

Council Forum

Thursday, 23rd March, 2023

6.00 pm

Council Chamber, Blackburn Town Hall

[Link to Webcast](#)

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12. Questions from Members

To consider any questions received from Members under Procedure Rule 11.

Date Published: Wednesday, 15 March 2023
Denise Park, Chief Executive

FINANCE COUNCIL **Monday 27th February 2023**

PRESENT – *The Mayor, Councillor Suleman Khonat, Councillor Ali, Baldwin, Brookfield, Browne, Casey, Connor, Desai M, Fazal, Fielding, Floyd, Gee, Gunn, Harling, Hardman, Humphrys, Hussain I, Hussain M, Hussain S, Irfan, Imtiaz, Jackson, Khan S, Liddle, Mahmood, Marrow, McCaughran, McGurk, Patel Ab, Patel Alt, Raja, Rawat, Rigby, Riley, Russell, Sidat, Shorrocks, Slater Jacq, Slater Jo, Slater Ju, Slater N, Smith D, Smith J, Talbot, Taylor, and Whittingham.*

RESOLUTIONS

60 Welcome and Apologies

The Chief Executive read out the notice convening the meeting.

There then followed Prayers by the Mayor's Chaplain.

A minute's silence was then held in memory of the victims of the recent earthquakes in Turkey and Syria, and also in memory of former MP for Rossendale and Darwen, Janet Anderson.

Apologies were received from Councillors Akhtar H, Akhtar P, Desai S, Khan Z and Salton.

61 Minutes Of The Previous Meeting

RESOLVED –The Minutes of the Council Forum Meeting held on 26th January 2023 were agreed as a correct record.

62 Declarations of Interest

No Declarations of Interest were received.

63 Mayoral Communications

The Mayor reported on events he had attended since the last meeting, in particular, the events to commemorate Holocaust Memorial Day and the first anniversary of the Russian invasion of Ukraine.

The Mayor also referred to the Mayor's Ball held the previous Friday at Stanley House, and thanked all who attended and supported the event.

64 Pay Policy Statement 2023/24 and Senior Management Update

Finance Council received a report which sought approval of the Council's Pay Policy Statement for 2023/24 and to update Council on changes to the senior

management structure considered by the Chief Executive and Chief Officers Employment Committee. The report also included details of the Chief Executive and Chief Officers pay scales and the range of salaries across the whole organisation during this period of time. The data was extracted and collated on 31 December 2022.

The Leader advised that, since publication of the agenda, interviews had been held for the post of Strategic Director, Children & Education (DCS) and Jo Siddle had been offered the role, and the Leader requested Finance Council to endorse the recommendations of the Chief Officer Employment Committee in this regard and also in relation to the deletion of the post of Strategic Director, Resources, and re-designation of and regrading of the post of Director of Finance.

RESOLVED –

That Finance Council:

1. Approve the Pay Policy Statement as set out at Appendix A;
2. Endorse the recommendations of the Chief Officer Employment Committee to delete the post of the Strategic Director, Resources (SIRO) following the resignation of the postholder and in respect of the re-designation and regrading of the post of Director of Finance to Strategic Director, Finance & Resources (s151/SIRO);
3. Authorise the Monitoring Officer to update the Constitution reflecting the changes set out in this report in respect of Chief Officer responsibilities; and
4. Approve the Chief Officer Employment Committee's recommendations in respect of the appointment of Jo Siddle as Strategic Director, Children & Education (DCS).

65. Local Council Tax Support Scheme 2023/24

Members received a report, which outlined changes to the Council Tax Support Scheme and sought approval for its adoption for 2023/24.

Following discussion, Finance Council moved to a recorded vote, with Councillors voting as follows:

FOR

Ali, Brookfield, Casey, Desai M, Fazal, Fielding, Floyd, Gunn, Harling, Humphrys, Hussain I, Hussain M, Hussain S, Irfan, Imtiaz, Jackson, Khan S, Khonat, Liddle, Mahmood, McCaughran, McGurk, Patel Ab, Raja, Rawat, Riley, Shorrocks, Sidat, Smith D, Smith J, Talbot, Taylor and Whittingham.

AGAINST

Baldwin, Connor, Gee, Hardman, Marrow, Patel Alt, Rigby, Russell, Slater Jacq, Slater Jo, and Slater Ju.

ABSTAIN

Browne and Slater N.

RESOLVED -

That Finance Council:

1. Notes the contents of the report; and
2. Approves the Council Tax Support Scheme for the financial year 2023/24.

66 The Robustness of Estimates 2023/24 and Adequacy of Reserves

Members received a report on the robustness of the Council's budget estimates for 2023/24 and the adequacy of financial reserves in accordance with Section 25 of the Local Government Act 2003.

Members were reminded that Section 25 of the Local Government Act 2003 placed a statutory requirement on the Council's Chief Financial Officer to report on:

- 1** the robustness of the estimates within the overall budget, and
- 2** the adequacy of the proposed level of financial reserves

Councillors needed to have regard to the report when making decisions on the 2023/24 Budget (Revenue Budget and Capital Programme) and the level of Council Tax for 2023/24.

RESOLVED –

Finance Council considered and had regard to the statements from the Director of Finance (as the Council's statutory finance officer) as provided at Appendix A when determining the budget (Revenue Budget and Capital Programme) and the level of Council Tax for 2023/24.

67 General Revenue Budget 2023/24 (including an update on the Financial Strategy 2022/25)

The Executive Member for Finance and Governance, Councillor Vicky McGurk, on behalf of the Labour Group, presented proposals on the General Revenue Budget 2023/24 (including an update on the Financial Strategy 2022/25).

The report set out the proposed General Fund Revenue Budget for 2023/24. A report elsewhere on the Agenda for the meeting provided details of the proposed Capital Programme for 2023/24.

The report set out details of the Autumn Statement, the Local Government Finance Policy Statement and information on the Local Government Finance Settlement, details of which were confirmed by the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) on 8th February 2023.

The report gave extensive information on the challenging national economic backdrop and the cost pressures faced, and the Council's budget approach, and whilst the proposed budget for 2023/24 was balanced, there remained a budget gap of c£12.2m to 2025/26, and details were provided of the measures to deal with the budget gap.

The report contained the following recommendations, which were voted on in conjunction with the recommendations in the Capital Programme report, following debate on both items.

RESOLVED -

Finance Council is recommended to:-

- a) acknowledge the impact of the increase in the Real/National Living Wage as set out below and note that a report on the impact of this on the hourly rates and contract changes for Social Care Providers for 2023/24 will be submitted to the Executive Board in due course;
- b) approve the service investment proposals as set out in the report;
- c) approve the savings proposals as set out at Appendix B;
- d) note the estimated balance of reserves as at 31st March 2023 as shown at Appendix C;
- e) approve the General Fund Budget Requirement for 2023/24 as set out at Appendix D to this report;
- f) require each Portfolio to operate within the individual Portfolio Controllable Budgets for 2023/24 as set out at Appendix D and that these be cash limited and subject to regular monitoring and control;
- g) approve an increase in the general Council Tax of 2.99% (reflecting a weekly increase of £0.98p for Band D Council Tax payers and of £0.65p for Band A Council Tax payers);
- h) approve an additional increase in Council Tax of 2.00% to contribute towards the additional costs of Adult Social Care (reflecting a weekly increase of £0.65p for Band D Council Tax payers and of £0.44p for Band A Council Tax payers);
- i) note the update to the Financial Strategy and Medium Term Financial Plan for 2022/25 as set out Appendix F and note that a further report on the implementation of the Strategy will be submitted to the Executive Board in June 2023.

The report submitted sought approval for the 2023/24 – 2025/26 Capital Strategy, set out in Appendix 1 and Capital Programme, set out in Appendix 6.

The Capital Strategy gave a high-level overview of how the Council's capital expenditure, capital financing and treasury management activity contribute to the provision of local public services, along with an overview of how associated risks were managed and the implications for future financial sustainability.

Decisions made on capital and treasury management would have financial consequences for the Authority for many years into the future. They were therefore subject to both a national regulatory framework and to a local policy framework, summarised in the report.

The recommendations in the report were then voted on in conjunction with the recommendations in the Revenue Budget Report:

FOR

Ali, Brookfield, Casey, Desai M, Fazal, Fielding, Floyd, Gunn, Harling, Humphrys, Hussain I, Hussain M, Hussain S, Irfan, Imtiaz, Jackson, Khan S, Khonat, Liddle, Mahmood, McCaughran, McGurk, Patel Ab, Raja, Rawat, Riley, Shorrocks, Sidat, Smith D, Smith J, Talbot, Taylor and Whittingham.

AGAINST

Baldwin, Browne, Connor, Gee, Hardman, Marrow, Patel Alt, Rigby, Russell, Slater Jacq, Slater Jo, Slater Ju and Slater N.

ABSTAIN

None.

The recommendations contained in the reports at Agenda Items 8&9 were therefore carried.

RESOLVED

Members are recommended to:

2.1. approve the Capital Strategy for 2023/26 (Appendix 1), including:

- a) the Council's Capitalisation Policy, as outlined in Appendix 2;
- b) the Minimum Revenue Provision (MRP) Statement, which determines the Council's policy for repayment of debt (Appendix 3);
- c) the proposed prudential indicators for the forthcoming year (Appendix 4);
- d) the proposed Investment Strategy for 2023/24, as outlined in Appendix 5;
- e) the proposed Use of Capital Receipts Strategy, as outlined in Appendix 6.

2.2. Approve the proposed Capital Programme for 2023/24, as outlined in Appendix 6 and Appendix 6A.

2.3. Note the indicative programmes for 2024/25 and 2025/26 as shown in Appendix 6 and acknowledge that these will be subject to further review as part of the development of future years' capital programmes.

2.4. Delegate authority to the Director of Finance to determine the most appropriate method of financing the capital programme.

69 Council Tax 2023/24

A report was submitted on the Council's requirement to set amounts of Council Tax Before 11th March in the financial year preceding that for which it was set.

In setting its Council Tax requirement, the Council took into account any funding from reserves, income it expected to raise and general funding it would receive from Government as part of the Local Government Finance Settlement.

The Council was also required to set a basic amount of Council Tax for the financial year 2023/24. The Council Tax was set on the basis of:

- a) The precept on the Collection Fund issued by the Police and Crime Commissioner for Lancashire.
- b) The precept on the Collection Fund issued by the Lancashire Combined Fire Authority.
- c) The Borough Council's precept on the Collection Fund, which is dependent on two factors: (i) Its Council Tax requirement, and (ii) The precepts issued by the seven Parish / Town Councils.

The Council was recommended to approve the draft resolution setting the Council Tax for 2023/24, as set out in Appendix 1 of the report submitted and in also in the Appendix to these Minutes. Following discussion, Finance Council moved to a recorded vote, with Councillors voting as follows:

FOR

Ali, Brookfield, Casey, Desai M, Fazal, Fielding, Floyd, Gunn, Harling, Humphrys, Hussain I, Hussain M, Hussain S, Irfan, Imtiaz, Jackson, Khan S, Khonat, Liddle, Mahmood, McCaughran, McGurk, Patel Ab, Raja, Rawat, Riley, Shorrocks, Sidat, Smith D, Smith J, Talbot, Taylor and Whittingham.

AGAINST

Baldwin, Connor, Gee, Hardman, Marrow, Patel Alt, Rigby, Russell, Slater Jacq, Slater Jo, Slater Ju, and Slater N.

ABSTAIN

Browne.

RESOLVED –

That the draft resolution setting the Council Tax for 2023/24, be approved as set out in Appendix 1 of the report submitted and in also in the Appendices to these Minutes.

Signed at a meeting of the Council Forum

On 23rd March 2023

(being the ensuing meeting of the Council) by

MAYOR

Appendix 1

Blackburn with Darwen Borough Council

Draft Council Tax Resolution 2023/24 – Finance Council 27th February 2023

The Council is recommended to resolve as follows:

1. That it be noted that on 16th December 2022, the Council calculated the Council Tax Base for the year 2023/24 in accordance with regulations made under Section 31B(3) of the Local Government Finance Act 1992, as amended (the Act):
 - a) 36,292.84 being the Council Tax Base for the whole of the Council area (Item T in the formula in Section 31B of the Act); and
 - b) for dwellings in those parts of its area to which a Parish precept relates, as detailed in Appendix 2.
2. That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:
 - a) £443,203,237 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £378,342,525 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
 - c) £64,860,712 being the amount by which the aggregate at 2 (a) above exceeds the aggregate at 2 (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - d) £1,787.15 being the amount at 2 (c) above (Item R) divided by the amount at 1(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e) £166,035.96 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (see Appendix 2).
 - f) £1,782.58 Being the amount at 2 (d) above less the result given by dividing the amount at 2 (e) above by Item T (1 (a) above), calculated by the Council, in accordance with Section 34 (2)

of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

3. That it be noted that for the year 2023/24 the Police and Crime Commissioner (PCC) for Lancashire has issued a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, as indicated in the tables below.
4. That it be noted that for the year 2023/24 the Lancashire Combined Fire Authority has issued a precept to the Council in accordance with Section 40 of the Local Government Finance Act 1992, as indicated in the tables below, however at the time of writing this report, the precept had yet to be presented to the Lancashire Fire Authority meeting (scheduled for Monday 20th February 2023).
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for the year 2023/24 for each part of its area and for each of the categories of dwellings.

a) Blackburn with Darwen Borough Council

<u>Part of the Council's Area</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Eccleshill Parish	£1,205.91	£1,406.89	£1,607.88	£1,808.86	£2,210.83	£2,612.80	£3,014.77	£3,617.72
Livesey Parish	£1,194.00	£1,393.00	£1,592.00	£1,791.00	£2,189.00	£2,587.00	£2,985.00	£3,582.00
North Turton Parish	£1,200.44	£1,400.51	£1,600.59	£1,800.66	£2,200.81	£2,600.95	£3,001.10	£3,601.32
Pleasington Parish	£1,192.11	£1,390.80	£1,589.48	£1,788.17	£2,185.54	£2,582.91	£2,980.28	£3,576.34
Tockholes Parish	£1,217.28	£1,420.16	£1,623.04	£1,825.92	£2,231.68	£2,637.44	£3,043.20	£3,651.84
Yate and Pickup Bank Parish	£1,203.14	£1,403.66	£1,604.19	£1,804.71	£2,205.76	£2,606.80	£3,007.85	£3,609.42
Darwen Town Council	£1,196.85	£1,396.33	£1,595.80	£1,795.28	£2,194.23	£2,593.18	£2,992.13	£3,590.56
All other parts of the Council's area	£1,188.39	£1,386.45	£1,584.52	£1,782.58	£2,178.71	£2,574.84	£2,970.97	£3,565.16

b) Major Precepting Authorities

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Lancashire Police Authority	£167.63	£195.57	£223.51	£251.45	£307.33	£363.21	£419.08	£502.90
Lancashire Combined Fire Authority	£54.85	£63.99	£73.13	£82.27	£100.55	£118.83	£137.12	£164.54

c) Aggregate Council Tax

<u>Part of the Council's Area</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Eccleshill Parish	£1,428.39	£1,666.45	£1,904.52	£2,142.58	£2,618.71	£3,094.84	£3,570.97	£4,285.16
Livesey Parish	£1,416.48	£1,652.56	£1,888.64	£2,124.72	£2,596.88	£3,069.04	£3,541.20	£4,249.44
North Turton Parish	£1,422.92	£1,660.07	£1,897.23	£2,134.38	£2,608.69	£3,082.99	£3,557.30	£4,268.76
Pleasington Parish	£1,414.59	£1,650.36	£1,886.12	£2,121.89	£2,593.42	£3,064.95	£3,536.48	£4,243.78
Tockholes Parish	£1,439.76	£1,679.72	£1,919.68	£2,159.64	£2,639.56	£3,119.48	£3,599.40	£4,319.28
Yate and Pickup Bank Parish	£1,425.62	£1,663.22	£1,900.83	£2,138.43	£2,613.64	£3,088.84	£3,564.05	£4,276.86
Darwen Town Council	£1,419.33	£1,655.89	£1,892.44	£2,129.00	£2,602.11	£3,075.22	£3,548.33	£4,258.00
All other parts of the Council's area	£1,410.87	£1,646.01	£1,881.16	£2,116.30	£2,586.59	£3,056.88	£3,527.17	£4,232.60

