.

6.5.7 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.

6.5.8 Where there remains any doubt about the fitness of any applicant, the Sub-Committee will review the medical evidence and make any final decision in light of the medical evidence available.

6.6 Criminal Record Bureau (CRB) Disclosures

6.6.1 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of Enhanced Disclosure through the Criminal Records Bureau, as these disclosures include details of spent convictions and police cautions. The Council will obtain an Enhanced Criminal Records Bureau disclosure when a licence is first applied for and then every three years, even if a licence is renewed annually.

6.6.2 Licensed drivers are obliged to report all new convictions, official cautions, and fixed penalty notices to the Council.

6.6.3 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as “spent” and which would not normally necessitate disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude Hackney Carriage drivers and Private Hire drivers from the effects of the 1974 Act. Applicants for licences are, therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974 Act.

6.6.4 Before an application for a driver’s licence will be considered, the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure of criminal convictions, or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

6.6.5 The Council is an approved Criminal Records Bureau body. Therefore applicants can deal with the Criminal Records Bureau through the Council.

6.6.6 An Enhanced CRB Disclosure of criminal convictions in respect of each licensed driver of a Hackney Carriage or Private Hire vehicle is required on initial licensing.

6.6.7 A further Enhanced CRB disclosure must be obtained and submitted by a licensed driver to the Council at least every 3 years,

6.6.8 The Council may request another disclosure at any time if a further check is considered necessary.

6.6.9 Licensed drivers are required to notify the Council without delay of any criminal convictions, formal cautions, or fixed penalty notices against them.

6.6.10 As a further safeguard a regime of random Enhanced CRB checks on drivers will be introduced.

6.6.11 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for an Enhanced CRB disclosure will be sent a separate

disclosure report to their home address, while the Council will also receive a copy of the report. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.

6.7 Relevance of Convictions and Cautions

6.7.1 The Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and especially sexual attack. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Such a policy should encompass applicants from elsewhere in the EU and other overseas countries through, for example, by requiring a certificate of good conduct authenticated by the relevant embassy.

6.7.2 In relation to the consideration of convictions, cautions and fixed penalty notices recorded against persons, the Council has adopted the criteria set out in Appendix F.

6.7.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. They will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application, the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.

6.7.4 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

6.7.5 In relation to previous convictions, the Council will have regard to the following:

- **Whether the convictions are spent or unspent;**
- **The class of the offences;**
- **The age of the offences;**
- **The apparent seriousness, as gauged by the penalty.**

6.7.6 Guidance in relation to specific offences, is given in Appendix F. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

6.7.7 In particular, applications will be referred to the Sub-Committee where the applicant's record includes one or more of the following:

- **Any term of imprisonment or custody;**
- **Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;**
- **Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;**
- **More than nine points have been acquired on their DVLA Driving Licence.**

6.7.8 Where applicants have recently been living in another country, a CRB Enhanced check will still be required, although this will be of limited value. Therefore, in addition the applicant must produce a Certificate of Good Conduct, or equivalent document, issued and authenticated by the appropriate embassy.

6.7.9 A DVLA driver endorsement check will be required upon applications for new or renewal of driver license applications

6.8 Application Procedure

6.8.1 An application for a Hackney Carriage or Private Hire driver's licence must be made on the specified application form. **The application procedure adopted by the Council is set out in Appendix D.**

It is the proprietor or operator's responsibility to ensure that re-tests are carried out in sufficient time for a new Certificate of Compliance, and other necessary documentation, to be available for processing by Council staff.

6.8.2 Council officers will send a reminder letter to drivers eight weeks before their existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

6.8.3 To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Unit receives their complete application (including the fee and all documentation) at least six weeks before the expiry date. Application forms and supporting documentation are set out in Appendix C

6.8.4 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of one week is required before the appropriate licence can be issued. Officers may only accept complete applications comprising all the necessary paperwork

If an application is received late, the applicant may be unlicensed for a period of time during which they will be unable to drive a licensed vehicle.

6.8.5 The licence fees payable are subject to annual review and will be published together with other Council licensing fees.

6.9 The Consideration of Applications

6.9.1 The Authority has generally worked to the guidelines set out in the DfT Circular 2/92 and HO Circular 13/92, in assessing the relevance of specific criminal convictions to a particular application.

6.9.2 The Council will consider each application on its own merits once the appropriate tests have been undertaken, and the application form and supporting documents are complete.

6.10 Grant and Renewal of Licences

6.10.1 The DfT Guidance recognises that it is important, for safety reasons, that drivers should be licensed but advises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period allowed for a licence and is in general advocated as the best approach.

6.10.2 The licensing of Hackney Carriage and Private Hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years from the date of such licence or for such lesser period as may be determined

6.10.3 It is however recognised that some drivers may prefer an annual licence because they have plans to move to a different job or to a different area, or because they cannot easily pay the fee for a three-year

licence. **The Council will therefore continue to offer drivers the choice of an annual or three-year licence.**

6.10.6 Applicants for renewal of a Hackney Carriage or Private Hire driver's licence are required to provide a current (less than 3 months old) enhanced criminal record check from the Criminal Records Bureau every third year. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence upon renewal each year.

6.10.7 A Driver and Vehicle Licensing Agency (DVLA) check will be carried out to check the individual's driving history

6.11 Behaviour and Conduct of Licensed Drivers

6.11.1 Adopting a Code of Good Conduct for Hackney Carriage and Private Hire drivers serves to promote the Council's licensing objectives set out in Paragraph 3.2 above.

6.11.2 The Council considers that, to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques, and set a good example to other road users. **The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at Appendix G, which it is proposed will be adopted.** The Code should be read in conjunction with the other statutory and policy requirements set out in this document.

6.11.3 **Failure to comply with any aspect of the Code of Good Conduct will not in itself result in enforcement action. However, breach of the code of Conduct is an indicator which officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by officers or, if necessary, by the Sub-Committee. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.**

7. PRIVATE HIRE OPERATORS

7.1 Requirements & Obligations

7.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a Private Hire Operator's Licence. The objective in licensing Private Hire Operators is the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them. But again, best practice, in respect of the controls required over Private Hire operators, is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

7.1.2 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 vehicle. A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire Driver's Licence.

7.1.3 Applications for Operator's Licences must be made on the prescribed form, together with the appropriate fee, as detailed in Appendix C. The Authority will then decide whether the applicant is a fit and proper person to hold such a licence.

7.2 Criminal Record Checks

7.2.1 Private Hire Operators (as opposed to Private Hire Vehicle drivers) are not excepted in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. However, as a minimum standard, a Basic Disclosure from the Criminal Records Bureau, or a certificate of good conduct from the relevant embassy for overseas applicants, is required. A reference, covering for example the applicant's financial record, may also be submitted.

7.2.2 Before an application for a Private Hire Operators Licence will be considered, the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

7.3 Conditions

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

7.4 Record Keeping

7.4.1 Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.

7.4.2 Operators must keep records in respect of all bookings, vehicles and drivers, for a period of one year.

7.5 Insurance

7.5.1 The Council will check that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

7.5.2 Before an application for a Private Hire Operators' Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

7.5.3 In addition, the conditions for Private Hire Operators' Licences require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate.

7.6 Licence Duration

7.6.1 The DoT considers that annual licence renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). They recommend, as good practice, that an operator's licence period of five years would be reasonable.

7.6.2 However, it is considered that 5 years is a long time in the context of the life of a business of this type. Therefore, **Private Hire Operators Licences will be granted for a three-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.**

7.6.3 Applicants for renewal of such licences are required to provide a current (less than 3 months old) basic criminal record check from the Criminal Records Bureau every third year.

7.6.4 Holders of existing licences will normally be reminded, in the month preceding their expiry, when their licences are due to be renewed.

7.7 Address from which an Operator may operate

7.7.1 Upon grant of an operator's licence, the Authority will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and at which they may be inspected by Council officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

7.7.2 The operator must notify the Authority in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, immediately or, preferably, before this takes place.

7.7.3 It will be the responsibility of the Operator to ensure that appropriate planning consent exists for the Operational Address to be used for that purpose. **The grant of a Private Hire Operators' Licence will not imply that such consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.**

7.8 Bases outside the Vale of White Horse District Council Area

7.8.1 The Authority will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.



HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES – SPECIFICATION AND CONDITION

The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the Council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by Licensing Officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Licensing Sub-Committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

In the case of a first application for a vehicle licence, the age of the vehicle shall be no more than 3 years since the date of first registration and not more than 8 years in the case of any subsequent application for renewal of the licence. Any vehicle with a 'Q' plate registration will not be licensed if in excess of 4 years old from date of manufacture. Where the age of a vehicle is not identifiable, the age will be calculated as three years old at the date of registration in line with the policy of the D.V.L.A.

The vehicle shall be of manufacturers' original specification and shall be constructed and designed:-

- for the carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- with the seat provided for each passenger having a minimum width of 16 inches measured across its narrowest part.
- not to be left-hand drive.
- with four road wheels.
- with an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models
- with, in addition to the driver's door, three doors, each of which must be fitted with an efficient handle, lock and window operation, to allow access and egress for passengers.
- with access to all passenger seats which will not require the laying flat, folding, removal or repositioning of any seat or equipment.
- with an appropriate luggage space to hold a reasonable amount of luggage for the total capacity of the vehicle. Such space shall be physically separated so that luggage will not enter, or be accessible from, the passenger compartment of the vehicle. In the case of hatch and estate type vehicles, such separation may be by way of manufacturers' approved guards, nets or other devices.
- With an M1 Whole Vehicle Type Approval. In the case of vehicles which have been manufactured, amended or converted from other vehicles by Low Volume producers, the appropriate, alternative VCA Low Volume Approval Certification will be accepted for the specific vehicle concerned. Any non-standard or imported vehicle may need to have specific and differing certification and/or inspection details.

Maintenance, Appearance and Condition of the Vehicle

The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire;

- be safe.
- be tidy.
- be clean.
- comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the generality of the foregoing the Motor Vehicle (Construction and Use) Regulations which currently apply.
- The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council, the minimum standards being:-

Exterior Appearance

All paintwork to be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted.

All bodywork to be free from dents and damage.

No decals, logos, advertisements or decorations may be displayed, except as approved in advance by Council Officers.

All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.

Interior Appearance

Carpets, upholstery and cloth trim to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.

All plastic fascia, door linings, roof linings and trim to be kept free from marks, stains and damage.

All door locks, levers and window winders to be operating efficiently.

All interior lights and fascia illumination to be maintained in good condition.

All windows to be kept free of dirt, grime and marks.

Each passenger seat shall be forward facing, with the exception of tip down seats, which may face to the rear. No seat may be reversed or removed and all seating must remain in an upright position whilst the vehicle is plying, or available for, hire.

General

No vehicle will be accepted for licensing as a Private Hire vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a Hackney Carriage. For this reason,

vehicles which are recognisable as purpose built "London Style" cabs or similar vehicles should be avoided by any operator intending to provide Private Hire Services.

In all other respects, the vehicle and its fittings must be kept in a clean, unaltered and undamaged condition.

Identification Plates and Signs

Hackney Carriages shall be fitted with an approved roof sign which:-

- Bears the word "TAXI" to the front
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, Is positioned in the centre of the roof

Private Hire vehicles will not be permitted to display any type of roof sign.

The identification plate and signs supplied on the licensing of the vehicle shall remain the property of the Council at all times, shall be affixed to the vehicle as required and shall be maintained and kept in such condition that the information printed on them is clearly visible to the public at all times.

No other signs of whatever nature shall be provided without the prior consent of the Council, except those which are required by other legislation.

Equipment and Fittings

Taximeters

The proprietor of a Hackney Carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound working condition at all times. The taximeter shall be set for the current maximum tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. The proprietor shall ensure the "**For Hire**" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

The taxi meter shall:

- (i) be of the clock calendar type and change according to the wording of the Councils current maximum fare tariff;
- (ii) not be altered or tampered with except with the approval of the council and must be retested by the Council if it is altered;
- (iii) show the fare recorded on the taxi meter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- (iv) be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

A Private Hire Vehicle may also be fitted with a taximeter, approved by the Council, at the discretion of the proprietor. Such device shall:-

- (i) be of the clock calendar type and change according to the wording of the Proprietor's current fare tariff;
- (ii) not be altered or tampered with except with the approval of the council and must be retested by the Council if it is altered;
- (iii) show the fare recorded on the taxi meter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- (iv) be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

Fare Tables

A Hackney Carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

If a taximeter is fitted within a Private Hire Vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

Two Way Radios

The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Mobile Telephones

Mobile telephones may only be used with a hands-free kit.

Fire Extinguisher

These shall be provided and maintained at all times when in use for hire and reward, a suitable and efficient fire extinguisher (1.0 kg) to meet BSEN 31996 (BS 5423) which shall be securely fixed to the vehicle and to be readily visible and available for immediate use in an emergency.

Hackney Carriage and Private Hire Vehicle Licensing Procedure

Applications for new or renewed Vehicle Licence

The applicant will complete, in full, the necessary Application Form as follows:-

New Application for Hackney Carriage Vehicle Licence (Green Form)
Renewal Application for Hackney Carriage Vehicle Licence (Green Form)
New Application for Private Hire Vehicle Licence (Pink Form)
Renewal Application for Private Hire Vehicle Licence (Pink Form)

which will be submitted and accompanied by the following.-

- Evidence that the vehicle is insured for third party risks to cover “Hire and Reward”. This will be by way of original Cover Note or Certificate of Insurance. **Note: Faxes, photocopies or emails will not be accepted.**
- The Vehicle Registration Document issued by DVLA (*New Applications only*)
- The fee, which will depend on the age of the vehicle, based on the date of first registration as indicated in the Vehicle Registration Document. The fees will be determined annually and publicised separately

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant, together with a copy of the Application Form, endorsed with an authentication stamp.

The applicant is then required to contact the appropriate Approved Testing Station for a vehicle inspection appointment. The authenticated copy of the Application Form will need to be produced as evidence that the application has been properly made.

A Certificate of Compliance will be issued if the inspection confirms that the vehicle meets the Council's requirements as to suitability, safety and appearance. This Certificate must be produced the Council before the licensing process can be completed.

If the inspection shows that the vehicle does not comply with the Council's requirements in any respect, a Failure Notice will be issued. The application may then only continue if the defects are remedied, the vehicle re-inspected and a Certificate of Compliance subsequently issued.

The successful completion of this procedure will be indicated by the issue of an appropriate Hackney Carriage Vehicle Licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Transfer Application for Hackney Carriage/Private Hire Vehicle Licence

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person. Appropriate notice of the transfer must be given to the Council within 14 days. In practice, such vehicles are generally in use for hire or reward immediately transfer of ownership has been arranged and it is necessary to obtain a new Licence in the name of the new owner. The procedure will be:-

The applicant will complete, in full, the necessary Application Form as follows:-

Transfer Application for Hackney Carriage Vehicle Licence (Green Form)

Transfer Application for Private Hire Vehicle Licence (Pink Form)

which will be submitted and accompanied by the following.-

- Evidence that the vehicle is insured for third party risks to cover "Hire and Reward". This will be by way of original Cover Note or Certificate of Insurance. **Note: Faxes, photocopies or emails will not be accepted.**
- The Vehicle Registration Document issued by DVLA
- The fee. Fees will be determined annually and publicised separately

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant, together with a copy of the Application Form, endorsed with an authentication stamp.

The applicant is then required to contact the appropriate Approved Testing Station for a vehicle inspection appointment. The authenticated copy of the Application Form will need to be produced as evidence that the application has been properly made.

A Certificate of Compliance will be issued if the inspection confirms that the vehicle meets the Council's requirements as to suitability, safety and appearance. This Certificate must be produced the Council before the licensing process can be completed.

If the inspection shows that the vehicle does not comply with the Council's requirements in any respect, a Failure Notice will be issued. The application may then only continue if the defects are remedied, the vehicle re-inspected and a Certificate of Compliance subsequently issued.

The successful completion of this procedure will be indicated by the issue of an appropriate Hackney Carriage Vehicle Licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Hackney Carriage and Private Hire Drivers and Operators Licensing Procedure

Application for New Licence to Drive Hackney Carriage/Private Hire Vehicle

The applicant will complete, in full, the necessary *yellow* "Application for Licence to Drive Hackney Carriage/Private Hire vehicle" which will be submitted and accompanied by the following.-

Full UK (or equivalent EC) Drivers Licence which has been held for at least 12 months.

(Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a Hackney Carriage or Private Hire vehicle drivers licence.

Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. **The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.**

An applicant who has held a non EU licence for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing the DSA)

A Driver and Vehicle Licensing Agency (DVLA) check will be carried out to check the individual's driving history

- A medical certificate indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- A completed application form for an Enhanced Criminal Records Bureau Check *or* an existing Enhanced CRB check dated no later than three months prior to the date of application. In the event that the applicant has, within the last 12 months, lived in the European Community, a Certificate of Good Conduct from the relevant embassy will also be required.

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- i) Driving Licence or Passport (Original – to confirm identity)*
- ii) An original Utility Bill or Bank Statement etc. (to confirm address)*
- iii) CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB.)