Appendix 2

Town and Parish Council Precepts

	<u>2022/23</u>				<u>2023/24</u>				<u>Council Tax Increase / (Reduction)</u> <u>Council Tax Band D 2023/24 less 2022/23</u> £
<u>Parish / Town Council</u>	<u>Tax Base</u>	<u>Precepts</u>	<u>Grant</u>	<u>Council Tax</u>	<u>Tax Base</u>	<u>Precepts</u>	<u>Grant</u>	<u>Council Tax</u>	
		£	£	<u>Band D</u> £		£	£	<u>Band D</u> £	
Eccleshill Parish	94.66	2,462.11	413.50	26.01	92.44	2,429.00	413.50	26.28	0.27
Livesey Parish	2,235.21	18,463.00	1,371.00	8.26	2,335.57	19,665.00	1,371.00	8.42	0.16
North Turton Parish	1,771.66	32,159.00	1,241.00	18.15	1,778.74	32,159.00	1,241.00	18.08	(0.07)
Pleasington Parish	257.93	1,450.00	0.00	5.62	259.25	1,450.00	0.00	5.59	(0.03)
Tockholes Parish	208.33	8,574.91	146.00	41.16	207.90	9,010.96	146.00	43.34	2.18
Yate and Pickup Bank Parish	143.68	3,180.00	260.00	22.13	145.82	3,227.00	260.00	22.13	0.00
Darwen Town Council	7,560.39	98,095.00	23,905.00	12.97	7,722.97	98,095.00	23,905.00	12.70	(0.27)
TOTAL / AVERAGE	12,271.86	164,384.02	27,336.50	4.64	12,542.69	164,384.02	27,336.50	4.57	(0.07)

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **COUNCIL FORUM**

DATE: **23rd MARCH 2023**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



REPORT OF: EXECUTIVE MEMBER FOR ENVIRONMENTAL SERVICES

TO: COUNCIL FORUM

ON: 23 March 2023

SUBJECT: REVISED HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

1. PURPOSE OF THE REPORT

To present a revised policy for adoption (**Appendix 1**).

2. RECOMMENDATIONS

1. The Council adopts the revised policy as presented, effective from 1 May 2023.
2. The Council delegates the power to agree and adopt future revisions of taxi licensing policies that inform non-Executive functions, to the Licensing Committee.

3. BACKGROUND

The Council has a policy which provides guidance to the trade and other interested parties on the way that Blackburn with Darwen Council regulates the Private Hire and Hackney Carriage industry within the Borough. The current policy was last comprehensively reviewed in 2016/17.

The Department for Transport published the Government's Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020, which included recommendations on the assessment of previous convictions. The expectation of the Government was emphasised throughout the document in bold.¹

The Standards state at 1.3 that "Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**"

¹ <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

2.6 The document set out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

The Statutory Standards clarify at 5.17 that the suggested timescales for offences “should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department for Transport’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence”.

The Council’s existing policies were completely redrafted to reflect the minimum standards contained in the Statutory Guidance and the Institute of Licensing’s Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.²

The Licensing Committee considered a proposed draft policy on convictions and other relevant matters on 26 April 2022 and resolved to undertake a comprehensive 8 week long public consultation exercise. The Committee then considered the very limited response to that consultation exercise at their meeting on 3 August 2022.

On 18 October 2022 the Licensing Committee considered the redrafted Hackney Carriage and Private Hire Vehicle Licensing policy, which incorporated the draft convictions policy, vehicle standards and licence conditions, as appendices, and resolved to carry out a further 8 week full consultation exercise. The Licensing Committee considered the responses to this consultation on 24 January 2023 and agreed several amendments to the draft policy and its appendices and recommended the amended version be formally adopted.

4. RATIONALE

Adopting the revised policies, as presented will embed the Government’s published minimum standards for driver’s and provide assurance to members of the council and the public, that Blackburn with Darwen Council has a robust approach to determining the fitness of individual applicants and licensed drivers in order to safeguard the public who use taxi and private hire services.

² <https://instituteoflicensing.org/media/judpocw/guidance-on-suitability-online-pdf-2.pdf>

5. POLICY IMPLICATIONS

Once adopted this policy will supersede the current version and be applicable to all applications and reviews commenced after its implementation.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this policy revision.

7. LEGAL IMPLICATIONS

Members and officers of the Licensing Authority must have regard to the revised policy when determining private hire and hackney carriage applications and reviews. However, the revised policy is not immutable, and every case must be considered on its own merits.

The Magistrates Court and Crown Court must also have regard to the policy when determining appeals against the Council's decision.

8. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will implement the revised policy once it has been approved for adoption.

9. EQUALITY IMPLICATIONS

An Equality Impact Assessment (EIA) checklist has been completed and an EIA is not required.

10. CONSULTATIONS

A public consultation on the convictions policy (Appendix 1 to the main policy) was undertaken between 25 May 2022 and 1 July 2022.

Direct contact was made with 1435 stakeholders including licensed drivers, private hire operators and their local trade organisations, local community centre contacts, over 90 voluntary sector groups, businesses in the Blackburn BID, Darwen Pubwatch members, each Lancashire Licensing Authority and all elected members of Blackburn with Darwen Council.

At the close of the consultation period only one response had been submitted endorsing the proposed convictions policy.

A further full public consultation exercise was undertaken between 24 October 2022 and 31 December 2022 during which feedback and comments were invited on all elements of the redrafted policy and its appendices via the Council's website.

The Licensing Service again made direct contact by email or text with licensed drivers, private hire operators, and the 3 trade associations that have active memberships in the Borough.

The proposals were also discussed at the Taxi Forum on 4 November 2022 and further meetings were held between officers and representatives of the trade associations throughout December.

Chief Officer/Member Martin Eden, Strategic Director, Environment & Operations
Contact Officer: Niky Barrett, Principal Officer - Licensing
Date: 20 February 2023
Background Papers: DfT Statutory Taxi & Private Hire Vehicle Standards
Institute of Licensing guidance on the suitability of applicants

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request.

Form Reference Standard Committee Report Template May 2012 1.0



Hackney Carriage and Private Hire Licensing Policy

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Introduction

Hackney Carriages have been licensed since the Town Police Clauses Act of 1847 was enacted.

The Local Government (Miscellaneous Provisions) Act 1976, extended licensing requirements to include Private Hire Vehicles and placed a duty on Blackburn with Darwen Borough Council (“the Council”) as the relevant Licensing Authority, to regulate Hackney Carriages, Private Hire Vehicles, their drivers and operators.

When carrying out its regulatory functions, the Council will have regard to this policy in order to provide assurance to the public that only those individuals it considers are fit and proper, are entrusted to transport passengers in licensed vehicles that are safe and suitable for use.

Each application or enforcement measure will be considered on its own merits however where it is deemed necessary to depart from the policy, clear and compelling reasons will be given.

New applicants and existing licence holders are encouraged to read the contents carefully.

This policy will come into effect on 1 May 2023. and will be subject to periodic reviews at least every 5 years.

1. Objectives

- 1.1 The protection of the public is of paramount concern for the Licensing Authority when discharging its licensing functions and the Council will not hesitate to act, when it is made aware of issues that have the potential to undermine public safety.
- 1.2 Hackney carriages and private hire vehicles play a vital part in the transport network, providing an invaluable service to residents and visitors to the Borough alike.
- 1.3 Licensed drivers are entrusted to transport some of the most vulnerable members of our society, from the very young, to the elderly and infirm and those who may be incapacitated through alcohol or drug use, and our communities rely on licensed drivers and their vehicles to provide a safe and reliable service.
- 1.4 Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a vehicle, whether regularly or otherwise, at any time of the day or night, does not raise any suspicion as to the reason for it being there, if it is displaying a hackney carriage or private hire vehicle licence plate.
- 1.5 The Council will, through the regulation of the trade seek to promote the following objectives:
 - The protection of the public, safeguarding children and the vulnerable
 - The prevention of crime and disorder
 - The safety and health of the public and drivers
 - Vehicle safety, comfort and access
 - Providing a quality service to the public
- 1.6 The Council will work with a wide range of partners when carrying out its duties in respect of hackney carriage and private hire licensing, including, but not limited to:
 - Licensed drivers, operators and vehicle proprietors
 - Local residents
 - Locally operating Hackney and Private Hire Trade Associations

- Lancashire Constabulary
- National Anti-Fraud Network
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenue and Customs
- UK Visas and Immigration Department
- Department of Work and Pensions
- Lancashire County Council
- The Disclosure and Barring Service
- The Office of the Police and Crime Commissioner
- Other Licensing Authorities

2. General Matters

2.1 Delegations

- 2.1.1 Under the Council's constitution, the General Licensing Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing.
- 2.1.2 The Strategic Director of Environment and Operations has delegated powers to grant licences where there are no offences or other concerns that give rise to doubts about the suitability of the applicant to hold a licence.
- 2.1.3 The Strategic Director of Environment and Operations or other duly authorised officer, has delegated powers to suspend or revoke driver's licences.
- 2.1.4 Hackney carriage and private hire vehicle licences may be suspended or revoked by the Strategic Director of Environment and Operations or other duly authorised officer, where appropriate.

2.2 Sharing of Information

- 2.2.1 The Licensing Authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with data protection legislation.
- 2.2.2 Information sharing may include requests from the Police or other enforcement/regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings.

2.3 Licensing Profile

- 2.3.1 Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers, but may be licensed to carry fewer persons.
- 2.3.2 Hackney carriage vehicles may be used to ply for hire in the street, at ranks or stands and may fulfil pre-booked journeys. Private hire vehicles must be booked in advance, by the customer, through a private hire operator, and cannot be hailed in the street or stand at a rank.

3. Dual Licensed Drivers

3.1 Fit and Proper

- 3.1.1 The Council will not issue a licence to any applicant, unless it is satisfied that they are fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but the Council has adopted the following test when determining applications or licence reviews - **“Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?”**
- 3.1.2 Decisions in respect of driver licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a Blackburn with Darwen driver's licence.
- 3.1.3 The Council's policy on convictions and other relevant matters which it considers are likely to impact on an individual's suitability to hold a licence forms Appendix 1 to this policy.

3.2 Duration of Driver's Licences

- 3.2.1 The Council will normally issue driver licences for three years. However, the Council will issue licences for a lesser period as it deems appropriate in the circumstances of the case.
- 3.2.2 Any driver who allows their licence to expire for a period of six months or more must complete the full application process again.

3.3 Entitlement to Work in the UK

- 3.3.1 All applicants must have the right to live and work in the UK and demonstrate this at the point of application.
- 3.3.2 Where a successful applicant is subject to a time limitation on their right to remain and work in the UK, a licence will not be granted beyond that date. Applicants who are disqualified from driving a hackney carriage or private hire vehicle by reason of their immigration status will not be considered for a licence.

3.4 Entitlement to Drive in the UK

- 3.4.1 All applicants must have held a valid, full UK driving licence for a minimum of twelve months immediately before making their application and authorise the Council to undertake periodic checks with the DVLA, to verify the existence of any motoring convictions or restrictions on their licence.
- 3.4.2 Applicants who have an EC/EEA driver licence must exchange it for a British licence before a licence will be issued. For information on how to do so please visit [GOV.UK - Exchange a foreign driving licence](https://gov.uk/driving-licence).

3.5 Disclosure and Barring Service checks

- 3.5.1 All applicants for a Blackburn with Darwen driver's licence must provide an enhanced disclosure certificate issued by the Disclosure and Barring Service (DBS) which includes checks that the individual is not barred from working in regulated activity with children or adults. This must be applied for via the Council's nominated service provider.

- 3.5.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for driver licences, who are therefore required to disclose all convictions, cautions and motoring offences etc., including those that would ordinarily be regarded as spent.
- 3.5.3 Any applicant who has spent six continuous months or more overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English.
- 3.5.4 Asylum seekers who hold a Home Office issued application registration documents together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

3.6 DBS Update Service

- 3.6.1 All licensed drivers must sign up to the DBS update service and maintain their registration throughout the licensed period, to enable the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.
- 3.6.2 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.
- 3.6.3 Where the Council is unable to check the driver's status due to failings on the part of the driver, it may suspend the drivers licence until such time as it is satisfied that there is no new information recorded against the driver.
- 3.6.4 Nothing in this section will negate the requirement for licensed drivers to inform the Council within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.6.5 If there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

3.7 National Anti-Fraud Network

- 3.7.1 The Council subscribes to the National Register of Taxi Licence Refusals and Revocations (NR3), and shares details of individuals who have had a driver's licence suspended or revoked, or an application for one refused.
- 3.7.2 Where a driver's licence is suspended, revoked or refused, the Council will automatically record this decision on NR3.
- 3.7.3 All applicants for a new licence or a licence renewal will automatically be checked on NR3. If there is an entry on NR3 about an applicant, the Council will seek further information about the entry on the register from the relevant authority, before determining the application.

3.8 English proficiency

- 3.8.1 The Statutory Taxi and Private Hire Vehicle Standards 2020 identify that a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

- 3.8.2 It goes on to state in para 6.15, that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve these objectives.
- 3.8.3 The Council requires all applicants for new driver's licences to demonstrate their language proficiency, either by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English, or ESOL certificate at Level 1 or 2.
- 3.8.4 Applicants who do not hold any formal qualifications in English, must undertake a free skills assessment provided by Blackburn Adult Learning service and provide evidence that they have passed the assessment.

3.9 Driver Training and Knowledge Test

- 3.9.1 Applicants for a new driver's licence will be required to pass the Blackburn with Darwen Knowledge Test before being issued with a licence. A fee is required for the driver training sessions and tests and any applicant cancelling an appointment with less than 48 hours' notice, will not be eligible for a refund.
- 3.9.2 The Council publishes a comprehensive guidance pack and training for new drivers on its website, to help them prepare for the driver training and knowledge test.
- 3.9.3 If an applicant fails three successive tests, their application will be rejected and a period of 12 months must elapse, before they will be eligible to book onto the driver training session again.
- 3.9.4 Applicants must bring in their photo-card driving licence on the day of the test. This must be in date and have their current address on it.

3.10 Safeguarding and Child Sexual Exploitation (CSE) training

- 3.10.1 Licensed drivers are an integral part of modern life and play an important role in providing a safe means of transport to all sections of the community. Drivers come into contact with some of the most vulnerable members of society and it is essential that they are aware of the real issues and signs of child sexual exploitation, county lines and other safeguarding concerns, to enable them to report suspicious behaviour appropriately.
- 3.10.2 In order for them to recognise the signs of CSE and other forms of exploitation such as County Lines, all applicants for Blackburn with Darwen driver licences must have successfully completed an eLearning Safeguarding Course provided by the Council's nominated provider.

3.11 Practical driving test

The Council's approved suppliers for the required practical driving test is published on the Council's website. A licence will not be granted until the applicant can produce evidence that they have successfully passed the driving test.

3.12 Medical Fitness

- 3.12.1 The Council recognises that licensed drivers should meet more stringent medical standards than those expected of people who drive a vehicle for social, domestic and pleasure purposes.
- 3.12.2 Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 2 standard used by the DVLA when licensing public service vehicle drivers.
- 3.12.3 Medical certificates, completed by the driver's own GP practice, or by one of the Council's approved suppliers for medicals and issued no more than 6 months previously, are required on

first application and then every 5 years from age 45 until the age of 65, when they are required annually.

- 3.12.4 Where a driver develops a new medical condition whilst licensed, they should visit their GP who will assess their fitness to continue to drive the general public. If they are not be able to drive the public after visiting their GP, they must surrender their driver's licence to the Council.
- 3.12.5 Should there be any doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Council reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver meets the group 2 standard.
- 3.12.6 All licensed drivers must inform the Licensing Authority, within 7 days, of any change to their health, which could impact on their ability to meet the group 2 standard, or continue to drive a licensed vehicle.
- 3.12.7 No applicant will be issued a licence until medical fitness has been established.

3.13 HMRC Obligations

- 3.13.1 From 4 April 2022 all applicants who are renewing a Blackburn with Darwen driver's licence, (or who have held a driver's licence within the previous 12 months irrespective of which Local Authority granted it), must complete an online HMRC tax check and provide a valid tax check code to enable the Council to verify this has been done, before an application for a licence can be considered.
- 3.13.2 Applications for new driver's licences must sign a declaration confirming they are aware of their tax obligations, before their application can be considered.

3.14 Dual Driver Conditions

All Blackburn with Darwen driver licences are issued subject to the Council's standard conditions (Appendix 2).

3.15 Applications

Applications and supporting documentation for driver's licences must be submitted online through the Council's website.

4. Hackney Carriage and Private Hire vehicles

4.1 General

- 4.1.1 The Council will not issue a vehicle licence for any vehicle which is licensed as either a hackney carriage or private hire vehicle with any other Local Authority. If the Council becomes aware that other vehicle licences are running concurrently with this Council's licence, the Blackburn with Darwen vehicle licence will be immediately revoked.
- 4.1.2 All licensed vehicles must have an appropriate "type approval". Vehicles that were first registered in the N1 category (van/minibus) and which have been subsequently modified to carry passengers, must have Individual Vehicle Approval and the Council will require confirmation of such approval. Further information on how to obtain a certificate is available [here](#).
- 4.1.3 The Council will not licence vehicles with fewer than 4 road wheels
- 4.1.4 Licensed vehicles will be issued with a plate for life which must be securely fixed to the exterior of the rear of the vehicle at all times that the vehicle licence is in force.
- 4.1.5 Licensed vehicles must not have any fittings attached to, or carried on the inside or outside of the vehicle that have not been approved by the Council, or display any signs, notices or advertisements that are not legally required, or have been expressly authorised by the Council.

4.2 Duration of Licences

- 4.2.1 Vehicle licences will normally be issued for 12 months for vehicles aged less than 5 years and for 6 months for vehicles aged 5 years or over.
- 4.2.2 Where a vehicle aged 5 years or over passes the Council's vehicle test on first presentation, it will be eligible for an 8 month licence instead of the standard 6 months.

4.3 Roadworthiness

- 4.3.1 The Council will only issue a hackney carriage or private hire vehicle licence where it is satisfied that the vehicle is safe, suitable in terms of its size, type and design and provides a reasonable standard of comfort for passengers.
- 4.3.2 To achieve this, in addition to the standard MOT requirements, vehicles presented for licensing must also meet the standards set out in the Council's Supplementary Testing Manual (Appendix 3). Vehicle testing is carried out at the Council's Motor Vehicle Service Station, Davyfield Road, Blackburn.
- 4.3.3 The Council will issue a vehicle licence for any vehicle that has been written off by insurers under category N or S, but is able to pass Council's vehicle test, once the repairs have been carried out.
- A relates to vehicles that must be scrapped
 - B relates to vehicles that may be broken and their parts reused
 - S relates to vehicles that have sustained structural damage that is repairable
 - N relates to vehicles that have sustained non-structural damage that is repairable.

4.4 Insurance

Hackney carriage and private hire vehicle proprietors must ensure that appropriate insurance is in force throughout the licensed period. Any vehicle that is not adequately insured for public hire

or private hire during the licence period, will have its licence immediately suspended.

4.5 Passenger numbers

Vehicle licences are normally issued for the carriage of between 4 and 8 passengers in reasonable comfort. They should have not less than 3 doors through which passengers may enter and leave the vehicle conveniently, safely and comfortably and provide reasonable accommodation for luggage. Approved passenger numbers must not be exceeded under any circumstances.

4.6 Accident and Car Hire Procedure

- 4.6.1 The proprietor of a hackney carriage or private hire vehicle that is involved in an accident must report full details of the accident to the Council within 72 hours. If the initial report is verbal, the online accident report form must be submitted within 24 hours of the verbal notification. If a hire car is to be used, details of that car must also be entered onto the form.
- 4.6.2 On receipt of an accident report, the Council will arrange for an officer to inspect the vehicle and if it is found to be unfit to be used for hackney carriage or private hire purposes, the licence will be suspended until such time as the vehicle has been repaired and has been re-inspected at the Council's motor vehicle service station for a suspension lift.
- 4.6.3 The Council issued licence plate must be returned during any period of suspension.

4.7 Taximeters

- 4.7.1 All hackney carriages must be fitted with taximeter which is sealed and maintained so as to comply with the hackney carriage licence conditions.
- 4.7.2 A private hire vehicle may be fitted with a taximeter which should be constructed, attached and maintained so as to comply with the private hire vehicle conditions.

4.8 Specific additional requirements for Hackney Carriages

- 4.8.1 All hackney carriage vehicles must be black and wheelchair accessible
- 4.8.2 The only exception is for London Type cabs which may be a different colour.
- 4.8.3 All hackney carriage vehicle licences issued by the Council are subject the Hackney Carriage By-Laws (Appendix 4) and the Council's standard conditions (Appendix 5).

4.9 Specific additional requirements for Private Hire Vehicles

All private hire vehicle licences issued by the Council are subject the Council's standard conditions (Appendix 6).

4.10 Restrictions on the issue of Hackney Carriage Licences

The Council currently restricts the number of hackney carriages it licenses to 70 and periodically undertakes a survey to establish if there is any significant unmet demand for hackney carriages, which it would need to address either by increasing the limits, or delimiting hackney carriage numbers.

4.11 Hackney Carriage Ranks

- 4.11.1 The Council has provided a number of designated hackney carriage ranks throughout the

Borough. Drivers **must never** leave a hackney carriage vehicle unattended on a rank at any time.

4.11.2 Drivers of private hire vehicles **must not** use, or wait on a hackney carriage rank at all.

4.12 Hackney Carriage Tariff

4.12.1 The Council is responsible for setting the hackney carriage tariff and each hackney carriage must have its taximeter calibrated to the current tariff and must display the table of fares provided by the Council, where it can easily be read by a passenger.

4.12.2 The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

4.13 Advertising on Hackney Carriage Vehicles

4.13.1 Applications for approval of advertisements must be made in writing to the Licensing Service. An application must be accompanied by a copy of the proposed advertisement in full colour and include the actual dimensions of the proposed advertisement.

4.13.2 All advertisements must comply with the British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but, any advertisements containing political, ethnic, religious, sexual or controversial texts, or advertising tobacco or alcohol products, or foods that are high in fat, salt or sugar will not be approved.

5. Stretched Limousines

5.1 Licences for stretched limousines are issued subject to the Council's standard conditions (Appendix 7).

5.2 For the purposes of this policy and licence conditions, a stretch limousine is defined as:

- a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures and is capable of carrying up to, but not exceeding, 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

6. Private Hire Operators

6.1 General

- 6.1.1 The Council recognises that private hire operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society. Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.
- 6.1.2 Private hire operators are responsible for ensuring that all the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.
- 6.1.3 All private hire operator's licences are issued subject to the Council's standard conditions (Appendix 8).

6.2 Duration of Licence

Private hire operator's licences can be issued for a period of one, or five years.

6.3 Disclosure and Barring Service Checks

- 6.3.1 In accordance with the Statutory Guidance the Council requires applicants to provide a recent basic DBS certificate before a private hire operator's licence will be granted, and then annually throughout the duration of the licence, in respect of the person named on the licence, or for each director or partner where the licence is held by a company or partnership.
- 6.3.2 Where an applicant, director or partner also holds a valid Blackburn with Darwen driver's licence, the requirements in 6.3.1 are dis-applied in respect of that individual.
- 6.3.3 Any applicant who has spent six continuous months or more, overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English
- 6.3.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 6.6.4.
- 6.3.5 Applications for private hire operators licences must provide a copy of their policy on employing ex-offenders in roles that would be on the register required by 6.6.4.

6.4 Insurance

Private hire operators are required to provide proof of employer's liability insurance and where the public have access to the premises to be licensed, they must also have adequate public liability insurance.

6.5 Premises

- 6.5.1 Where a private hire operator provides premises for the public, they shall at all times be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.
- 6.5.2 If sanitary and washing facilities are provided for customers in addition to those provided for staff

they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.

- 6.5.3 If separate male and female facilities are not provided, any WC made available to the public must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.

6.6 Records

- 6.6.1 Private hire operators are required to keep comprehensive records of all bookings. As a minimum, licensed operators must record details of:-
- the name of the passenger;
 - the time of the request;
 - the pick-up point;
 - the destination;
 - the name of the driver;
 - the driver's licence number;
 - the vehicle registration number of the vehicle;
 - the name of any individual that responded to the booking request;
 - the name of any individual that dispatched the vehicle.
- 6.6.2 Full details must be recorded separately, of any bookings that are sub-contracted to or from another private hire operator.
- 6.6.3 Booking records must be retained for a minimum of 12 months.
- 6.6.4 A register of dispatch staff, who are not also licensed drivers, which includes their full name, address, date of birth and National Insurance number, shall be maintained and made available to an authorised officer of the Council on request.
- 6.6.5 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, is not permitted without the informed consent of the booker.

6.7 Application process

- 6.7.1 Private hire operator licences clearly indicate the expiry date of the licence and it is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.
- 6.7.2 Applications will not be determined until the applicant is able to produce:
- Evidence of appropriate planning permission
 - Sample door sign
 - Basic DBS certificates (where required by 6.3.1)
 - A copy of their policy on employing ex-offenders
 - Payment of the appropriate fee

6.8 Non Standard Operator Licences (Limousines, Chauffeur or Executive hire)

- 6.8.1 Business Plan – Applicants must provide details demonstrating how the business will operate, including details of the type of customers targeted by the business; details of any website or social media presence; customer methods of payment; method used by customers to book a vehicle.
- 6.8.2 Dress Policy - If the applicants business adheres to a dress code, this would support the case for a non-standard licence. Officers will take into account any requirements for drivers to wear a full chauffeur uniform or other dress code when assessing the application.
- 6.8.3 Specialist skills – in addition to holding a Blackburn with Darwen driver's licence, the applicant business may require their drivers to have other specialist skills. These should be specified in the business plan. Officers will take into account any requirements for drivers to have additional skills or training e.g. defensive driving or advanced driving courses, or to be members of a professional body, when assessing the application.
- 6.8.4 If the Licensing Officer is satisfied that the (proposed) business is not involved in the provision of traditional private hire services, it would be eligible for a non-standard operator's licence. Non-standard private hire operator's licence holders will be exempt from the requirements to display council issued door stickers and plates on their vehicles. Window discs will be provided which must be displayed in the front windscreen.

7. Regulation & Enforcement

- 7.1 The Council has a duty to ensure that the vehicles, drivers and operators that it licenses, carry out their functions in accordance with the legislation and licence conditions.
- 7.2 The Council operates a penalty point scheme (Appendix 9). Licensed drivers or vehicle proprietors will be issued with penalty points in accordance with scheme and where a licence holder accumulates 20 or more points in any 12 month period, they would be referred to the General Licensing Sub-Committee for a review of their fitness to hold a licence. The panel members have the authority to impose a range of sanctions dependant on the circumstances. Sanctions could include a simple warning, the requirement to pay for and attend driver training, or in some cases the suspension or revocation of the licence.
- 7.3 The Council invites complaints, concerns or compliments about individual drivers, vehicles or operators via the website. All complaints received will be recorded against the licence holder, but anonymous complaints would not normally be investigated further, unless there is independent evidence to corroborate the allegations.
- 7.4 Officers charged with the regulation of the hackney carriage and private hire trade will be appropriately trained and authorised within the Council's scheme of delegation.

8. Fees

- 8.1 The Council sets and regularly reviews its fees for taxi and private hire licensing, in line with the Governments requirement that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.
- 8.2 A list of the current licence fees can be found on the Council's website along with some miscellaneous charges for duplicate plates, badges and licences etc.
- 8.3 Licence holders who surrender a licence before its natural expiry, are not eligible for a refund.