- The fee, which will depend on the required duration of the licence, being either 1 or 3 years. The fees will be determined annually and publicised separately.
- At least 2 colour photographs, of passport size and standard, showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

Before the application proceeds further, the applicant will be provided with an opportunity for a test of their topographical knowledge. If the applicant's knowledge of the area is not satisfactory, appropriate advice will be given as to when the applicant is likely to meet the requirements and a retest arranged. If the knowledge is deemed to be suitable, the application may continue without further testing.

If the Application Form contains any details to suggest that any relevant convictions or cautions are held by the applicant, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the Drivers' Licence and the appropriate badge.

Applications considered by the Licensing Committee will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a Licence and badge, or the application being refused. In these circumstances, the applicant has the Right of Appeal to the Magistrates Court, such appeal to be lodged within 21 days of the Sub-Committee Decision being notified.

Application for Renewal of a Licence to Drive Hackney Carriage/Private Hire Vehicle

The applicant will complete, in full, the necessary *yellow* "Application for Licence to Drive Hackney Carriage/Private Hire vehicle" which will be submitted and accompanied by the following:-

- Full UK (or equivalent EC) Drivers Licence.
- If necessary, a medical certificate indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards. This will only be required if:-
 - If the timescale since the last certificate was produced was more than 5 years.
 - The applicant is more than 65 years of age
 - The Medical Practitioner indicated, on the last certificate, that such an updated certificate would be required to be produced at renewal.
- If necessary, a completed application form for an Enhanced Criminal Records Bureau Check *or* an existing Enhanced CRB check dated no later than three months prior to the date of application. This will only be required if no CRB check has been carried out *within the three years prior to the date of application*,

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- i) Driving Licence or Passport (Original – to confirm identity)*
- ii) An original Utility Bill or Bank Statement etc. (to confirm address)*
- iv) CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB, if necessary).

- The fee, which will depend on the required duration of the licence, being either 1 or 3 years. The fees will be determined annually and publicised separately.
- At least 2 colour photographs, of passport size and standard. showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

If the Application Form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the Licence was last issued or renewed, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the renewed Drivers' Licence and the appropriate badge.

Applications considered by the Licensing Committee will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a Licence and badge, or the application being refused. In these circumstances, the applicant has the Right of Appeal to the Magistrates Court, such appeal to be lodged within 21 days of the Sub-Committee Decision being notified.

Application for Private Hire Vehicle Operator's Licence

The applicant will complete, in full, the necessary pink Application Form, "Application for Private Hire Vehicle Operator's Licence" which will be submitted and accompanied by the following.-

- Evidence that the applicant has the right to occupy and use the premises without restriction for the purpose intended, by the provision of copy lease, utility bill, etc.

- Planning Consent (if required)
- Proof of public liability insurance
- The fee. Fees will be determined annually and publicised separately
- If the applicant has not previously been through the Drivers Application process, a completed application form for an Enhanced Criminal Records Bureau Check or an existing Enhanced CRB check dated no later than three months prior to the date of application.

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- i) Driving Licence or Passport (Original – to confirm identity)*
- ii) An original Utility Bill or Bank Statement etc. (to confirm address)*
- v) CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB.)

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

If the Application Form contains any details to suggest that any relevant convictions or cautions are held by the applicant, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the Operators' Licence.

DRIVERS - CONSIDERATION OF APPLICATIONS

1. Upon receipt of a completed application form, an Officer of the Licensing Team shall consider the application, unless there are details which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied. Depending on the circumstances, all or some of the application papers may be returned as may any fee provided.
2. For applications for Hackney Carriage and Private Hire Drivers' Licences , the Officer has the delegated power to grant the application if satisfied, from the information available, that the applicant is a fit and proper person to hold a Hackney Carriage or Private Hire Drivers' Licence.
3. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted Drivers' Licences shall be issued with a Drivers' Badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver. In respect of Hackney Carriage Drivers' Licences, these must be retained by that driver's employer until that employment ceases when it will be immediately returned to the driver for submission to any new employer.
4. With regard to applications for Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators' Licences, those which come within the terms of the Licensing Policy may be dealt with and granted by the Officer.
5. Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Sub-Committee. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered.
6. The procedures and terms of reference of the Sub-Committee will be the subject of a separately published procedure, these terms of reference and procedures are available on request.

THE TESTING OF APPLICANTS FOR A DRIVER'S LICENCES

1. Introduction

In order to maintain the high standards that the Authority expects of its drivers operating within the District a review may take place of how the suitability of new drivers' knowledge of locations and conditions is assessed.

Complaints are received from time to time by the Authority, from members of the public regarding the driver's ability to find destinations and read local road maps.

It is therefore proposed that applicants for intending drivers to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. The written test taken before a Drivers Licence is issued will consist of:

Local Geography

Applicants will be tested on their knowledge of the Vale of White Horse District Council area's geography, by recording the shortest routes between locations in the area.

Highway Code

Applicants will be asked to answer a number of questions as to driving skills, road information and etiquette as set out in the Highway Code. (Ten questions relating to the Highway Code.)

The Hackney Carriage and Private Hire licensing law and Council Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Licensing. (Ten questions relating to legislation, bye-laws, conditions etc.)

Language

If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests

Disability Issues

In view of the special considerations when dealing with those passengers of differing physical abilities, it may be necessary to test the awareness of the applicant of these issues. In particular, and without prejudice to the generality of this paragraph, consideration may be given to the differing types of vehicle likely to be used by the individual concerned and the difficulties arising in each case.

2. Test Failure

2.1 Applicants who fail to achieve a pass in any of the written tests shall be invited to take a different test on another occasion. They shall not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate in all of the tests.

2.2 To ensure that all applicants are encouraged to comprehensively prepare for the above process, a non-returnable fee may be charged in respect of each individual occasion



GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
3. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
4. Some discretion may be appropriate if the 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 of inappropriate behaviour which will be taken into account.
5. The following examples afford a general guide on the action which might be taken where convictions are disclosed.

(a) 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 legal 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 comprise especially vulnerable people.

For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for an offence of:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)

- Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception
- and the conviction is less than 3 years prior to the date of the application.

Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(b) Violence

As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:-

- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) *which is racially aggravated* (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) *which is racially aggravated* (s.29(1)(b) Crime and Disorder Act 1998)
- and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
 - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- and the conviction is less than 8 years prior to the date of application.

Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(iii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Common assault
 - Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - Assault police
 - Affray
 - Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
 - Riot
 - Obstruction
 - Possession of offensive weapon
 - Possession of firearm
 - Criminal damage
 - Violent disorder
 - Resisting arrest
- and the conviction is less than 3 years prior to the date of application.

Between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(c) Drugs

An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

In addition applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if (s)he was an addict.

(d) Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

In particular, an application will normally be refused where the applicant has a current conviction for an offence of:-

- Rape
- Indecent assault
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- and the conviction is less than 10 years prior to the date of the application.

(e) Motoring Convictions

(i) Major Traffic Offences

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

A list of offences to which this paragraph applies is attached as **Appendix I**.

(ii) Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 12 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

A list of offences to which this paragraph applies is attached as **Appendix II**.

(iii) Hybrid Traffic Offences

Offences of the type listed in **Appendix III** will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

(iv) Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

(f) Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

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") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

(g) Drunkenness

(i) *With a motor vehicle*

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

(ii) *Not in a motor vehicle*

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

(h) Spent Convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

(i) Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix I

MAJOR TRAFFIC OFFENCES

(Paragraph (e)(i) refers)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN 10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix II

MINOR TRAFFIC OFFENCES

(Paragraph (e)(ii) refers)

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix III

HYBRID TRAFFIC OFFENCES

(Paragraph (e)(iii) refers)

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards Hackney Carriage and Private Hire licensing, the Council 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

Licence holders must comply with the following:

- (a) comply with this Code of Good Conduct;
- (b) comply with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behave in a civil, orderly and responsible manner at all times.

2. Responsibility to Customers

Licence holders shall comply with the Hackney carriage and Private Hire vehicle conditions.

3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally or repeatedly
- (b) keep the volume of audio and communications equipment to a reasonable level;
- (c) switch off the engine if required to wait;
- (d) take reasonable additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) queue in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in or in close proximity of the vehicle.

At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles, other than routine maintenance checks.
- (b) not allow their audio or communications equipment to cause disturbance to residents of the neighbourhood;
- (c) take reasonable action 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 so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted ;
- (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) no smoking in the vehicle;
- (f) not to consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having used illegal or misused legal drugs or acted contrary to the advice of a medical practitioner;
- (h) fulfil their responsibility to ensure compliance with common sense and any legislation regarding the length of working hours.