Hackney Carriage and Private Hire Licensing

Policy on Convictions and other Relevant Matters

1. Introduction

- 1.1 This document aims to provide guidance to any person with an interest in public and private hire licensing, on the criteria that may be taken into account by Blackburn with Darwen Council, when determining if an applicant or existing licence holder, is a fit and proper person to hold a licence. This includes:
- Applicants for drivers' licences
 - Existing licensed drivers whose licences are being reviewed
 - Applicants for operators licences
 - Existing licensed operators whose licences are being reviewed
 - Licensing Officers
 - Members of the Licensing Committee / Panel (or other relevant decision making body)
 - Magistrates hearing appeals against local authority decisions
 - Lancashire Constabulary
- 1.2 The overriding aim of the Licensing Authority is to protect the public and it is ultimately concerned to ensure:
- That licence holders are fit and proper.
 - That the public are not exposed to persons with a history of dishonesty, indecency or violence.
 - The safeguarding of children and young persons and vulnerable adults.
- 1.3 The relevant sections of this policy will also be applied to applicants for, or holders of, Private Hire Operator's licences in so far as they relate to the fitness and propriety of the applicant.
- 1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined, but to assist decision makers, Blackburn with Darwen Council has adopted the following test in accordance with the Statutory Guidance issued by the Department for Transport in 2020 **"Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?"**
- 1.5 All decisions will be made on the balance of probabilities and the Council will not give any applicant the benefit of doubt, or issue licences for a probationary period. If the committee/panel is only "50/50" as to whether the applicant is 'fit and proper', they will not be permitted to hold a Blackburn with Darwen licence.
- 1.6 Whilst criminal convictions, cautions and motoring offences rightly play a part in the Licensing Authority's consideration of the fitness of an individual, the Council will also take into account other relevant factors, including, but not limited to; the demeanour, medical fitness, integrity and general character of the applicant; their driving record; information registered on NR3; soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities or statutory bodies.
- 1.7 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases, or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

- 1.8 In the case of existing licence holders, the Council will also take account of any history of compliance issues, complaints or allegations.
- 1.9 Where Licensing Officers have delegated powers to grant licences, they may do so in accordance with these guidelines. In all other cases, applicants for licences will be referred to the Licensing Committee/Panel. Nothing in this Policy prevents a Licensing Officer from referring any applicant or licence holder to the committee/panel, where they find it appropriate to do so, in the circumstances.
- 1.10 The Council recognises that it must not fetter its discretion and therefore it will consider and determine each case on its own merits, whilst having regard to this policy.
- 1.11 The Licensing Committee/Panel may, in exceptional circumstances, depart substantially from this policy, but it should be noted that, the otherwise good character or driving record of an applicant, would not ordinarily be considered to be exceptional circumstances.
- 1.12 Where the Authority does depart from this policy, it will give clear reasons for doing so.
- 1.13 Whilst existing licences will not be automatically revoked if the holders do not meet the standards in this policy, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its adoption, the Council may consider such activity and re-evaluate any decision made in reliance on any previous policy.
- 1.14 Throughout this policy the term “conviction” includes criminal, civil or motoring convictions, cautions, warnings, reprimands, orders and endorsable Fixed Penalty Notices.
- 1.15 The term “applicant” includes new applicants and existing licence holders.
- 1.16 The term “from date sentence ended” relates to the actual sentence imposed and not to the time served, by the offender.

2. General Policy

- 2.1 Whilst a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it is normally be expected that they:
 - i) Remain free of convictions for an appropriate period; and
 - ii) Demonstrate adequate evidence that they are a fit and proper person to hold a licence
- 2.2 The onus is on the applicant to produce such evidence and simply remaining free of convictions, will not normally be regarded as adequate evidence of fitness and propriety.
- 2.3 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced, or if there is reason to question or doubt the evidence provided, that in itself, could satisfy the Council that it should refuse or revoke a licence.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

3. Powers

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence, if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; been convicted of an immigration offence or

required to pay an immigration penalty; or for any other reasonable cause.

- 3.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending, or a recent pattern of repeat offending.

4. Consideration of Offending History

- 4.1 The Licensing Authority is required to ensure that an applicant for the grant or renewal of a licence is a 'fit and proper' person to hold such a licence.

In considering evidence of an individual's good character and fitness to hold a licence, where previous offences or other information relating to the applicants conduct is disclosed, the Council will consider among other things:

1. How serious the offence(s) are
 2. The intent or harm which was, or could have been caused
 3. When the offence(s) were committed
 4. Any sentence imposed by the court
 5. The circumstances of the individual at the time of the offence
 6. Whether this forms part of a pattern of offending
 7. Any other factors that are considered relevant
- 4.2 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) off any applicant for a Blackburn with Darwen driver's licence and it follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 4.3 Blackburn with Darwen Council requires licence holders to be registered with the DBS update service to enable the Licensing Authority to carry out periodic checks using the online service.
- 4.4 Conditions on drivers' licences require holders to notify the Licensing Authority within 48 hours of any arrest, charge or conviction for any sexual offence, any offence involving dishonesty or violence, or any motoring offence. This should trigger an initial review by the licensing authority to consider what, if any, action in terms of the licence, should be taken based on the balance of probabilities at that time.
- 4.5 The Council has a wide discretion on what information it may have regard to when making a determination and is entitled to rely on other records and information that may be available to it, when determining applications or licence reviews. This could include information held by this Council, other licensing authorities, information disclosed by the police under the Common Law Disclosure Scheme, or any other credible source.
- 4.6 Applicants who have a serious criminal history of offending may pose a significant risk to the public and are likely to be refused a licence even after the stated period expressed as being "free from offending" has expired. A serious criminal history of offending would include applicants who

have multiple relevant offences, or who have been sentenced to a cumulative term of imprisonment of 6 months or more.

- 4.7 Where an applicant is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.8 References produced by drivers attesting to their good character must be provided at least 3 working days in advance of the hearing date. They must be current and have been produced by the referee in the full knowledge of the specific reason they are being presented to the Sub-Committee.

5. Crimes resulting in death

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

6. Exploitation

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

7. Offences involving violence

- 7.1 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 7.2 A licence will not normally be granted where an applicant has convictions for the following offences unless at least 5 years have passed since the conviction or completion of any sentence:- Common assault; Harassment, S.4 Public Order Act 1986 (fear or provocation of violence); S.5 Public Order Act 1986 (harassment alarm or distress)
- 7.3 A licence will not normally be granted where the applicant has a conviction for criminal damage unless at least 3 years has passed since the conviction or completion of any sentence.

8. Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

9. Sexual and indecency offences

- 9.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 9.2 The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

10. Dishonesty

- 10.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 10.2 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be granted a licence, or be permitted to keep their licence.

11. Drugs

- 11.1 Where an applicant has a conviction for, or related to, the supply of drugs, or possession with intent to supply, or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 11.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.
- 11.3 Applicants with 2 or more convictions for drug related offences will not normally be granted a licence.

12. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Drink/Drug driving

- 13.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.
- 13.2 In the case of driving under the influence of drugs an applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

14. Using a hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

15. Motoring convictions

- 15.1 Licensed drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence.
- 15.2 However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally
- 15.3 Any traffic or vehicle related offence which resulted in injury to any person or damage to any property, including vehicles, or driving without insurance or any offence connected with motor insurance, will be referred to the General Licensing Sub-Committee.

Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

- 15.4 The committee/panel will have regard to the circumstances of each offence and where offences involve the use of a licensed vehicle in the course of hackney carriage or private hire work, this will be considered to be an aggravating factor.

16. Other traffic offences - Major

- 16.1 New applicants and existing licensed drivers with a conviction for a 'Major traffic offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the General Licensing Sub-Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence.

For the purposes of these guidelines the following motoring offences are classed as 'Major traffic offences':

- 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
- BA30 Attempting to drive while disqualified by order of Court
- DD40 Dangerous driving
- DR60 Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
- DR61 Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
- DR70 Failing to provide specimen for breath test
- 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
- MS90 Failure to give information as to identity of driver, etc.
- UT50 Aggravated taking of a vehicle

16.2 Other traffic offences – Intermediate

Any Intermediate traffic offence, which has attracted 4 or more penalty points, will be treated as a Major traffic offence.

One conviction

Where an individual has a single Intermediate traffic offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

Two or more convictions

Where an individual has 2 or more Intermediate traffic offences in the 12 months immediately preceding the date of application, the individual will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

New applicants and existing licensed drivers with a conviction, fine, simple caution or fixed penalty points for an offence which falls under the headings of 'Minor' or 'Intermediate' traffic offences and where the total number of accumulated points on their drivers licence is less than 12, or does not result in a period of disqualification, can have their applications granted without the application being referred to the Panel.

A disqualification owing to the totting up system, or in relation to an intermediate or minor offence, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate traffic offences':

- 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 tyres
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Breach of requirements as to control of the vehicle mobile phones etc.
- 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 of other road users
- 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 – not resulting in a fixed penalty
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Exceeding speed limit offence

16.3 Other traffic offences – Minor

Any Minor traffic offence which has attracted 4 or more penalty points will be treated as an Intermediate traffic offence.

One conviction

Where an individual has a single Minor traffic offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

Two or more convictions

Where an individual has two or more Minor traffic offences in the 12 months immediately preceding the date of application an individual will normally be expected to show a period of at least six months free from conviction before an application is considered.

For the purposes of these guidelines the following motoring offences are classed as Minor traffic offences:

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- 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
- SP30 Exceeding statutory speed limit on a public road resulting in a fixed penalty
- 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 (excl. "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

Throughout this section

Aiding, Abetting, Counselling or Procuring - Offences as coded, but with 0 changed to 2

Causing or Permitting - Offences as coded, but with 0 changed to 4

Inciting - Offences as coded, but with 0 changed to 6

Or similar offences or offences which replace the above offences.

16.4 Totting up without Disqualification

An individual who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification from them. In these circumstances the Council will consider the application as a disqualification for the most serious of the offences, that contributed to the totting up.

17. Licensing offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

18. Non-conviction information

- 18.1 The Council will also take into account situations or circumstances that have not led to a conviction for whatever reason, including situations where the person has been arrested and bailed, but not yet charged, acquittals, circumstances in which convictions were quashed on technicalities, circumstances where a decision was taken not to prosecute and complaints from the public.
- 18.2 When considering the most appropriate action to take in respect of non-conviction information, the Council recognises that it is not bound by the criminal burden of proof and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.
- 18.3 The Licensing Authority will take into account the credibility of; the complainant; any witnesses; and the licence holder, along with any other evidence produced, when reaching a decision.
- 18.4 If an applicant has been arrested or charged, but not convicted for an offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application or revoking the licence in the first instance, subject to the requirements of section 18.3.
- 18.5 Where an applicant has previously been refused a licence or had a licence revoked, a new licence will not normally be considered until at least 2 years have elapsed since the Council's original decision.
- 18.6 Where compelling new evidence becomes available, and is such that if it had been available at the time of the original decision, it would probably not have resulted in a refusal or revocation, para 18.5 may be dis-applied.
- 18.7 In assessing the appropriate course of action to take, the safety of the travelling public will always be the paramount concern.

19. Once a licence has been granted

- 19.1 Once a licence has been granted, there is a continuing requirement for the licensee to remain fit and proper to hold the licence. Where the licensing authority is considering a licence review, any conduct or convictions which would have resulted in a refusal to grant a licence in accordance with this policy, will result in an existing licence being revoked.
- 19.2 Suspension or revocation of a driver's licence ordinarily takes effect at the end of the period of 21 days beginning with the day on which the decision notice setting out the reasons for the suspension or revocation is given to the driver.
- 19.3 If the Licensing Authority deem it necessary for the suspension or revocation to have immediate effect in the interests of public safety, the notice given to the driver must also include a statement issued under Section 61 (2B) Local Government (Miscellaneous Provision) Act 1976, that the suspension or revocation is effective immediately and the reasons why.
- 19.4 Any suspension or revocation of an Operator's Licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

20. Licences issued by other licensing authorities

Applicants who hold a driver or operator licence issued by another licensing authority, must not assume that their application will automatically be granted. Only applicants who are considered to be fit and proper by Blackburn with Darwen Council, having regard to the criteria laid out in this policy, will be granted licences.

21. Hearings

- 21.1 Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is “fit and proper”, notice of the time and date for the committee/panel will be given ahead of the date listed, in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- 21.2 Ex-parte hearing – Where a committee/panel is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person’s right to a fair hearing, against whether or not it is in the public interest to hold the hearing ex-parte.

22. Appeals

- 22.1 Any applicant refused a licence has the right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
- 22.2 Anyone aggrieved by the Council’s decision to suspend or revoke their licence, or to impose additional conditions on their licence, has a right of appeal to the Magistrates’ Court within 21 days of the decision notice.

CONDITIONS ATTACHED TO DRIVERS LICENCES

1. Licensed drivers must inform the council within 48 hours of any of the following:
 - (a) arrest and release or charge for any sexual offence, any offence involving dishonesty or violence or any motoring offence
 - (b) cautions administered to him by the police,
 - (c) convictions for criminal offences,
 - (d) convictions for motoring offences,
 - (e) penalty points recorded on his statutory driving licence
2. Licensed drivers must maintain a subscription to the online DBS update service throughout the licensed period. If they do not subscribe or allow their subscription to lapse, they must produce a new enhanced DBS every six months.
3. If there is a change to the information recorded on the registered DBS certificate, they must produce a new enhanced certificate and register that one with the update service.
4. Licensed drivers must:
 - (a) behave in a civil and orderly manner, be appropriately dressed and take reasonable precautions to ensure the safety of persons conveyed in the vehicle;
 - (b) not play music except with the consent of the hirer;
 - (c) when they have agreed or have been hired to be in attendance with the vehicle at an appointed time and place, shall, unless delayed or prevented by sufficient cause, punctually attend with such vehicle at that time and place;
 - (d) never carry more than the number of passengers stated on the vehicle licence;
 - (e) not carry any other passengers in the vehicle without the consent of the hirer;
 - (f) never conceal any licence plate from public view whilst the vehicle is licensed;
 - (g) notify the Council, in writing, of any change of home address within 14 days;
 - (h) notify the Council, in writing within 72 hours of any change of operator
 - (i) Any property left in the vehicle must be recorded and handed to the Private Hire Operator or Hackney Carriage proprietor for safe keeping.
6. Licensed drivers must inform the council, within 7 days of any change to their health which could impact on their ability to meet the group 2 standard i.e. giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, coronaries, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking, the loss of the use of a limb or the permanent loss of a limb.

The above list does not include all of the conditions that must be reported and are only included as examples. Drivers who are in doubt about whether or not their health condition is one that should be reported must consult their doctor.

Temporary conditions, other than recurrent ones, not expected to last longer than three months, such as a sprained ankle or broken arm, need not be reported.
7. If the licensed vehicle is constructed so as to carry luggage, when requested by any person hiring or seeking to hire the vehicle, the driver shall:
 - (a) convey a reasonable quantity of luggage,
 - (b) afford reasonable assistance in loading and unloading,

- (c) afford reasonable assistance in removing it to or from the entrance to any building, station or place at which he may take up or set down such a person.
- 8. The driver of a private hire or hackney carriage vehicle provided with a taximeter shall:
 - (a) as soon as the vehicle is hired by distance, and before beginning the journey, ensure that the word 'HIRED' is visible on the face of the taximeter until the end of the hiring;
 - (b) Ensure that taximeter is properly illuminated throughout any part of the hiring during the hours of darkness and also at any other time at the request of the hirer
- 9. Licensed drivers must produce a group 2 medical certificate completed by a registered medical practitioner on first application, at age 45, then every five years until age 65 and thereafter annually, unless the driver is also the holder of a valid PSV or HGV licence.

For information

Smoking in private hire vehicles

It is an offence under Section 7 (2) of the Health Act 2006 to smoke inside a hackney or private hire vehicle. The penalty for this offence is **£200**. The person who has control of the smoke free vehicle, would commit a further offence under Section 8 (4) - allowing smoking to take place in a smoke free place. The maximum penalty for this offence is **£2,500**.

Carriage of guide, hearing and assistance dogs

Licensed drivers are required to carry guide, hearing and assistance dogs accompanying disabled people and to do so without any additional charge. If you fail to comply with this duty without holding the required medical exemption certificate, you will be guilty of an offence and liable for a fine of up to **£1,000**. [Section 170 (3) of the Equality Act 2010].



The Licensing of Hackney Carriages & Private Hire Vehicles

Supplement Testing Manual 4th Amendment

Elements of the vehicle Test in addition to M.O.T standards

First approved at a meeting of the Licensing Sub Committee held on 11th April 1991

1st amendment approved at a meeting of the Licensing Sub Committee held on 30th
September 1993

2nd amendment approved at a meeting of the Licensing Sub Committee held on 24th
March 1997

3rd amendment / revision approved by Executive Member on 10th April 2007 (revised
1/4/10 re door signage)

4th amendment / revisions approved by Executive Member on 8th April 2011

Where the tester is of the opinion that the overall standard of the vehicle is inadequate they should in the first instance contact the Council's Licensing Section, where a joint inspection will be arranged

1. EXTERIOR OF THE VEHICLE		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas	Contamination preventing proper inspection.	If the vehicle is presented for inspection in such a condition to prevent a full examination of items for inspection, the test will not be carried out. 2 nd opinion will be obtained from Licensing
1.2 Check all door check straps to ensure that doors are held in place when fully opened.	Door check straps which fail to hold the doors in place when fully opened.	
1.3 See Appendix A for bodywork standards		
1.4 Examine the external paintwork for damage which adversely affects the appearance of the vehicle.		
1.5 Ensure that the front and rear bumpers are in good order and are securely fixed to the vehicle.	a) inadequately secured front or rear bumpers b) cracked or parts missing	Some vehicles have reversing lights fitted as an extra. If this is so then check that the switch provided for its use is fitted in such a position capable of indicating to the driver of the vehicle that the reverse light(s) have been activated or deactivated. All other light checks still apply.
1.6 Examine the rubber seals to every door for serious damage, looseness or absence.	A door seal which is damaged or worn to the extent that air/water penetration may occur, constitutes a fail or any sharp edges arising from door seal defects constitutes a fail.	
1.7 Check that every reversing light fitted by the manufacturer of the vehicle:	A reversing light which:	
a) operates when reverse gear is selected	does not operate when reverse gear is selected	
b) is complete, in good working order and in clear condition	is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired	
c) emits a steady white light	emits other than a steady white light when reverse gear is selected remains on when reverse gear is deselected	
d) is securely fitted and provides adequate illumination to the rear of the vehicle	insecure or does not provide adequate illumination to the rear of the vehicle	

1. EXTERIOR OF THE VEHICLE cont.		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.8 Operate the washers and wipers and note the swept area of the rear window	<p>A wiper or washer control is missing or inaccessible to the driver</p> <p>A wiper does not automatically operate when switched on</p> <p>A wiper installed for the use of the driver does not operate over an area of the rear window enough to give the driver an adequate view</p>	<p>This inspection only applies to a vehicle that is manufactured with a windscreen wiper and washer(s) fitted to the rear window of the vehicle.</p> <p>Removal of the rear washer unit will not be permitted.</p>
1.9 Examine the condition, security and effectiveness of the wiper blade and its contact with the rear window	A wiper blade unsecure, missing, deteriorated or which does not clear the rear window effectively to give the driver an adequate view to the rear from the driver's seat.	
1.10 Check the function of the rear window washer	The window washer does not provide enough liquid to clear the rear window in conjunction with the wiper	
1.11 Check the driver and front passenger window	Obscured view	The driver and passenger must be visible through the windows
Section 2 does not apply to vehicles presented for inspection where an initial application for a private hire vehicle licence is being made		
2. SIGNS – PRIVATE HIRE VEHICLE SIGNS		
2.1 Examine the signs displayed on the front doors of the vehicle to ensure that they comply with those approved by the Council.	Failure to display the name of the Private Hire Company and/or its telephone number in the manner prescribed (i.e. position of sign, size of lettering etc.)	<p>The Council's conditions require that "The proprietor shall display a sign on the front doors of the vehicle to the Councils uniform design and specification, the sign to incorporate the business name of the operator, but such name is not to include the word "taxi" Hackney or Cab in any form".</p>
2.2 A vinyl notice (which shall have the text "Licensed Private Hire Vehicle" and the text "Advanced Booking Only") supplied by the Council, identifying the vehicle as a private hire vehicle, and also the plate number, shall be displayed on the upper panels of the rear doors.	Failure to display signs in the manner prescribed	

2. PRIVATE HIRE VEHICLE SIGNS cont.

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
2.3 On MPVs (Multi Passenger Vehicle) licensed as private hire vehicles the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.	Failure to display signs in the manner prescribed	
2.4 No Smoking signs compliant with the Health Act 2006 on rear passenger windows	Failure to display signs in the manner prescribed	

Section 3 does not apply to vehicles presented for inspection where an initial application for a private hire vehicle licence is being made

3. LICENCE PLATES

3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that the licence detail is clearly legible.	A damaged plate or a plate with licence number not clearly legible.	The vehicle licence plate and holder issued by the council identifying the vehicle as a private hire vehicle/hackney carriage vehicle shall be securely fixed to the exterior of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer.
3.2 Examine the plate that is fitted to the vehicle to ensure that it is securely fixed. Ensure that the plate is fixed in a prominent position.	A plate which is not adequately secured to the vehicle or is not fitted in a prominent position.	

4. TYRES AND SPARE WHEEL

4.1 Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels Space saver-refer to Appendix B	A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	If a vehicle has tyres in a Combination which conforms to current legal requirements (e.g. radial and cross ply), the carrying of one spare wheel/tyre cannot be accepted, since it can only be used in limited circumstances. The vehicle must therefore fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle. A mix of steel and cord radials on one axle will not be accepted.
4.2 Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements for tyres when fixed to the vehicle.	Damaged, worn, sub-standard or otherwise illegal tyres.	
4.3 Check that the tyre is not seriously over inflated or under inflated.	Excessively under or over inflated spare tyre.	Exemption = Minibuses where there is no provision to store safely. A remould will only be accepted if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard.

4.TYRES AND SPARE WHEEL cont.		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<p>2.1 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.</p> <p>2.2 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.</p> <p>4.6 Check the rim of the spare wheel for any signs of distortion or damage</p>	<p>Failure to provide a suitable jack and/or wheel brace with the vehicle.</p> <p>Failure to satisfactory secure the spare wheel.</p> <p>A damaged or distorted spare wheel rim to such extent that it renders it unserviceable.</p>	<p>If a vehicle has tyres in a Combination which conforms to current legal requirements (e.g. radial and cross ply), the carrying of one spare wheel/tyre cannot be accepted, since it can only be used in limited circumstances. The vehicle must therefore fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle. A mix of steel and cord radials on one axle will not be accepted.</p> <p>Exemption = Minibuses where there is no provision to store safely.</p> <p>A remould will only be accepted if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard.</p>
3. BOOT		
<p>5.1 Examine the boot interior for evidence of corrosion or water penetration.</p> <p>5.2 Ensure that there is adequate boot floor covering and that it is in good condition and offers adequate protection to luggage stored in the boot.</p> <p>5.3 Examine the interior of the boot for accumulations of dirt, dust, grease, litter, etc. Or staining of any surface which luggage may come into contact.</p> <p>5.4 Check the boot for the presence of containers of any flammable or corrosive materials (e.g. oil, petrol).</p> <p>5.5 Check boot for loose tools and other items.</p>	<p>Corrosion to the floor of the boot, inner wing panels or lid.</p> <p>Inadequate floor covering.</p> <p>Accumulations of dirt, grease, rubbish etc. In the boot which could soil or damage luggage stored therein.</p> <p>Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.</p> <p>Any tools or other items not adequately secured, or would hinder the storage of luggage.</p>	<p>For Hackney Carriage Vehicles exemption where boot is not used for passenger goods.</p> <p>The materials could contaminate passengers luggage, taint food etc.</p>

5. BOOT cont.		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<p>5.6 Check that the vehicle boot supports and opening mechanism adequately support the lid when it is in the 'lifted' position.</p> <p>5.7 Check that the vehicle is equipped with suitable wheelchair ramps and they are permanently legibly marked with the registration mark of the vehicle that they are carried in.</p>	<p>a) Defective opening mechanism</p> <p>b) Defective boot supports which prevent the lid from being properly secured in the 'lift' position.</p> <p>a) Vehicle not equipped with suitable wheel chair ramps.</p> <p>b) Ramps not marked with the registration mark of the vehicle they are being</p>	<p>This section only applies to Hackney Carriages.</p>
6. ENGINE COMPARTMENT		
<p>6.1 Carry out a visual inspection of the engine compartment for signs of oil leaks.</p> <p>6.2 Ensure that the battery is properly secured in position.</p> <p>6.3 Check the fan belt for signs of incorrect adjustment and/or deterioration.</p> <p>6.4 Examine the engine mountings for signs of deterioration.</p> <p>6.5 Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks.</p> <p>6.6 Check the clutch mechanisms for correct operation.</p>	<p>Excessive oil leaks.</p> <p>A battery which is not adequately secured.</p> <p>An incorrectly adjusted or deteriorated fan belt.</p> <p>Insecure or excessively deteriorated engine mountings.</p> <p>An inadequately radiator or leaks from the cooling system.</p> <p>Fluid leakage or mechanical components wear in the clutch mechanism.</p>	
7. INTERIOR OF VEHICLE		
<p>7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.</p>	<p>A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. Or staining to the carpets or upholstery.</p>	

7. INTERIOR OF VEHICLE cont.		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
7.2 Examine the upholstery provided to ensure that they are not worn, holed or torn.	Upholstery which is excessively worn, holed or torn.	
7.3 Examine each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in good condition and offer proper support to passengers.	Seat cushions or back rests which are in a poor condition and/or offer support to passengers.	
7.4 Examine the rear seats to ensure that the seat base is secure.	Inadequately secured rear seat bases.	
7.5 Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer.	a. Faulty interior light fitting. b. Faulty interior light switch. c. Faulty interior light door switches.	b) and c) are only applicable where they are fitted by the manufacturer.
7.6 Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory working order.	Defective heater/windscreen de-mister.	
7.7 The anti-slip face on the clutch pedal.	The anti-slip provision on the clutch pedal is missing, loose or worn smooth	
7.8 Check the operation of the rear screen heater to ensure that it is functioning properly.	A defective rear screen heater.	
7.9 Check the operation of all window winder mechanisms ensuring that they allow all windows to be fully lowered or raised.	Window winder mechanisms that do not allow windows to be easily lowered or raised.	Vehicles fitted with electric windows must comply to this standard of operation.
7.10 Check the operation of all rear doors from the interior of the vehicle.	a. A rear passenger door that cannot be opened from the inside using the interior handles. b. Missing or damaged handles which prevent the opening of the rear doors from the interior.	If child locks are released for the purpose of the test, ensure they are reapplied.
7.11 Check that a mirror is fitted to the interior and near side of the vehicle.	Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat.	

7. INTERIOR OF VEHICLE cont.		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
7.12 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	Unacceptable smells including vomit, waste food or other similar contaminants	
7.13 Ensure that all emergency exits provided on the vehicle are clearly marked, in letters not less than 25mm high, on both the inside and outside, the words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" adjacent to that exit.	a. Less than 25mm high. b. The words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" are not displayed on either the inside or outside. c. They are not adjacent to the exits.	Sections 7.13 and 7.14 are only applicable to vehicles which are licensed or intended to be licensed for the carriage of eight passengers not including the driver.
7.14 Check that the means of operation for the emergency exits are clearly indicated on or near the door.	The means of operation are not clearly indicated.	
7.15 Check that the vehicle is equipped with the apparatus for securing a wheelchair in the vehicle.	Vehicle not equipped with the apparatus.	This section only applies to Hackney Carriage Vehicles or WAV's (Please refer to detailed specification for hackney carriage vehicles)
Section 8 does not apply to vehicles presented for inspection where an initial application for a private hire vehicle licence is being made		
8. FIRST AID KIT		
8.1 Check that there is a first aid kit provided in the vehicle.	Failure to provide a first aid kit.	First aid kit to contain at least the following:-
8.2 Check that there is a sign clearly displayed in the interior of the vehicle indicating to any other person than the driver of that vehicle the location of the first aid kit in the vehicle.	No sign clearly displayed indicating the position of the first aid kit in the vehicle.	a) 6 individually wrapped sterile adhesive dressings;
8.3 Check that the first aid kit is permanently and legibly marked with the registration mark of the vehicle that it is being carried in.	First aid kit not marked with the registration mark of the vehicle it is being carried in.	b) One medium sized sterile un-medicated dressing (approx. 10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No.13 B.P.C);
8.4 Check the first aid kit to ensure that the contents conform to the requirements laid down in the Councils specification (see notes)	Contents do not conform to the Councils specification.	c) One triangular bandage (this should, if possible, be sterile: if not a sterile covering appropriate for serious wounds should also be included); d) 6 Safety pins.
		N.B. The First Aid Kit must not be opened by the Vehicle Examiner. This function will be performed by Enforcement Officers on spot checks.

9. FIRE EXTINGUISHERS

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
9.1 The carriage of a fire extinguisher is optional.	A fire extinguisher which does not conform, to the Councils standard.	Extinguishers of the dry powder type will require regular shaking to remain effective.
9.2 If a fire extinguisher is carried it must be of the 2.2kg a dry powder type.	A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	Ensure that the position of the fire extinguisher is clearly displayed on the dashboard.
9.3 Examine the fire extinguisher to ensure that it is not empty or has been damaged as to prevent it functioning properly.	A leaking, empty or damaged extinguisher.	
9.4 Check whether the fire extinguisher is permanently legibly marked with the Registration number of the vehicle.	A fire extinguisher which is not permanently, and legibly marked with the registration of the vehicle.	N.B. Fire Extinguishers became optional following a Licensing Sub Committee decision of 1.10.92 (Minute 1162 refers).

APPENDIX A – Condition of bodywork and paintwork (1.3)

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<p>Inspection conducted with the vehicle standing on a level surface</p> <p>Topside body examination. Check:-</p> <ol style="list-style-type: none"> 1. There is no evidence of significant damage to the external body panels. 2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle. 3. There is no evidence of crudely repaired or, insecure body panels. (visual examination). 4. That there is no evidence of significant rusting or corrosion resulting in sharp protruding edges 	<p>There is evidence of significant damage to the external body panels.</p> <p>Single passenger door is not on the nearside of the vehicle.</p> <p>There is evidence of crudely repaired or insecure body panels.</p> <p>There is evidence of significant rusting or corrosion with sharp protruding edges</p>	<p>Significant means: One or more body panels having sustained disproportionate amount of damage and/or poses a potential risk to the passengers, driver or other road users. Visual inspection of all body panels.</p> <p>Satisfactory appearance means: No panel should show the base primer, should not show signs of body filler. Do not attempt to make holes in the body work or enlarge any hole that already exists.</p> <p>Door handles and locks: Panel damage around the immediate area of door handles and locks should be given further consideration to ensure the locking/latching mechanisms operate correctly</p>

APPENDIX B - SPARE TYRE (4)

- B1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- B2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- B3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph B2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- B4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where paragraph B5 applies.
- B5 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

HACKNEY CARRIAGE VEHICLE SPECIFICATION

The Hackney Carriages Vehicles that this authority will licence must comply with the following specifications in addition to having a positive disability impact assessment.