5. Disciplinary Hearings

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences:-

- (a) where the driver has been convicted , since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (b) where the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi regulation
- (c) if there is any others reasons to do so, including a breach of condition or this code.

PLEASE NOTE:

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE

VALE OF WHITE HORSE DC

CAPABILITY POLICY AND PROCEDURE

1. Introduction and Policy Aims

For the Council to function effectively it requires employees who are capable of performing what is expected of them as laid out in their Job Description Questionnaire (JDQ). Unfortunately there are occasions when employees do not perform to the required levels of competence for their job. This lack of performance may manifest itself through unacceptable levels of performance, failing to carry out duties in a satisfactory manner, through persistent or long-term absence from work due to ill health or any other reason not connected to misconduct.

This policy sets out how capability issues will be dealt with. This policy aims to provide a fair and consistent method of resolving capability issues. This policy and procedure comply with the Employment Act (Disputes Resolutions) Regulations 2004 and applies to all employees except for the Chief Executive, Directors, Deputy and Assistant Directors (who are subject to a specified procedure under the Council's Standing Orders). It does not apply to Casual Workers or employees who have not completed their probationary period.

In dealing with cases of poor performance, the Council will distinguish between those where the reason is within the employee's control and those where it is not. If the reason is within the employee's control, the disciplinary policy applies. If the reason is outside of their control, this capability policy applies. Employees should note that the ultimate sanction in this policy is dismissal, but this will not happen without other options being fully explored first.

2. Principles

The principles of the policy are to ensure that:

- *managers* use capability procedures primarily to help and encourage staff to improve
- whenever possible, *managers* use informal and low-key methods in resolving difficulties related to unsatisfactory performance
- whenever possible, *managers* make reasonable adjustments to cater for staff who have a disability

3 Responsibilities of the Council as Employer

The Council will endeavour to minimise the need to deal with unsatisfactory performance by:

- ensuring the recruitment process is robust and fairly reflects the job being recruited for

- using accurate JDQ's, person specifications and competencies
- staff training and development to ensure the employee can perform the duties of their post
- Use of probationary periods.
- Use of the Personal Development Plan (PDP). and service planning as a structured way of managing performance.
- Through informal management coaching and counselling.
- Ensuring managers are giving the appropriate support to employees.
- Providing welfare support and advice.
- providing a professional in-house HR consultancy service to provide support to managers in dealing with unsatisfactory performance.

The Council understands that most employees are competent, effective and able to develop through the PDP.

Where standards change because of a Council or Management decision, the employee should be properly informed, trained as required and made fully aware of their new obligations and the required standards.

If the main cause of lack of performance is the changing nature of the work, it should be considered whether the situation might properly be treated as a redundancy issue rather than capability issue.

The Council commits to treating all employees fairly and expects its managers to provide support to employees as appropriate. No formal action will take place unless there has been prior discussion with HR.

4 Responsibilities of Human Resources

Production and implementation of a workforce development plan to ensure the work force are skilled and developed to deliver the Vale's objectives.

Ensure Managers and staff are aware and trained in respect of this policy.

Keep the policy updated and maintained.

Ensure the policy is adhered to and managers supported in respect of this policy.

Develop and implement competency framework.

Provide welfare support and advice.

Provide a professional in-house HR consultancy service to provide support to managers in dealing with unsatisfactory performance.

Advise formal hearings as appropriate.

HR will ensure that all the applicable legislation is adhered to when following this policy.

5 Manager Responsibilities

Managers should use the capability procedure primarily to help and encourage employees to improve.

Managers should use the PDP and service planning process to ensure employees know what is expected of them.

Whenever possible, managers should use informal methods to resolve difficulties relating to poor performance such as informal advice, coaching and counselling.

Managers should ensure the appropriate training is given to help the employee in their current job.

Whenever possible, managers should make reasonable adjustments to cater for employees who have a disability.

Whenever possible, managers should make reasonable adjustments to cater for employees returning from long term sickness absence.

Managers should ensure they consider whether there are any factors outside of the working environment that could be affecting performance.

Managers should be aware and understand this policy.

Chair formal hearings as appropriate.

Managers have the responsibility of recording actions taken and incidents that could be viewed as evidence.

Managers should advise HR of any formal action they intend to take.

6 Unacceptable Performance

In general terms unacceptable performance is repeated failure over time to carry out the duties associated with a particular job in a satisfactory manner and to the level of competence as laid out in the JDQ. Although none of these failures need be individually significant, cumulatively they may cause a manager to conclude that the employee is not capable of performing to the level of competence required for their post. Unacceptable performance may include unacceptable attendance levels.

Informal Action

When it is first identified that an employee is not carrying out their duties satisfactorily the manager must hold an informal discussion with the employee to try to establish the reasons for poor performance. The discussion should look at:

- Identifying problems and providing supporting information and examples.

- The standards of performance and competencies required for the job, the gap between the employees performance and the above standards required and the reasons for the gap.
- Reaching agreement on how and when acceptable performance might be achieved and by what means, including referral to HR (or Welfare Officer) or Occupational Health if appropriate.

Any or all of the following outcomes and actions are possible:

- The manager decides that the current performance targets are unreasonable and so they are adjusted.
- If there is a change of duties further training and support will be given as soon as possible.
- If the problems experienced are related to the employee's personal life the manager will encourage the employee to talk to HR/Welfare.
- If the manager considers poor performance to be within the employee's control the issue would need to be dealt with under the disciplinary procedure.
- If the employee's problems are a result of ill health, the manager will deal with the issue using the ill-health process (as detailed later)

The Manager will then arrange subsequent meetings to monitor the employee's performance (usually every 2 weeks) for a period of time (up to 3 months). The manager will keep records of each meeting and a copy will be given to the employee and one placed on their personnel file.

Formal Action

Should the employee fail to show adequate improvement in performance the next stage is for the employee to be told that a formal process will be entered into.

The stages outlined focus on the manager's and Council's role in offering support and training as well as the employee's performance. The primary objective of this policy is to improve performance. Although in most cases the stages will be sequential, some cases may be more complex and require longer periods of time, particularly where there has been improvement but this has lapsed. Cases of a more serious nature and where the consequences of less speedy action could be severe may need to move directly to the latter stages in the first instance. In such cases it may be appropriate to consider suspension of the employee in line with the principles outlined in the disciplinary procedure.

At all stages employees have the right to be represented by their Trade Union or a colleague of their choice. In all the early stages a time limit for performance to improve should be given and a review date set to assess whether the expected improvements have been achieved.

At all stages of the process employees will be able to state their case before any decision is reached.

No action should be taken against a trade union representative until the circumstances of the case have been discussed with Human Resources.

Managers should ensure that they are adhering to the Disability Discrimination Act (DDA). For further advice please contact HR.

The procedures refer to the role of Chief Executive, Strategic Directors and Deputy Directors. Where these senior staff are the subject of actions under this policy it may be necessary to involve higher levels of management (for the informal stages), or an elected Member body or an independent investigating person. Particular regulations apply to these senior staff.

6.1 Stage 1:

Initial Meeting with Employee

The Manager should arrange, in writing, a formal meeting between the employee and their Deputy Director. The manager will:

- Inform the employee of the purpose of the meeting and give them enough notice to prepare.
- Ensure that the employee is aware that they have the right to be accompanied by a TU representative or colleague of their choice.
- Ensure that the manager and an HR representative are present. The HR representative will be responsible for taking notes of the meeting and ensuring that this Policy is applied appropriately and consistently.

The aim of the meeting is to:

- Identify clearly and fairly the ways in which an employee is considered to be underperforming/achieving.
- Identify the cause or causes of the continuing poor performance and to determine what, if any support the manager and Council can give in order to improve performance.
- Determine if the main cause of poor performance is a medical one. The employee may be required to attend an appointment with the Council's Occupational Health Advisors (failure to attend may lead to disciplinary action being taken). The Council will take advice from the OH Advisors as to whether the employee is disabled within the meaning of the DDA. If this is the case, appropriate action will be considered, including making reasonable adjustments to the post.
- By mutual agreement, an earlier referral to Occupational Health can take place.

- Ensure the employee is aware of the concerns, standards required and shortfalls in standards achieved.
- Give the employee the opportunity to challenge and put forward any facts or evidence for consideration. This may include the need to review what standards are required or in some instances a review of the manager's approach in their interactions with the employee.
- Obtain the employee's commitment to reaching the standard by setting and agreeing realistic targets.
- Set a reasonable review period for the employee to reach the required standard and agree how performance will be monitored during that period.
- Consider means to improve performance including: Counselling, coaching, retraining or further training, changes to hours and/or duties if feasible.
- Explain to the employee what will happen if they do not reach the required standard. If necessary, an informal or formal warning may be issued.