- 1) Every Taxi Cab submitted for approval as a hackney carriage must be designed and developed exclusively for use as a wheelchair accessible vehicle (therefore incorporating a built-in taxi light as an integral part of the structure) have M1 classification and comply in all respects to **EC Whole Vehicle Type Approval (ECWVTA)** and be unaltered since type approval.
- 2) If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall been subsequently granted **M1 Whole Vehicle Type Approval**.
- 3) The exterior colour of all authorised hackney carriages must be black, unless the vehicle is a London Type cab, in which case it may be any colour.
- 4) **Wheelchair Access Equipment - Ramp:** A purpose – designed wheelchair single plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy. An add-on removable section would be deemed to meet this requirement. The installed ramp must have a minimum safe working load of 300 kgs. Ramps and fittings must comply with British Standards 6109.

5) **General Entry and Exit Requirements** The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be a minimum of 400mm through an adult can pass freely in a normal manner without any undue difficulty.

6) **Floor Height, Steps and Handrails** - At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

Where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from the road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg

Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and facilitate the use of steps where provided. All handrails shall be highlighted in a contrasting high- visibility colour to match handrails and seat markings

APPEALS PROCEDURE

If a vehicle proprietor is dissatisfied with the decision of a vehicle examiner to refuse to issue a test certificate in respect of a vehicle and the item(s), which are found to be defective, has/have been inspected in accordance with the Ministry of Transport Inspection Manual for Far and Light Commercial Vehicle Testing, then the appeal shall be in accordance with Regulation 18(1) of the Motor Vehicles (Test) Regulations 1981 which states:

A person to whom a notice of the refusal of a test certificate has been issued may appeal to the Secretary of State and, save as may be otherwise permitted by the Secretary of State, any such appeal shall –

- (a) be on a form approved by the Secretary of State and contain the particulars required by that form;
- (b) be sent to the office of any traffic area within 14 days from the date of the said notice.

BLACKBURN WITH DARWEN BOROUGH COUNCIL

BYE-LAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the BOROUGH OF BLACKBURN WITH DARWEN COUNCIL with respect to Hackney Carriages in the BOROUGH OF BLACKBURN WITH DARWEN.

Interpretation

1. Throughout these Bye-laws "the Council" means the BOROUGH COUNCIL OF BLACKBURN WITH DARWEN and "the District" means the BOROUGH OF BLACKBURN WITH DARWEN.

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

2. A proprietor or driver of a Hackney Carriage shall:

- (i) not wilfully or negligently cause or suffer any Licence Plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such Plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a Hackney Carriage shall:

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

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:

- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter or some other indication to show that the taximeter is no longer registering 'FOR HIRE';
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a Hackney Carriage shall:

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Bye-law in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:

- a) proceed with reasonable speed to one of the stands fixed by the Bye-law in that behalf;
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and
- d) so as to face in the same direction;
- e) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. (a) A proprietor or driver of a Hackney Carriage, shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the Plate affixed to the outside of the carriage provided however, that for this purpose, two children below the age of ten years may be counted as one person in so far as the rear seating only is concerned;

(b) the driver shall not allow there to be conveyed in the front of a Hackney Carriage:

- (i) any child below the age of ten years, or
- (ii) more than one person above that age.

12. The drivers badge provided by the Council shall be worn by the driver of a Hackney Carriage in such position and manner as to be plainly visible at all times when standing or plying for hire and when hired.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- a) convey a reasonable quantity of luggage;
- b) afford reasonable assistance in loading and unloading;
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15.(a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this Bye-law shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him.

- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the district and either leave it in the custody of the Officer in Charge of the Station on his giving a receipt for it, or at the option of the Police, give to the Officer in Charge his
- b) name and an address where the property may be reclaimed by the owner.
- c) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these Bye-laws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

CONDITIONS ATTACHED TO HACKNEY CARRIAGE LICENCES

1. The vehicle may not be fitted with roof signs other than a radio aerial which is fitted in such a position as to satisfy the Council.
2. No signs or advertisements other than approved door signs shall be displayed on hackney carriage vehicles unless:
 - (a) the advertisement may be extended across both front and rear doors; and
 - (b) the advertisement is no greater than 180cm x 60cm; and
 - (c) the advertisement is subject to the approval of Officers, acting under delegated powers.
3. Any radio equipment installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.
4. The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained so as to comply with the following requirements:
 - (a) the taximeter so fitted with a flag, key or other device, the turning of which will bring the taximeter into operation and cause the word 'HIRED' to appear on its face.
 - (b) such flag, key or other device shall be capable of being locked in such a position that the taximeter will not operate and that no fare is recorded on the face of the taximeter.
 - (c) when the taximeter is in operation there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance.
 - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded on it
 - (e) the taximeter shall be so placed that all letters and figures on the face of it are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being illuminated during any period of hiring
 - (f) the taximeter and associated fittings shall be fixed in such a way to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The carriage shall contain a statement of fares, to be fitted and maintained in such a position so as to be clearly show the following:
 - (a) the minimum charge of hiring, if any
 - (b) the fare tariff
 - (c) the retention charge per minute or portion thereof
 - (d) any additional charges, such as a soiling charge

6. The vehicle shall at all times for the duration of the licence comply with the requirements of the supplementary testing manual
7. Without prejudice to the obligations imposed by the general conditions of the licence, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that the:
 - (a) the vehicle is inspected every week for such matters as may be prescribed by the Council;
 - (b) a written record of such inspections, and any additional inspections or service(s) undertaken on the vehicle (in respect of such matters), is made at the time in the form prescribed by the council; and
 - (c) such written records are retained safely and are made available for production to an authorised officer of the council, or any police officer, within 72 hours of the request
8. The vehicle licence plate and holder issued by the council identifying the vehicle as a hackney carriage vehicle shall be securely fixed to the exterior of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.
9. A plate indicating the number of passengers allowed to be carried shall be securely fixed in the interior of the vehicle so that the information on the plate is facing the rear of the vehicle and is clearly visible to all passengers.
10. The vehicle shall be submitted for inspection to the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.
11. The vehicle shall be kept in good order and condition at all times.
12. Hackney carriage vehicle licences shall be granted for a period of 12 months or until the renewal date specified by the Council, whichever is the shorter period.
13. Where the proprietor of a licensed hackney carriage has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.
14. The vehicle shall be equipped at all times with suitable wheelchair ramps clearly marked with the registration number of the vehicle.
15. The proprietor shall ensure that the vehicle is equipped with apparatus for the securing of a wheelchair in the vehicle.

CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES

1. (a) **Only fittings & signs agreed by the council can be used on the vehicle**

Unless required by statute, order, or as mentioned in paragraphs (b) and (c), no signs, lights, advertisements or other fittings shall be displayed on or from the vehicle except a radio aerial which is to be fitted in such a manner as to satisfy the council.

(b) **Only agreed door signs showing the name of the operator may be displayed on the vehicle**

The proprietor shall display suitable signage on the vehicle to the satisfaction of the Council, the sign to include the business name of the operator, but not to include the word 'taxi' in any form.

(c) **Only the licensed private hire sticker issued with the plate must be displayed**

The proprietor of a private hire vehicle shall display within the upper half panel on each of the rear side passenger doors of a private hire vehicle the **permanent self-adhesive vinyl** notice, (which shall have the text "Licensed Private Hire Vehicle" and the text "Advance Booking Only") provided by the Council, identifying the vehicle as a private hire vehicle, and also the plate number. No other letter, numbers or any other type of livery may be displayed on the signage of these doors.

*On MPV's (Multi passenger vehicle) licensed as private hire vehicles, the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.

2. **A price list must be displayed where the customer can see it and it must show**

- (a) the minimum charge of each hiring if applicable
- (b) the fare tariff
- (c) the retention charge per minute or portion thereof
- (d) any additional charges

3. The vehicle shall at all times for the duration of the licence comply with the requirements of the supplemental test manual.

4. The vehicle licence plate issued by the council identifying the vehicle as a private hire vehicle shall be **securely fixed to the exterior** of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.

5. The vehicle shall be submitted for inspection at the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.

6. Where the proprietor of a licensed private hire vehicle has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.
7. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
 - (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will operate the taximeter and cause the word 'HIRED' to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the taximeter does not operate and that no fare is recorded on the face of the taximeter;
 - (c) when the taximeter is in operation, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare with the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance;
 - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply the fares recorded on it;
 - (e) the taximeter shall be so placed that all letters and figures on the face of it are at all times plainly visible to all passengers and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances

1. FOREWORD

This document sets out the Council's framework and requirements for the licensing of stretched limousines.

Ordinarily Private Hire Vehicles are licensed under the Local Government (Miscellaneous Provisions) Act 1976 which in general terms allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats.

2. DEFINITION

For the purposes of this document a stretch limousine is defined as follows:

A motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

3. DRIVER AND OPERATOR LICENSING REQUIREMENTS

The limousine operator must hold a private hire operators' licence issued by Blackburn with Darwen Borough Council and once licenced, the limousine may only be driven by a licensed Blackburn with Darwen driver.

All bookings for the licensed stretched limousine must be booked through the licensed private hire operator.

4. STANDARD CONDITIONS FOR STRETCHED LIMOUSINES

1. Licensed limousines must comply at all times with the requirements of Road Traffic legislation and have a valid Single Vehicle Approval (SVA) Certificate.
2. Stretched limousines must comply with the existing conditions of a Private Hire Vehicle Licence insofar as they are not superseded by these conditions and the local private hire licence fee shall be the same.
3. The vehicle shall not be used for every day Private Hire use
4. The Proprietor of a stretched limousine must:-
 - (i) Ensure that a suitable fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment;
 - (ii) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reason for non-compliance is rectified;
 - (iii) Ensure that loose luggage is not carried within the passenger compartment of the vehicle;

- (iv) Ensure that any CCTV cameras installed in the vehicle are registered with the Information Commissioner's office and operated in accordance with current UK legislation.
5. The proprietor of the vehicle must:-
- (i) Ensure that the vehicle is at all times only driven by a person who holds a current driver's licence issued by Blackburn with Darwen Council;
 - (ii) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
 - (iii) Not convey any passengers in the front compartment of the vehicle;
 - (iv) Ensure that seatbelts are fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no requirement for seatbelts on sideways facing seats.
 - (v) Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same.
 - (vi) Not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
6. The passenger compartment of the vehicle may be fitted with darkened or blackened glass
7. The vehicle will not be required to display an external private hire vehicle licence plate. The Council will issue the vehicle proprietor with an internal licence which identifies the vehicle as a private hire vehicle, and includes the registration number of the vehicle and the number of passengers permitted to be carried.
8. In the event that the vehicle is to be no longer used for private hire (special event) purposes, the proprietor must surrender the vehicle licence to the Council within seven days.
9. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.
10. There must be in force a valid policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder.
11. These documents must be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

1. NOTICES

You must display these notices on your premises:

- a. a copy of your Operator's Licence (Personal address of licensee will not be shown)
- b. a chart showing fares and charges
- c. a certificate of employer's liability insurance.

You must display all these notices in an area where the public will see them e.g. a waiting room.

2. NOTIFICATIONS

- a. You must inform the Council in writing **within 48 hours**
 - if you are due to appear in court for a motoring offence or a criminal offence
 - if the Police have given you a caution
 - if you are convicted of a criminal offence or a motoring offence.
- b. You must write to the Council and give them an address and telephone number where they can contact you at all reasonable times. If any of these details change you must tell the Council in writing **within 7 days**.
- c. If you change your home address you must tell the Council in writing **within 7 days**.
- d. If someone makes a serious complaint about anyone who has a licence from the Council you must tell the licensing section immediately. You must give them the name of the person involved and tell them what the complaint is.

A serious complaint includes dishonesty, violence, indecency, racism or any complaint which involves drugs or gives rise to safeguarding concerns.

- e. This Private Hire Vehicle Operators Licence is non-transferable.

If the owner of the business changes:

- you must tell the Council, in writing, within **7 days**. (You must include a letter from the previous owner or some other written proof that the owner of the business has changed.)
- the new owner must make a new application for a Private Hire Vehicle Operator's licence.

If the firm still has a licence, the Council will only grant a new one if they are sure that the interests of the original licence holder have been respected. The Council will need written proof of this from the original licence holder.

3. DISCLOSURE AND BARRING SERVICE CHECKS

- a. A recent basic disclosure certificate must be produced to the Council each year, for the private hire operator or any of the directors or partners in that company or partnership who are not also licensed drivers.
- b. Operators must confirm that they have had sight of a Basic DBS check for each dispatcher who is not also a licensed driver and to ensure that Basic DBS checks are conducted on any individuals

added to the dispatch staff register and that this is compatible with the operator's policy on employing ex-offenders.

4. COMPLAINTS

- a. Your company must keep a record of complaints that is available for authorised officers to view upon request. All your staff must be made aware of the existence of these records, in particular desk operators. You must record details of all complaints you receive. You must also record what you are going to do about the complaint or what you have already done about it.
- b. **If anyone makes a complaint, you must give them the telephone number for the Council's Licensing Section and the webpage where they can complete an online reporting form <https://blackburn.gov.uk/licences-and-permits/taxi-driver-licences/complaints-about-taxi-licensing>.**
- c. You must keep a record of complaints for at least 12 months. You might have to keep it for longer if an authorised officer of the Council or a Police Officer tells you to.

5. ILLEGAL PLYING FOR HIRE

- a. Any private hire vehicle owned by yourself or working from your premises, must not try to pick up or offer the vehicle as available for fare paying passengers to any person in a road or public place other than if that person has pre booked.
- b. You must not ask anyone else to pick up passengers in a road or public place that has not pre booked a vehicle

NOTE: Section 167 of the Criminal Justice and Public Order Act 1994 makes touting a criminal offence. ('Touting' in this section means offering a vehicle as available to persons who have not pre booked a journey.)

'Public place' means any road or other property which at the time the touting occurs members of the public are allowed to be whether they have paid to be there or not.

6. NAMES OF OPERATORS AND DOOR SIGNS

All company names and company door signs are subject to approval by the Council.
No door sign shall display the word "taxi" in any form.

7. INSPECTIONS

If an authorised officer of the Council or a Police Officer wants to enter your business premises at a reasonable time, you must allow them in. 'A reasonable time' means when you are open for business.

8. RECORDS

You must keep well organised and up to date records, of all your vehicles and drivers. You must be able to prove your record system is working if asked by a police officer or an authorised officer of the Council.

The following records must be kept on your business premises:

Vehicle Records

You must keep a written record of all vehicles, including Hackney Carriage Vehicles acting as private hire. These details must include the following:

- a. The name and address of the owner of the vehicle
- b. The make and model of the vehicle

- c. The registration number
- d. The plate number of the vehicle
- e. The expiry date of the licence
- f. The date the vehicle started working from your premises
- g. The date any vehicle finished working from your premises
- h. The insurance details of the vehicle

You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.

Driver Records

You must keep a written record of all drivers working for your private hire company. This must include all drivers, including Hackney Carriage drivers acting as private hire. These details must include the following:

- a. The name and address of every private hire vehicle and hackney carriage driver
- b. A record of which Council issued the licence
- c. The issue and expiry date of the licence
- d. The drivers' call sign.

You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.

Dispatch Staff Records

Any dispatch staff who are not also licensed drivers must be recorded in a staff register. This register must include:

- a. Their full name
- b. Home address
- c. Date of birth
- d. National Insurance number
- e. The date you saw their basic DBS

9. PREMISES

Facilities for passengers - Waiting rooms

If you have a waiting room for passengers, it should be separate from the drivers' rest area and the operator's room and it must be kept clean, tidy, well maintained and well lit. It should also have clean toilets with washing facilities

NOTE - You must not have any gaming machines on your premises that need a permit under the Gaming Act 2005.

10. CONDITION OF PRIVATE HIRE VEHICLES

- a. You must make ensure the vehicles are always kept clean, inside and outside
- b. All the vehicles must carry all the correct notices and identification. Full details of requirements can be found on the private hire vehicle licence.
- c. All the vehicles must be well maintained both mechanically and structurally, so that they meet the standards of the Council's testing procedures.

11. CONDUCT

- a. You must make sure that all your drivers are fit to drive and that they are not too tired for any reason.
- b. You must make sure that all your drivers are polite towards customers, the general public and other road users.

12. HIRINGS

Standards of service

You must provide a prompt, efficient and reliable service for members of the public. You must provide the service you have advertised.

- When someone hires a vehicle, the driver must arrive at the correct time unless he/she has been delayed for a good reason.
- If you send out any vehicle to a hiring, it must be licensed for use as a private hire vehicle or hackney carriage,
- The person who is driving the vehicle must hold a current Dual driver, Private Hire Vehicle Driver or Hackney Carriage Vehicle Driver's Licence.

13. ACCEPTING HIRINGS

- a. When someone makes a booking, they may ask you about your charges and how much the charge for the journey will be. If they do, you must give them this information before you accept their booking or arrange a journey for them.
- b. Only people who are employed to take bookings at the premises are allowed to give information on charges.

14. RECORDS OF HIRINGS

Whenever someone makes a booking for a private hire vehicle, you must record the details either in a written or computerised format. Written records must be in a book with pages numbered consecutively. **Do not use a loose-leaf book.**

The details you must record include:

- a. The date and time of the booking
- b. How the booking was made (by telephone or in person or via subcontract from another operator)
- c. The time of the pick-up
- d. The place of the pick-up
- e. The destination
- f. The name of the person making the booking.
- g. The name of the passenger (if different from [f])
- h. Where the journey is subcontracted from another operator the name of that operator.
- i. The name of the driver, their call sign and licence number
- j. The vehicle registration that was dispatched
- k. The fare (if this has been agreed before the journey)
- l. The name of the operator where the journey has been subcontracted
- m. Any other remarks

You must keep these records for at least 12 months. You must keep them longer if a Council Officer or a Police Officer asks you to.

15. PUBLIC SERVICE VEHICLES

Operators must not dispatch drivers who hold only a passenger carrying vehicle licence in a public service vehicle, such as a minibus, to fulfil a private hire booking, without the informed consent of the booker.

DEFINITIONS

“The Act of 1976” is the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means the same as in Section 80 of the Act of 1976 and Section 19 of the ‘Health and Safety at work Act 1974.’

The Council means the Borough of Blackburn with Darwen.

“The Operator” means a person who holds a licence to operate private hire vehicles issued under Section 55 of the ‘Local Government (Miscellaneous Provisions) Act 1976.’

“Private Hire Vehicle” means the same as it does in Section 80 of the Act of 1976.

“Employ” means to use the services of somebody, for any reason.

IMPORTANT

You must make sure:

- **All your vehicles are properly maintained**
- **All your vehicles are insured and licensed**
- **All your drivers follow the Council’s policy and licence conditions**

Planning consent

You must have planning permission for your Private Hire business premises. If there are any conditions or restrictions with the planning permission, you must abide by them.



Private Hire and Hackney Carriage Penalty Points Scheme

Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the council's policy or conditions of their licence.

The maximum number of points that can be imposed in respect of any particular matter is 10, but it is possible for one incident or inspection to result in more than one set of points being issued.

If a licence holder accumulates 20 points or more, within a rolling 12 month period, their licence will be referred to the General Licensing Sub Committee for review.

Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Service Lead for Environmental Health & Public Protection, who will consider their explanation as to why the points should not have been imposed.

Notice of the appeal must be submitted in writing to the Authority within 14 days of receiving the penalty points notice.

The following tables list the breaches of legislation that attract penalty points

PRIVATE HIRE

A. Offences under the Local Government (Misc. Prov.) Act 1976		Points
1.	Vehicle not displaying plates. (Sec.48(6)(a))	10
2.	Failure to notify vehicle transfer within 14 days. (Sec.49(1))	10
3.	Failure to present vehicle for inspection. (Sec.50(1))	5
4.	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5.	Failure to report an accident within 72 hours.(Sec.50(3))	10
6.	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
7.	Failure to produce Private Hire driver licence.(Sec.53(3))	5
8.	Failure to wear driver badge (Sec.54(2))	10
9.	Failure by Operator to keep records of bookings (Sec.56(2))	10
10.	Failure by Operator to keep records of vehicles (Sec.56(3))	10
11.	Failure to produce a Private Hire Operators licence (Sec56(4))	5
12.	Making false statement or withholding information to obtain a licence (Sec.57(2))	10
13.	Failure to return vehicle plate within 7 days after notice given (Sec.58(2))	5
14.	Failure to surrender driver licence after suspension (Sec.61(2))	5
15.	Charging more than the meter fare when HV used as a PV (Sec.67)	10
16.	Unnecessarily prolonging a journey (Sec.69)	10
17.	Obstruction of an authorised officer or constable (Sec.73(1)(a))	10
18.	Failure to comply with requirement of an authorised officer or constable (Sec73(1)(b))	10
19.	Failure to give information or assistance to an authorised officer or constable (Sec.73(1)(c))	10
B. Offences under the Transport Act 1980		
Section	Offence	Points
64 (2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64 (2)(b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	10
C. Policy and Conditions of Licence		
Each individual non-compliance with the policy or breach of licence conditions		10

HACKNEY CARRIAGE

A. Offences under the Local Government (Miscellaneous Provisions) Act 1976		Points
1.	Failure to notify vehicle transfer (Sec.49(1))	10
2.	Failure to present vehicle for inspection (Sec.50(1))	5
3.	Failure to inform Authority where the vehicle is stored (Sec.50(2))	5
4.	Failure to report an accident (Sec.50(3))	10
5.	Failure to produce a vehicle licence and insurance certificate (Sec.50(4))	5
6.	Failure to produce HD driver licence (Sec.53(3))	5
7.	Making false statement or withholding information to obtain a licence (Sec.57(2))	10
8.	Failure to return vehicle plate within 7 days after notice given (Sec.58(2))	5
9.	Failure to surrender driver licence after suspension (Sec.61(2))	5
10.	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	10
11.	Charging more than the meter fare when HV used as a PH (Sec.67)	10
12.	Unnecessarily prolonging a journey (Sec.69)	10
13.	Obstruction of an authorised officer or constable (Sec.73(1)(a))	10
14.	Failure to comply with requirement of an authorised officer or constable (Sec.73(1)(b))	10
15.	Failure to give information or assistance to an authorised officer or constable (Sec.73(1)(c))	10
B. Offences under the Town Police Clauses Act 1847		
Section	Offence	Penalty
48	Failure by HC proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
59	Carrying other person than the hirer without consent	10
C. Offences under the Byelaws		
Each individual breach of hackney carriage byelaws		10
D. Policy and Conditions of Licence		
Each individual non-compliance with the policy or breach of licence conditions		10



REPORT OF:	LEADER
TO:	COUNCIL FORUM
DATE:	23 MARCH 2023

CORPORATE PEER CHALLENGE

1. PURPOSE OF THE REPORT

- To update members on plans to invite the Local Government Association (LGA) to undertake a corporate peer challenge

2. RECOMMENDATIONS

That Council Forum:

- Note the date of the corporate peer challenge (July 11-14)
- Note the scope of the corporate peer challenge

3. BACKGROUND

Blackburn with Darwen Council last held a corporate peer challenge (CPC) in 2018 and it is recommended by the LGA, and expected by government, that a CPC is undertaken every five years.

CPC is a tried and trusted method of improvement; it provides councils with a robust and effective improvement tool which is owned and delivered by the sector, for the sector. Peers remain at the heart of the peer challenge process and provide a 'practitioner perspective' and 'critical friend' challenge. The final report is always published together with the Council's response in an action plan.

The CPC will take place on July 11 to July 14.

3. SCOPE, FOCUS AND PROCESS

The LGA has adopted five high-level themes which provide the framework for the CPC.

They are:

1. **Local priorities and outcomes:** Are the Council's priorities clear and informed by the local context? Is the Council delivering effectively on its priorities and achieving improved outcomes for all its communities?
2. **Organisational and place leadership:** Does the Council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture:** Are there clear and robust governance arrangements? Is there a culture of respect, challenge and scrutiny?
4. **Financial planning and management:** Does the Council have a clear understanding of its current financial position? Does the Council have a strategy and a clear plan to address its financial challenges?
5. **Capacity for improvement:** Is the organisation able to support delivery of local priorities? Does the Council have the capacity to improve?

The LGA will source and agree a team of officer and member peers informed by the skills and experience required. The LGA is committed to diversity and inclusion, and it is important that peer teams reflect the diversity of local councils and the communities they serve.

The LGA has suggested the following peer team make-up:

- A Leader peer, ideally a Leader from a council with a similar context to your council (although not from the vicinity). We will work with you and the relevant political group to identify a potential councillor peer.
- A Member Peer – an opposition councillor to reflect the political make-up of the council (TBC).
- A Chief Executive Officer peer, from a council of the same tier and ideally reflecting an area with a similar context.
- A senior officer peer, with a strong track record in relation to governance and culture (reflecting theme 3 of the agreed scope).
- A senior officer peer with a strong track record on transformation. In particular, an officer with experience of leading and developing new ways of working to build and harness the capacity of core functions (reflecting theme 5 of the agreed scope).

Council officers will need to prepare a timetable of meetings and focus groups for the peer team. This will enable the peer team to meet with a range of officers and members

over the course of the peer challenge, as well as a range of external stakeholders.

On the final day the peer team will deliver headline feedback and recommendations to a selected audience which should include as a minimum: the corporate officer leadership team, the Leader and Executive Members and, as appropriate, opposition members.

During this feedback there is opportunity for clarification and questions.

This will be followed by a report detailing the strengths of the Council, the issues considered, areas for further improvement and key recommendations. The Council will receive the draft report within 3 weeks of the CPC. The LGA will then agree the final report with the Council for publication. The Council should then develop and publish an action plan that responds to the report's findings

Approximately six months after the CPC action plan has been published, the LGA will organise a CPC progress review. This will be a short, facilitated session which creates space for the Council's senior leadership to update peers on its progress against the action plan and discuss next steps.

Following this, the LGA will produce a short note which reflects the Council's progress and provides examples of any good or innovative practice.

4. POLICY IMPLICATIONS

There are no direct policy implications from this report but the Council should develop and publish a detailed action plan that responds to the report's findings. The policy implications will depend on the findings and the Council's response.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

7. RESOURCE IMPLICATIONS

Any resource implications of the corporate peer challenge will be managed within existing budgets.

8. EQUALITY IMPLICATIONS

The pre-equality impact assessment has been undertaken and is not required.

9. CONSULTATIONS

N/A

Chief Officer

Contact Officer: Corinne McMillan, Assistant Director, Chief Executive's

Date: 23/03/23



REPORT TO: COUNCIL FORUM

FROM: CHIEF EXECUTIVE

DATE: 23rd March 2023

PORTFOLIOS AFFECTED: All

WARDS AFFECTED: All

TITLE OF REPORT

THE MAYORALTY 2023/24

1. PURPOSE

To consider arrangements for the nominations to office of Mayor and Deputy Mayor for 2023/24.

2. RECOMMENDATIONS

That Council Forum:

1. Notes that Councillor Parwaiz Akhtar will be formally nominated as Mayor for 2023/24 at Annual Council.
2. Confirms that in accordance with the rotation arrangements agreed at Council Forum on 22nd July 2022 that the Labour Group nominates the Deputy Mayor for 2023/24, who will be formally nominated at Annual Council.

3. BACKGROUND

Annual Council formally appoints Members of the Council to the office of Mayor and Deputy Mayor for the forthcoming Municipal year. The Member appointed to the position of Deputy Mayor is normally appointed to the office of Mayor in the following year.

At previous meetings of the Council it has been agreed that the rotation of the nomination to the Office of Mayor between the political groups be based on proportionality of the Council, and an agreed rotation would be set for the next five years.

As Members will recall, at the Council Forum Meeting on 22nd July 2022, the Council agreed the next 5 year rotation, which helps to facilitate this year's nominations.

It was agreed that based on the current proportionality that the rotation of Mayoral nomination for the next five years would be as follows:

2023/24 Labour
2024/25 Labour
2025/26 Conservative
2026/27 Labour
2027/28 Labour

A report on the appointment of the Mayor is submitted to the Annual Council each year, and in the event that the proportionality of the Council changes going forward in a way that would affect the nomination of Mayor for a particular year, a report on this matter would be submitted for Council's consideration.

In accordance with the above, it would be for the Labour Group to nominate the Mayor for 2023/2024, who in line with usual practice would be the serving Deputy Mayor, which in this case is Councillor Parwaiz Akhtar.

As referred to above, it is also the turn of the Labour Group to nominate the Deputy Mayor for 2023/24.

4. FINANCIAL IMPLICATIONS

The Office of Mayor is funded from the Council's annual budget.

5. LEGAL IMPLICATIONS

The Mayor is also the Chair of Council meetings. This is a legal provision of the Local Government Act 1972, enabling Council business to be carried out in an orderly and proper manner, having regard to statutory obligations and the Constitution of the Council for the conduct of meetings. In the Mayor's absence the Deputy Mayor would undertake the role to chair council meetings.

6. RESOURCE IMPLICATIONS

None

7. EQUALITY IMPLICATIONS

None

8. CONSULTATIONS

None

Contact Officers:	Asad Laher (01254 585495) Phil Llewellyn, (01254 585369).
Date:	9 th March 2023
Background Papers:	None

Council Forum, 23rd March 2023.

Progress of the Overview and Scrutiny Committees.

Purpose of the Report

To update the Council Forum on the progress of the Policy and Corporate Resources, Health and Social Care, Children and Young People and Place Overview and Scrutiny Committees.

Children and Young People Overview and Scrutiny Committee, 6th March 2023.

The Committee continued to with its work programme and looked a number of the key issues effecting the delivery of services in the borough.

Youth MP and the work of the Youth Forum.