The Deputy Director will chair the meeting. HR will take notes and copy the notes to the employee, the Deputy Director, the manager and to the individual's personnel file within 5 working days of the meeting.

Review Period

Ongoing feedback should be given to the employee during the review period by the manager in regular progress meetings.

At the end of the review period HR will arrange for a further formal meeting including the individual's right to be accompanied.

If in the manager's opinion, the employee has improved their performance to the required standard the meeting will involve those who attended the original hearing.

Any issues that have further arisen can be addressed but if the performance has improved to an acceptable level the meeting will be seen as an opportunity to encourage the employee to continue their improvement in performance. HR will confirm the outcome of the meeting within 5 working days to the individual. A copy will be kept on the employee's file for 12 months. If the employee's performance becomes unacceptable again within this period a further meeting will be arranged (see below).

6.2 Stage 2:

Second Meeting with Employee

If the employee's performance has not improved during the review period a second formal meeting with the Deputy Director will be arranged in writing by the manager.

At the meeting, the employee will be informed of the continuing concerns that are considered to exist regarding their performance, taking into account any areas of mitigation. They should be reminded of any steps previously taken to encourage them to improve and told the possible consequences of no improvement. At this stage (2) the employee and/or their representative will be invited to give their views on the alleged lack of improvement in performance before the Stage 2 formal meeting is adjourned for a maximum period of 5 days whilst the final decision about what action is to be taken, is made.

In the adjournment period the appropriate Deputy Director (in collaboration with the manager and HR representative) will consider whether there is an ongoing problem. If so, they will

- investigate whether there are any vacant posts that would be suitable for the employee based on their current level of competence. If one or more posts exist information will be provided at the reconvened meeting. The employee will then have five working days to decide to accept the post.
- consider whether to offer an extended period to improve performance.
- Explain to the employee what will happen if they do not reach the required standard. If necessary, an informal or formal warning may be issued.
- consider whether to terminate the employment of the employee giving the required notice under their employment contract.

The purpose of the Stage 2 meeting will be to inform the employee of the decision of the Strategic Director and any action that will be taken. There will be no further debate at the stage. HR will confirm the decision in writing within 5 working days. HR will also inform the employee of their right to appeal to the Chief Executive against any decision to terminate their employment.

7 Ill health

In order that the Council can function effectively employees need to be available to work. Absence from work causes disruption to services and puts undue pressure on colleagues. Whilst the Council is sympathetic to employees with illness or injury a policy needs to be in place to deal with unacceptable absence from work due to ill health.

The Council has introduced the Bradford Factor (BF) (please see Absence Policy and Procedure). This calculates an absence 'score' based on the individual absences on a 12 month rolling basis.

Due to the nature of the BF score, instances of frequent absences are identified as well as those which continues for a considerable length of time. This policy deals with frequent absences and long term absences separately as detailed below.

No formal action should be taken against a trade union representative until the circumstances of the case have been discussed with Human Resources.

Managers should ensure that they are adhering to the Disability Discrimination Act. For further advice please contact HR.

7.1 Frequent Absences

As outlined in the Absence Policy and Procedure, once an employee's BF score reaches a certain level, different actions are taken. Informal action as explained in the Absence Policy and Procedure must be taken in accordance with that policy prior to any formal action being taken under this policy. Please refer to the Absence Policy for BF scores.

Formal Action

If the employee has not met the agreed targets to improve their performance the manager will arrange a formal meeting with the employee, themselves, their Deputy Director and an HR representative. The role of the HR representative will be to take notes. The employee will have the right to be accompanied by a colleague or TU representative.

The aim of the meeting is to:

- Identify clearly and fairly the ways in which an employee is considered to be underperforming/achieving.
- Discuss reasons for absence and ensure that the employee is aware their absence record is causing concern.
- Inform the employee that frequent absence is unacceptable and if attendance does not improve their continued employment is at risk (ie a formal warning).
- Advise the employee to seek proper medical attention where there is evidence of a medical problem, if they have not already done so. HR will refer the employee to their Occupational Health advisors if appropriate. (Refusal to attend may mean the employee is subject to disciplinary action).
- Provide an opportunity for the employee to explain any personal problems affecting attendance so appropriate support can be considered. This includes referral to the Welfare Officer.
- Consider if there is a case for making reasonable adjustments to the employee's role, responsibilities or working arrangements to accommodate their short or long term requirements.
- Set a target for improved attendance if appropriate and review date. Progress will be monitored through the review period.
- Explain what will happen if the targets are not met.
- Decide whether a medical certificate will be required for all absences due to sickness regardless of duration. The Council will reimburse the full, reasonable cost of obtaining these certificates.

The meeting will adjourn for a short period at which time the employee will be informed if any action will be taken against them. At this stage the formal action would initially take the form of an informal or formal warning. HR will give the employee a copy of the meeting notes within 5 working days confirming the facts and action to be taken, copying in the manager.

At the end of the review period or if the BF score reaches the next level of action HR will arrange a further formal meeting with the employee, who will again have the right to be accompanied, and the Deputy Director.

If there has been an improvement this will be noted and the outcome of the meeting will be confirmed in writing to the employee.

If there has been no improvement or the BF score has risen to the next level or higher within the improvement timescale the appropriate Deputy Director will inform the employee of this fact. Further formal meetings will take place involving the employee, manager, Deputy Director (as appropriate) and an HR Representative following the above procedure.

If the employee continues to show no signs of improvement or the BF score continues to increase, in line with the absence policy, further formal meetings will take place under this policy until the potential outcome of employee dismissal is reached. HR will inform the employee of their right to appeal to the Chief Executive against dismissal.

7.2 Long term absences

Informal Action

Action will be taken in line with the BF scoring system as laid out in the table above or within the Absence Policy and Procedure. When the score reaches the Capability Policy Level a meeting will be requested with the employee.

Initially If the employee is too unwell to come to the office it may be required that the meeting takes place at the employee's home or any other venue that is mutually acceptable. If a meeting is refused, disciplinary action may be taken, up to and including dismissal.

An initial meeting will include the employee, a representative (either a colleague or TU rep), their manager and an HR Representative.

The reason for the meeting will be to:

- Establish reasons for the absence and likely duration
- Establish whether the employee should be referred to our OH advisors (refusal to attend could result in disciplinary action being taken). The referral should give an indication of the length of time the employee is likely to be absent, the long term effect on their capability to do their job at the required level of performance, and their attendance at work. Referral may also seek to

establish whether the DDA comes in to play, so reasonable adjustments should be considered.

- Establish whether offering alternative employment or adjustments to the job would facilitate an earlier return to work.

In appropriate circumstances the meeting will be used to:

- Inform the employee that long term absence due to ill health may put their employment at risk
- Arrange further meetings to review the situation, establish a return to work date and return to work plan.
- Set a date for dismissal will be considered on grounds of capability if the employee is still unable to return to work. (This would usually be at the end of their entitlement to Occupational Sick Pay.)

The manager will keep records of each meeting and a copy will be given to the employee and one placed on their personnel file.

Formal Action

At the specified date (as above), a formal meeting will be arranged with the employee who will have the right to be accompanied by a colleague or TU rep. The role of HR will be to take notes.

Unless there are reasonable grounds to believe that the employee will be able to return to work in the foreseeable future, it will be explained to the employee that the Council is considering terminating their contract of employment on grounds of capability. The employee and/or their TU representative or work colleague will be invited to give their views on this before adjourning the hearing to make a final decision, which will be within five working days.

HR will write to the employee immediately following the hearing advising them that dismissal is a potential outcome at the reconvened hearing.

The sole purpose of the reconvened hearing will be for the Deputy Director or their representative to inform the employee of the action he/she has decided upon. There will be no debate. HR will confirm the decision in writing to the employee within five working days of the hearing. HR will also advise the employee of their right of appeal to the Chief Executive.

8 Appeal against Dismissal

In the event of a dismissal the employee will have the right to appeal. The appeal should be made in writing within ten working days of receipt of the decision letter stating the ground(s) for the appeal, which can only be because:

- they think the action is unfair, and/or
- they think that procedures were not used correctly.

The Chief Executive will hear any appeal in accordance with our disciplinary appeals policy and procedure

9 Grievance

If an employee feels he or she has been treated unfairly in the operation of this Policy and Procedure, he or she has the right to raise the matter under the Council's Procedure for Settling Individual Grievances.

Policy considered by Council May 2007.

Appendix 1 - Ensuring there is no discrimination

Legislation

These laws make it unlawful to discriminate against an individual when considering matters relating to underperformance:

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 SI 2000/1551
- Race Relations (Amendment) Act 2000
- EU Employment Framework Directive 2000/78
- Directive 2002/73 amending the Equal Treatment Directive 76/207
- Employment Act 2002
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 SI 2002/3236
- Employment Equality (Sexual Orientation) Regulations 2003 SI 2003/1661
- Employment Equality (Religion or Belief) Regulations 2003 SI 2003/1660
- Employment Equality (Age) Regulations 2006 SI 2006/1031
- Equality Act 2006

Pregnancy

Pregnancy is not ill health or a matter of capability and cannot, alone, be grounds for invoking this Procedure. Whilst it is not unlawful to take capability action against a pregnant woman for some work performance reason unconnected with her pregnancy, it is unlawful sex discrimination and automatically unfair to dismiss a woman on grounds of her pregnancy. Managers are strongly advised to seek advice from Human Resources prior to taking any action against a pregnant employee.

Disability

The Disability Discrimination Regulations make it unlawful to discriminate against disabled people.

Unlike the other discrimination regulations, an employer may take account of an employee's disability when considering capability providing the reason for any less favourable treatment is:

- Justifiable
- Material and substantial
- Relates directly to the individual circumstances in question

If the performance of a disabled employee including acquired disability is less than satisfactory managers must examine any reasonable adjustment which could be made to improve performance with the employee.

VALE OF WHITE HORSE DISTRICT COUNCIL

ABSENCE POLICY AND PROCEDURE

1 Introduction and Policy Aims

Vale of White Horse District Council is committed to providing a high quality, cost-effective service to its customers. It is equally committed to the care and wellbeing of its employees. Whilst it is recognised that there will inevitably be sickness absence, high levels can lead to a reduction in service provision and place additional burden on colleagues.

To ensure that we can provide the highest levels of service we also have to commit to ensuring high standards of attendance. Procedures for recording and monitoring absence are detailed in the policy along with the responsibilities of both Managers and Employees in managing sickness absence. These procedures focus on ensuring all employees are treated fairly and given the appropriate support whilst maintaining service levels.

2 Responsibilities under the Policy and Procedures

2.1 Human Resources (HR) Responsibilities

To maintain the policy and update as appropriate to reflect legislative changes, best practice etc.

To ensure employees and managers understand their responsibilities in the context of the policy

To provide managers with training and guidance in delivering return to work interviews, information counselling etc.

To ensure all staff are trained as appropriate in the use of HRPro self service system.

To provide advice and guidance to Senior Management Team (SMT), managers and employees

To liaise with welfare and occupational health advisors as appropriate

To provide monthly reports and statistics as required.

2.2 Manager Responsibilities

To understand and observe their responsibilities in upholding the absence policy.

To ensure that all employees are treated with respect and receive fair and consistent treatment.

To ensure employees feel valued during periods of sickness absence and in the way their return to work is managed.

To ensure good health and safety standards in their area and to comply with the Council's health & safety policies.

To ensure employees are aware and observe their responsibilities regarding sickness notification and reporting procedures and when recording self certified sickness absence on HRPro.

Authorising self-certified sickness on HRPro, normally within 24 hours of it being recorded by individual employees.

To ensure that HR are notified of any long term sickness immediately for recording on HRPro and the appropriate paper work forwarded to HR to authorise the long term sickness. (i.e. doctor's certificate etc.)

To maintain contact with the employee during their absence. During long term absence it is recommended that managers arrange to personally visit or meet with employees.

Where there is insufficient information or lack of clarity about the employee's absence HR should be contacted for advice and possible referral to the Council's Occupational Health (OH) Advisors.

To establish whether there is any work-based contributory cause to the absence and to consider taking any appropriate action to enable the employee to return to work (e.g. flexible working arrangements, temporary or permanent.)

To ensure records are made of any sickness or action surrounding sickness and kept up to date.

To conduct return to work interviews as appropriate.

To ensure that employees are not discriminated against under the Disability Discrimination Act.

2.3 Employee Responsibilities

To comply with Health & Safety regulations and policies.

To care for their health and seek medical help as appropriate

To understand and observe their responsibilities in respect of the sickness notification and recording procedures

To record **all** periods of absence on HRPro, including, but not limited to: Compassionate Leave, statutory parental leave, time off for ante-natal care, jury service, annual leave, flexi leave and sickness. Unauthorised absence will be dealt with under the Council's Disciplinary Procedures.

To submit a Doctor's Certificate for periods of sickness absence exceeding 7 consecutive

days from the date of notification (including weekends/days not normally worked).

To refrain from participating in any activity inconsistent with their illness or which might aggravate it.

To comply with the directions of their own GP or the Council's Occupational Health (OH) Advisors.

To refrain from undertaking any unauthorised work or employment whether paid or voluntary during the period of their sickness absence.

Where an employee has been absent for some time or has consistent short term absences, the Council may require an additional opinion for the Council's OH Advisors. In this circumstance the employee will be expected to give their permission for the Council's OH Advisors to contact their own GP/Medical Advisor for further details. Depending on the circumstances it may be necessary for the employee to have an appointment with the Council's OH Advisors. Failure to comply with this request without an adequate or acceptable reason will be regarded as a disciplinary offence.

To attend a return to work interview as appropriate and provide his/her manager with an explanation of each sickness absence.

3 Notification of Absence

Employees must ensure that they have notified their manager within one hour of their usual start time (or as soon as is reasonable to do so) on the first day of sickness absence, the reason for absence and the likely date of return.

Personal contact must be made either by the employee or an appropriate person on their behalf. The most appropriate method of communication is via telephone, and when ever possible to the manager. (Sending a text message via a mobile phone or an e-mail is not an acceptable method of notifying a period of absence).

If an employee is unable to return to work when indicated the above procedure should be repeated.

If an employee is absent due to sickness for more than seven consecutive days (including weekends/days not normally worked) a Doctor's Certificate must be obtained from the employee's own GP/Medical Advisor and forwarded immediately to his/her Manager.

It is important that employees maintain regular contact with their Manager throughout the period of absence.

For extended periods of sickness absence, the employee should notify their Manager each time a new medical certificate is issued. All medical certificates should run consecutively to ensure that there are no days during the period of absence when there is no certification.

4 Recording Absence

All absences must be recorded on HRPro self service following the appropriate instructions for the type of absence.

For sickness of less than 7 consecutive days (including weekends and days not normally worked), the employee will record their sickness immediately on their return to work, on the HRPro self service system. (Details of how to do this are laid out in the HRPro training manuals available on the intranet.)

As soon as the sickness is recorded the manager* should aim to authorise the absence within 24 hours of it being entered and this in turn will notify the HR and Payroll Team.

For absences over 7 consecutive days from the first day of sickness, the employee will forward a Medical certificate immediately to HR. HR will record and authorise the employee's absence on HRPro which will immediately notify Payroll and their Manager.

Please note that if absence is not recorded and authorised as above, then this may lead to delay, subsequent adjustment or loss of pay. Where medical certificates are required by the Council but employees are unable to obtain one without cost, the reasonable cost will be fully met by the Council.

*in the absence of the line manager, sickness may be authorised by the senior manager or HR.

5 The 'Bradford Factor'

The Bradford Factor (BF) is a recognised way of monitoring individual sickness absence on an ongoing basis. The Bradford Factor calculates a score based on the number of times an employee is absent and the number of days they are absent in a rolling 12 month period.

The actual formula used to calculate an individual's BF score is:

Number of times absent x number of times absent x total number of days absent = BF

E.g.

In the 12 month period an employee is off 2 separate times. One time for 1 day and the other time for 2 days. The score will be worked out as:

2 (no. of times they are off) x 2 (no. of times they are off) x 3 (total days off) = 12 (BF score)

Depending on the BF score, different steps will be taken in order to manage the employee's absence.

There are several reasons for introducing the Bradford Factor.

Firstly short term absence is very disruptive to a service generally and can severely affect the performance of the organisation and the services we provide. Short term absence can also put adverse pressure on colleagues as short term absences are unpredictable. Repeated short term absence can also be the symptom of a more serious health or personal problem, and so monitoring it using the BF can help these problems be avoided.

The BF helps by monitoring sickness absence on a rolling 12 month period and picks up when an employee reaches a certain score as laid out in the table below. Each step can then be taken to help manage the absence appropriately.

Each period of sickness will be assessed individually and the potential action as laid out in the table is by no means the definitive outcome. Employees are encouraged to work with their managers to resolve sickness absence problems before the BF score becomes exceptionally high and it is felt action must be taken. Any action taken will be firstly informal and then becomes progressively more formal until the Capability Policy is required.

Below is the BF table which shows the scores and the interventions that will normally be considered at each score.

BF points total in 12 month rolling period	Action	Potential Outcome	Notes
Under 27	Manager talks to member of staff informally	Employee knows manager is aware of sickness and is concerned	Sickness recorded on HR Pro
27 – 124	Return to work interview with Manager	Employee knows Manager is concerned. Recording is essential	Return to work interview notes recorded on HRPro
125 - 249	Return to work interview with Assistant /Deputy Director. Improvement Plan	Counselling by HR if required. Improvement plan agreed by employee and manager	Only instigate if 3 or more absences. Inform employee of Council's provision of OH and Welfare.

250 - 499	Capability Policy invoked	Possible verbal warning issued	HR and Welfare involved from this stage
500 - 999	Capability hearing	Possible written warning issued	
1000 - 1499	Capability hearing	Possible Final written warning issued	
1500 +	Capability hearing	Possible Dismissal with notice	

The above table sets out the expected actions at each stage, but it is realised that cases may need to be looked at individually. The process can be entered at any level within the table where there is good reason to do so.

5.1 Bradford Factor (BF) Actions

5.1.1 Return to Work Interview with Manager

All employees should be asked by their Manager, informally, how they are feeling and if they feel able to do their job, on their return to work following any period of sickness.

Once the number and days of absence has reached the BF score of 27 or over, a formal return to work interview with the employee's manager will be carried out. This should be done on the employee's first day back, or as soon as possible, from their absence and the form attached to this procedure used (this will be available online on the HRPro self service system). As the absence process will be owned by the employee, the online form will need to be completed by the individual concerned. The HRPro self service system will then ask the manager to authorise the form, confirming the discussion.

The aim of the return to work interview is to:

- confirm/establish the cause of absence
- ascertain whether the employee's work environment was a contributing factor in the sickness absence
- show interest/concern regarding the welfare of the employee
- allow discussion of the general attendance record of the employee
- provide the opportunity to discuss ways in which the employee can be further supported by their colleagues, manager and the organisation.

- ascertain whether the employee's return to work can be aided by different duties in the immediate short term.
- any actions identified at the return to work interview should be acted on without delay.

5.1.2 Return to Work Interview by Assistant/Deputy Director (AD/DD)

Should the next level of the BF score be reached, the same process will be performed by the next level manager taking in to account all the above factors.

The AD/DD will agree with the employee an improvement plan of which the details will be entered by the employee on the return to work form on their HRPro Personnel Record. The Manager will then be automatically asked to authorise this form by HRPro.

Employees and managers are reminded that HR and Welfare are there to support their needs and are available at any time for discussion and advice.

5.1.3 Use of the Capability Policy

The Council will believe that every absence is genuine unless there is evidence to suggest otherwise. However repeated short term absence and long term absence can be extremely disruptive and so can become a capability issue. As such this may be dealt with under the Council's Capability Policy.

Once a BF score of 250 is reached a decision as to whether to use the Capability policy will be made between the Manager and HR. Please see the Capability Policy which shows how the process would be followed should the Capability Policy be invoked.

The Manager and HR will ascertain whether the use of the policy is appropriate by looking individually at each employee who reaches this score. HR will ensure that all cases are viewed fairly and consistently with regard to all the factors involved, and that this policy is applied appropriately and in line with all relevant legislation.

6 Long Term Absence

When an employee is absent through sickness for over 28 consecutive calendar days in one episode, the Manager will arrange to meet or visit the employee

unless there are special circumstances which prevent this. Managers must seek the advice of Human Resources prior to any visit.

Regular contact will be maintained with an employee on long- term sick to ensure communication is working both ways. The Manager should ascertain the employee's expectations of when they will return to work (see Section 6.1 below).

Employees on long term sickness absence may be referred to the Council's Occupational Health Advisors, through HR. Full discussions will take place with the employee before this referral and consent sought to obtain the necessary enquiry forms.

If there is no satisfactory indication of a return to work in the foreseeable future, and the team are being put under strain because of the employee's absence, consideration may then need to be given to whether continued employment is reasonable in the circumstances.

Taking the employee's views into account and examining all the available evidence, the Manager will have a number of options:

- Allow more time for improvement;
- Offer alternative employment (if possible);
- If an employee is or has become disabled then new working methods should be explored;
- Refer to their Assistant/Deputy Director in order to terminate the contract of employment under the Capability Policy (in extreme cases).

Although an employee will continue to accrue annual leave during a period of sickness absence, at the end of the leave year they will only be able to carry over a maximum of 5 days annual leave, to be used within 2 calendar months.

6.1 Returning to Work after Long Term Absence

Every employee is valued for their contribution and as such it is the Council's aim that every employee be helped to return to work from long term sickness and that the return to work is made as easy as possible.

If an employee has been absent from work for over 28 consecutive calendar days in one episode due to sickness, and where appropriate, HR will discuss with the employee and the Manager a suitable return to work plan. This may include returning to work on reduced hours or with reduced responsibilities.

Phased returns to working the employee's normal hours will need to be

discussed and agreed with our Occupational Health advisors and HR. When the employee returns to work they will return on full pay but will be requested to use any holiday entitlement to make up the full time hours if possible.

Employee and manager need to work together with HR and Occupational Health, to ensure that the return to work plan is appropriate. Any issues should be discussed immediately as they arise and the plan re-worked if required.

7 Sick Pay

7.1 Occupational Sick Pay (for employees on VWHDC conditions of service)

Where sick, staff have a contractual entitlement to the following:

During 1st year of service	1 month's full pay and (after 4 months' service) 2 months' half pay
During 2nd year of service	2 months' full and 2 months' half pay
During 3rd year of service	4 months' full and 4 months' half pay
During 4th and 5th year	5 months' full and 5 months' half pay
After 5 years' service	6 months' full and 6 months' half pay

In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.

In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.

7.2 Statutory Sick Pay

Statutory Sick Pay (SSP) was introduced in 1983 and eligible employees are entitled to receive up to 28 weeks SSP in a period of incapacity for work. Eligibility does not depend on length of service and includes married women and widows paying reduced rate of National Insurance Contributions. If applicable this will be offset against any payments made under the Occupational Scheme.

ELIGIBILITY

The following categories of employee are excluded from the right to Statutory Sick Pay if on the first day of incapacity:

- the employee is engaged on a short term contract of three calendar

months or less

- the employee's average earnings are less than the lower earnings limit for National Insurance
- the employee was claiming sickness or invalidity benefit or maternity allowance from the Department of Work and Pensions (DWP) in the period of 57 days immediately before the first day of incapacity. In these cases the employee will be given a 'linking letter' by the DWP to pass onto Human Resources
- a new employee who has done no work at all under his/her contract of employment
- there is a stoppage of work due to a trade dispute at the work place unless the employee can show that he/she did not have a direct interest in the dispute
- the employee has provided a leaver's statement which shows that 28 weeks SSP has already been due from the former employer, and there is a gap of 56 days or less since the last day of SSP shown on the statement; or the employee has already received 28 weeks SSP from his employer for a continuous period of incapacity to work or linked period of incapacity to work
- the employee is pregnant and is within the disqualifying period which is a period of 18 weeks covering the maternity pay period. If the employee is still working, the 18 weeks begins at the fourth week before the expected week of confinement if she is sick with a pregnancy related illness
- the employee is outside the European Economic Area and the employer is not liable to pay Class 1 National Insurance contributions, or would not be liable even if the earnings were high enough
- the employee is detained in legal custody or is serving a period of imprisonment.

QUALIFYING DAYS

Statutory Sick Pay can only be paid for qualifying (ie working) days.

Employees are not eligible for SSP unless they are sick for four consecutive qualifying days: the first three qualifying days are called waiting days and do not attract payment.

PAYMENT OF STATUTORY SICK PAY

Payment of SSP will be made on the first normal pay day practicable after the qualifying conditions have been met. The rate of SSP is reviewed annually and current rates are available from HR.

8 Sickness Monitoring

HR will monitor sickness and provide Directors and Assistant/Deputy Directors with a monthly report, based on the BF, for all their staff. HR also produces monthly and annual sickness reports for BVPI's.

In respect of the Bradford Factor, individual sickness will be monitored on a rolling 12 month basis and each stage of the BF model followed as appropriate although managers will be expected to use discretion and evaluate each individual case of sickness before the Capability Policy is used.

Employees and managers are expected to follow this procedure in regards to reporting sickness. Failure to do so will be seen as a fraudulent act against the Council and will be taken seriously. Disciplinary action will be used if required.

9 Grievance

If an employee feels he or she has been treated unfairly in the operation of this Policy and Procedure, he or she has the right to raise the matter under the Council's Procedure for Settling Individual Grievances.

10 Communication of the Policy and Procedure

The Absence Policy and Procedure will be communicated and explained to new employees, via the induction process, and to existing employees and to managers and supervisors.

Glossary

HR – Human Resources, includes payroll and welfare.

BF – Bradford Factor

SSP – Statutory Sick Pay

OSP – Occupational Sick Pay

AD/DD – Assistant or Deputy Director

Human Resources

V4 Last updated by TB
29/03/2007

30 March 2007 v.5

Appendix 1 – Return to Work Interview Questions

These questions will be part of an electronic form that is intended to be part of the self service sickness page.

Reason for absence in more detail *(there are only a limited number of options to choose in a drop down menu when recording sickness)*

Are there likely to be any longer term implications of the illness? *(e.g. are you likely to have any further absence?)*

Would changing your working environment be beneficial? If so, can we make reasonable changes to help?

Appendix 2 – Checklist for employees absent through sickness

1. Contact your manager by phone within one hour of your usual start time (or as soon as is reasonably practicable) on your first day of absence. Explain the reason for your absence and your likely date of return. If you are unable to make contact yourself, an appropriate person may do so on your behalf.
2. If still unable to return when expected (or when a medical certificate expires), follow step 1 again.
3. If your sickness lasted less than 7 consecutive days (including weekends and days not normally worked), record your sickness immediately on their return to work, on the HRPro self service system.
4. If your sickness lasts more than 7 consecutive days, obtain a medical certificate from your doctor and forward it to your manager.

SMOKE FREE POLICY

1. Introduction and Policy Aims

Second hand smoking - breathing in other people's tobacco smoke - has been shown to increase the risk of serious and fatal disease in non-smokers.

The Health and Safety at Work Act 1974 places a duty on employers to provide a working environment that is 'Safe, without risks to health' and the Health Act 2006 forbids smoking in enclosed and substantially enclosed workplaces.

The Council acknowledges that second hand tobacco smoke is both a public and workplace health hazard and have therefore adopted this smoke-free policy.

This policy applies to all Council properties and their grounds and vehicles. It applies to all employees, workers other than Vale employees on any Council site, Councillors, visitors, contractors and deliverers.

The policy seeks to:

- Ensure a healthy working environment and protect the current and future health of employees, customers and visitors
- Guarantee the right of non-smokers to breathe in air free from tobacco smoke
- To comply with the Health Act 2006, Health & Safety Legislation and Employment Law
- Raise awareness of the dangers associated with exposure to tobacco smoke
- Take account of the needs of those who smoke and to support those who wish to stop.

2. Policy

Smoking is not permitted in any part of any Council premises, entrances or grounds at any time, by any person regardless of their status or business with the organisation/company except by staff members and/or customers in the designated outdoor area/s as determined by the Chief Executive and at agreed times (to be agreed).

Visitors

All Councillors, visitors, contractors and deliverers are required to abide by the smoke-free policy. Employees are expected to inform customers or visitors of the smoke-free

policy. However they are not expected to enter into any confrontation which may put their personal safety at risk.

Vehicles

Smoking is not permitted in company vehicles or any vehicles being used on company business.

3. Actions to Support the Policy

Support for smokers

Support for smokers wishing to quit is available from Oxfordshire Smoking Advice Service on 01865 226663 or nationally from the freephone helpline **0800 169 0 169**. If you would like further help or advice you can also speak to any member of the HR team or the Welfare Officer.

Disciplinary Action

Employees who do not comply with this policy will be subject to disciplinary action as laid out in the Council's Disciplinary Policy.

4. Review

Monitoring and reviewing

This policy will be reviewed regularly to ensure that it continues to meet the aims.

This policy was adopted by Council on



Discretionary Payments Policy

1.0 Introduction

1.1 Under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006, effective from 1 October 2006, the Council is required to decide what discretions it will use for redundancy and early retirement purposes. This policy sets out these discretions.

1.2 The Council's People Strategy states that, "Where we have to terminate the employment of individuals we will seek to do so in a fair and compassionate way." (agreed by Council in January 2006, section 7D).

2.0 Redundancy

2.1 The Council will:

- calculate the statutory and compensation payments based on an employee's actual week's pay (ie the amount payable for a week's work under the contract of employment in force on the "Calculation Date" under section 226 of the Employment Rights Act 1996)
- link compensation payments to the Government's statutory redundancy payment calculator, using a multiplier of 2 (see Appendix)
- include within any compensation payment, any statutory entitlement that may be due
- not make use of the augmentation provisions of regulation 52 of the Local Government Pension Scheme
- not allow employees in membership of the Local Government Pension Scheme to convert the lump sum compensation payment into added years of service
- not offset the statutory redundancy payment against pensions or lump sums which are paid from the Local Government Pension Scheme.

3.0 Efficiency terminations

3.1 The Council will:

- consider making a one-off payment, based on the merits of each case, up to the maximum of 60 weeks pay.
- when considering 'merits of each case', the Council will include:
 - overall benefits to the Council taxpayer of the employee leaving the Council's service

- direct financial savings and costs to be incurred by the employee leaving the Council's service
 - employee relations issues
 - as a general rule, the Council will seek to make a financial saving over the longer term through any efficiency termination.
- not allow employees in membership of the Local Government Pension Scheme to convert the lump sum compensation payment into added years of service
 - not to make use of the augmentation provision of regulation 52 of the Local Government Pension Scheme

4.0 Other Discretions

4.1 The Council will:

- grant early payment of retirement benefits for employees aged from 50-59, who are active scheme Members, when it can be demonstrated to be in the best interest of the Council, taking into account the costs of early retirement on the Pension Fund.
- not reduce the benefits when compassionate grounds are determined.
- Consider requests for early payment of deferred retirement benefits from former employees using the same criteria as above.
- not enter into a shared cost additional voluntary contribution scheme.

5.0 Review

5.1 This policy will be reviewed on an annual basis, the first review being April 2008. If the Council decides to change its policy, it will publish a statement of the amended policy within one month of the date of its decision.

Appendix E(i) – Ready Reckoner for calculating the number of weeks’ pay due – if made redundant under the proposed policy

		Service (Years)																		
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*(1)	2																			
19	2	3																		
20	2	3	4																	
21	2	3	4	5																
22	2	3	4	5	6															
23	3	4	5	6	7	8														
24	4	5	6	7	8	9	10													
25	4	6	7	8	9	10	11	12												
26	4	6	8	9	10	11	12	13	14											
27	4	6	8	10	11	12	13	14	15	16										
28	4	6	8	10	12	13	14	15	16	17	18									
29	4	6	8	10	12	14	15	16	17	18	19	20								
30	4	6	8	10	12	14	16	17	18	19	20	21	22							
31	4	6	8	10	12	14	16	18	19	20	21	22	23	24						
32	4	6	8	10	12	14	16	18	20	21	22	23	24	25	26					
33	4	6	8	10	12	14	16	18	20	22	23	24	25	26	27	28				
34	4	6	8	10	12	14	16	18	20	22	24	25	26	27	28	29	30			
35	4	6	8	10	12	14	16	18	20	22	24	26	27	28	29	30	31	32		
36	4	6	8	10	12	14	16	18	20	22	24	26	28	29	30	31	32	33	34	
37	4	6	8	10	12	14	16	18	20	22	24	26	28	30	31	32	33	34	35	
38	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	33	34	35	36	
39	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	35	36	37	
40	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	37	38	
41	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	39	
42	5	7	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	41	
43	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	
44	6	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43	
45	6	9	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	
46	6	9	12	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	
47	6	9	12	15	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	
48	6	9	12	15	18	21	23	25	27	29	31	33	35	37	39	41	43	45	47	
49	6	9	12	15	18	21	24	26	28	30	32	34	36	38	40	42	44	46	48	
50	6	9	12	15	18	21	24	27	29	31	33	35	37	39	41	43	45	47	49	
51	6	9	12	15	18	21	24	27	30	32	34	36	38	40	42	44	46	48	50	
52	6	9	12	15	18	21	24	27	30	33	35	37	39	41	43	45	47	49	51	
53	6	9	12	15	18	21	24	27	30	33	36	38	40	42	44	46	48	50	52	
54	6	9	12	15	18	21	24	27	30	33	36	39	41	43	45	47	49	51	53	
55	6	9	12	15	18	21	24	27	30	33	36	39	42	44	46	48	50	52	54	
56	6	9	12	15	18	21	24	27	30	33	36	39	42	45	47	49	51	53	55	
57	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	50	52	54	56	
58	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	51	53	55	57	
59	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	56	58	
60	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	59	
61*(2)	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	51	54	57	60	

(1) As an employee joining at 16 needs 2 years service to qualify for a payment.

(2) The table stops at age 61 because for employees age 61 and over, the payment remains the same as for age 61.