The Committee received an update from the youth MP on the work that was ongoing. The Committee also looked at the work of the youth forum who were involved in a number of campaigns and projects including the young inspectors programme and the Youthfonia event held in Blackburn which had focused on the issues of Violence, LGBT and the cost of living. Members welcomed the work of the forum and their involvement in the work of the Committee.

Children's Attainment

The Committee received an update on the attainment of children in the borough and how this compared to regional and national averages. The data provided a snapshot of attainment at Key Stage 1, 2 and 3 and beyond and how the work that had been done to improve attainment was working. The Committee looked at how attainment had improved over time and the work that had led to this including working with schools, introducing programmes borough wide to improve the learning foundations and how this was monitored. The Committee will continue to monitor the attainment of children in the next municipal year.

Update on Improving Speech, Language and Communication- Early Years Strategy.

Earlier in the Committees work programme for the year we had looked at the early year's strategy for improving speech, language and communication. The provision of high quality early education, particularly in early language skills could greatly improve a child's attainment throughout primary school and that almost half the gap between disadvantaged children and their peers at key stage 4 has emerged by the age of five. Nationally, Speech, Language and Communication are the biggest barriers to children making progress.

The Committee were informed of the significant progress that had been made across the Authority and the level of commitment from all education providers in the borough since the introduction in October and how this would be progressed.

Self -Assessment Framework

The Committee were updated on the work that was ongoing on the Self-Assessment Framework for Children's Social Care. The framework was using a systemic approach to what we do and the difference that has been made. The Committee were made aware of the work that was still be done and the challenges that need to be faced. The Committee will keep the progress on the self-assessment frame work under review and hold the Executive Member to account for delivered outcomes at future meetings.

Place Overview and Scrutiny Committee, 13th March 2023.

The Committee continued with its work programme and focused on an issue highlighted by members earlier in the year.

Section 106 Contributions

The committee focused on the issue of section 106 payments looking at-

- When they are sought
- The decision process
- Development Viability and contributions
- The contributions received by the council
- Affordable housing provision and S106
- Education Provision and S106
- Transport and Highways Provision and S106
- Green Infrastructure/Open Space and S106

The Committee were informed that a summary of the section 106 contributions were outlined and published on the Council's website and that the council was one of the first councils to publish in this way. Members were reminded of the publication of the Local Plan later in the year which clarified the Council's role in seeking funding contributions from developments.

Members looked at how Ward Councillors could have an input into how money could be spent in their wards and also how Community Associations could seek to influence how money was spent in an area.

Policy and Corporate Resources Overview and Scrutiny

The Policy and Corporate Resources Overview and Scrutiny Committee meets on Monday 20th March and will review the work of the Committees during the year. The Chair of the Committee will update members on the progress of that meeting.

Health and Social Care Overview and Scrutiny Committee.

The Health and Social Care Overview and Scrutiny Committee will be meeting on the Monday following Council Forum and will look at the outcome of the Care Quality Assurance peer challenge day and an update on Care Home Assurance.

Councillor Sylvia Liddle, Chair, Children and Young People Overview and Scrutiny Committee.

Councillor Brian Taylor, Chair, Place Overview and Scrutiny Committee.

Councillor Tony Humphrys, Chair Policy and Corporate Resources Overview and Scrutiny Committee.

Councillor Jacqueline Slater, Chair of the Health and Social Care Overview and Scrutiny Committee.

REPORT OF THE LEADER OF THE COUNCIL

COUNCILLOR PHIL RILEY

Date: 23.3.23

MISSION: A more prosperous borough where no-one is left behind

Business Growth

As Leader of Blackburn with Darwen Council, I am a proud ambassador for our borough – a job made easy given we have so much to celebrate. Let's continue to talk up our towns, we really have a lot to shout about. To that end, we announced recently we're working to complete the purchase of the iconic Imperial Mill in Blackburn, home to the successful Lancashire Saw Company Limited. The owners are offering it for sale to the Council to help safeguard its future and opening it up to future restoration. This landmark building is an important part of the borough's and wider Lancashire's heritage. As a Council, it's important that we do all we can to safeguard buildings like these and use them to help create jobs for the future while also looking at improving our place and making the most of cultural and environmental opportunities.

A big part of the £100m Darwen Town Deal plans are those for the town centre. While still in the very early days, Darwen Market is set to benefit from millions of pounds worth of investment. Modern markets focused around food, are proving hugely successful in towns and cities across the North West and that's something we are looking at. Detailed designs are starting to be developed by Blackburn with Darwen Council, working with the Darwen Town Deal Board, with a view to submitting the necessary planning applications later in the year.

Other plans for Darwen revolve around refurbishing other key heritage buildings including the town's beautiful Carnegie library and theatre, safeguarding and creating new jobs in the town and new employment growth sites too – quickly creating new business and job opportunities. We are working on a detailed process to secure a development partner to support the delivery of the major town centre projects with an aim for contractors to be on site in early 2024. Over the coming year, there will be opportunities for businesses and residents to engage with these plans.

Events round-up

National Festival of Making

We're delighted to welcome the fantastic National Festival of Making back for another year on Saturday 8 and Sunday 9 July 2023 - particularly following their recently achieved status as National Portfolio Organisation from Arts Council England. This is one of the main events in the calendar that really shows what a hotbed of creativity Blackburn with Darwen is. It's a big deal and we're incredibly proud to host it and play an integral part as strategic partner too. The Festival celebrates the unique making heritage of our borough and always brings a distinctive vibrancy to Blackburn, drawing visitors from far and wide – including overseas – with world-class art installations, workshops and performances. Beyond being a great weekend of activities it helps us to create a distinctive sense of place while boosting the town's tourism profile and supporting local businesses.

One Voice Awards

The exciting 1V Awards 2023 were held at King George's Hall on Saturday, 25th February. And linked to the NfoM, among the very worthy winners was Chair of the Board of Directors for the Festival, Jamie Holman, who picked up the prestigious One Voice Leader's Award. The award – supported by

the Council - acknowledged individuals or an organisation that has shown strong leadership, enhanced the reputation of the town and shown a strong cohesion ethos. Jamie's name stood out. He is at the centre of all that's good with our efforts to drive growth through culture, showing the leadership we value and need. He acts as an ambassador for Blackburn at every opportunity, his passion for the place and people is clearly genuine and has lasting impact. He was a very worthy winner as were all who were successful on the night.

I'm so delighted to see Blackburn with Darwen continuing to be synonymous with arts and culture. This has been the culmination of a series of consistent decisions by the Council over the past half a decade to fund arts projects and build culture at heart of what we do.

Shuttle

The annual Shuttle Extra Magazine is now out. The 72 page publication is delivered directly to homes and costs 34p per copy. For this edition, the content has been developed as a celebration of the very best of the borough as part of our wider place promotion activity along with keeping residents informed about Council services and projects. The magazine includes high quality features about individuals and businesses who are ambassadors for our borough – offering support for our towns too. This year, we'll also be looking to make it available in cafés, hotels and at tourist attractions to widen the reach and promote all there is to offer in Blackburn with Darwen. My 'Letter from the Leader' is about talking up our towns and this publication does that in abundance.

MISSION: Healthier, happier and safer communities

Partnership conference

This month sees us hosting a Partnership Conference at Ewood Park. The event – the first of its kind we've held for some time - brings together over 100 partners from different sectors across Blackburn with Darwen to hear from myself and Denise on the Council's plans for the next four years and get their feedback on them. For the main part of the event, partners break off into working groups to attend sessions themed around the core priorities in our new corporate plan. I'm sure that, at our meeting, I will be able to feedback that the event was positive and energetic providing space for us all to discuss some shared objectives as we all work together for a better future for Blackburn with Darwen.

Coronation

The Government has announced that the nation will have the opportunity to join a weekend of celebrations to mark the Coronation of His Majesty The King and Her Majesty The Queen Consort on Saturday May 6th. Coronation Big Lunches, street parties, and The Big Help Out will bring communities together over a special Bank Holiday Coronation weekend.

Locally we are making plans to engage in the events and activities around all of this – including planning road closures and using our digital screens to promote the occasion. We will also have a big role to play around the Big Help Out on Monday, May 8th. This event will encourage people to get involved with activities run by local community groups, organisations and charities and highlight the impact of volunteering - which we know Blackburn with Darwen is very much renowned for. Further details and ways to take part will be announced shortly which we will promote on our channels.

Ukraine/Holocaust Memorial Day/Turkey and Syria

In Blackburn with Darwen we wear the diversity of our communities with pride. All the evidence is that the successful cities of the future will be diverse so, in that respect, we are leading the way. As a diverse community though we get a wider view of the world and that's why it hurts us all when we see the disasters and emergencies and human suffering taking place across the world.

It's hard to believe that a year has passed since the invasion of Ukraine. We still can't control what's happening though we can reflect on the solidarity and the kindness that residents in the borough have brought to those families who are staying with us. I was proud that as a Council that we responded to the humanitarian crisis. Under the Homes for Ukraine scheme we worked with the families to make them feel welcome and supported. I would like to thank colleagues and residents who have shown support during this turbulent time.

In Blackburn with Darwen Holocaust Memorial Day is an important date in our community calendar. It provides the perfect opportunity to reflect on the Holocaust and other atrocities and understand why is it so important that we learn from them, so that they are never repeated. For this year's event on Friday, January 27th we were able to gather together in person as a community for the first time since the pandemic. The ceremony brought our local community together, including schools, to remember and pay respects to victims of genocide, oppression and torture. It was three years since the last in-person event so it was extra impactful to be standing together with around 70 people from all walks of life including young people from all our secondary schools who feel strongly about uniting to reject hatred in all its ugly forms.

I also recently led a one minute silence outside Blackburn Town Hall for all the victims of the earthquake in Turkey and Syria. This is a truly horrifying situation and I'd urge people to continue to donate much needed essentials to the excellent local charities working to support the victims of the disaster. Earlier this month I also went to meet a group of Lancashire fire fighters who have been to Turkey with the 'Benefit Mankind' charity to volunteer to be part of the rescue effort. I was proud to present them with a much deserved token of all of our appreciation for their heroic efforts.

Covid-19 Public Inquiry

A request was received from the Association of Directors of Public Health (ADPH) to support their response to a request from the Covid-19 Public Inquiry team. The request centred around examining the resilience and preparedness of the UK for a coronavirus pandemic. We supported this request and submitted a response to the survey we received.

REPORT OF THE EXECUTIVE MEMBER FOR ENVIRONMENT & OPERATIONS

COUNCILLOR JIM SMITH

**PORTFOLIO CO-ORDINATING
CHIEF OFFICERS: Strategic Director
of Environment & Operations
Thursday, 23 March 2023**

PEOPLE: Build happier, healthier and safer communities;

Waste and Recycling

With the Government suggesting that they are looking to introduce regular, separate food waste collections in England from 2025, the Council is seeking clarification from DEFRA on the detail behind the proposed introduction. At present, no specific details are available e.g. on frequency of collection, or locations for treatment of the food waste once collected, although the recent planning application approval for Suez to develop an anaerobic decomposition plant within the borough would provide a local outlet. Such a treatment process for food waste collected by the Council would need to be tendered. Work though is continuing with the local message to reduce food waste within the borough, with the upcoming Food alliance seminar at Ewood Park helping to spread the message about Food Waste reduction.

The 2023 garden waste bin subscription scheme has promotion began in December and at the time of writing, we have 10750 subscribers.

Changes to kerbside collection in England via the Environment Act are expected during 2023, with clarity slowly emerging regarding Government proposals and when they will be implemented. For example, a deposit return scheme for drinks cans and plastic bottles is expected to be operational from 2025 in England, and the government intends that from 2027, all Councils in England will provide a kerbside collection of plastic film packaging. Both proposals will have far reaching impact for Council recycling collections, although England and Northern Ireland will not accept glass bottles as part of the deposit return scheme, whereas in Scotland and Wales, this will be included.

Waste Education and Enforcement

Working within communities, the 2 Environmental Education Officers have been trialling an initiative in Wensley Fold area, door knocking and speaking to a number of residents over bin contamination issues. They are also whilst on site, trying to solve bin issues and back street accumulations. A return visit has been booked to sign them up as Keep It Tidy Volunteers.

The team is working with a number of local Ward Councillors on providing them with use of dog fouling stencils and spray chalk, for use on pavements to highlight the problems some areas are facing. In January a further 21 Keep It Tidy Volunteers were recruited and were encouraged to contact their respective Keep Blackburn or Keep Darwen Tidy group too.

Public Protection and Environment Health

The Council is about to commence a consultation relating to its proposals to revoke three of the Borough's remaining four Air Quality Management Areas (AQMA's).

The Intack and Bastwell AQMAs were declared in 2005, and the Four Lane Ends AQMA was declared in 2012. They were all declared because levels of nitrogen dioxide

(NO₂), mainly from road vehicle exhaust emissions, were exceeding national limits. NO₂ is harmful to human health and the environment.

However, air quality has improved at these locations. The NO₂ levels are meeting necessary standards, and levels are likely to remain low for the foreseeable future. As a consequence, the Council is considering revoking these AQMAs. As required by law, a consultation process is being launched to invite comments before deciding on the most appropriate way forward. More information on this consultation can be found on the Council's consultation web page.

Markets

A new Markets staffing structure has been completed. The following roles will be recruited to as soon as possible:

Darwen Markets Manager (part-time); Finance Support Officer; Visitor Services & Markets Support Officer (part-time)

The Majority of traders in Blackburn Market have now signed up to new 7 year leases. Negotiations are progressing with two new traders progressing (Fried Chicken and Mexican) and one current trader is seeking to increase the size of their stall (Chilli Salt).

The Markets team are making some improvements to Blackburn Market. Two new seating areas will be created and new storage areas for traders will be designed into vacant space. This will create additional seating for further food retailers and will enhance the visual appearance of the market hall.

REPORT OF THE EXECUTIVE MEMBER FOR PUBLIC HEALTH, PREVENTION & WELLBEING

COUNCILLOR DAMIAN TALBOT

PORTFOLIO CO-ORDINATING
CHIEF OFFICERS: Director of Public
Health

Thursday, 23 March 2023

PEOPLE: Build happier, healthier and safer communities;

PUBLIC HEALTH

NHS Health Checks Offer Grows: The NHS Health Check programme is a health check-up for adults aged 40-74 designed to spot early signs of stroke, heart disease, diabetes, kidney disease or dementia. Health Checks are commissioned through the Public Health Team and delivered by Primary Care and the Wellbeing Service in GP Practices and community venues across the borough. Working closely with the Wellbeing Service and Primary Care teams we are able to offer checks with portable machines in venues across the borough, and over the last four years we have successfully increased the number of checks delivered by over 80%. From April 2023 we are extending the Health Check programme further to include Enhanced Health Checks which will increase the number of NHS Health Checks delivered in Blackburn with Darwen by 40% over the next two years.

Bee Yourself Website launches: <https://bee-yourself.org/> is a digital resource for 8–11-year-olds to help support and improve their emotional health and wellbeing. The website also provides a secure area for professionals, a place for parents and carers to access trusted advice and a directory of activities and opportunities for young people linked to the 5 Ways to Wellbeing. Continued engagement and consultation with partner organisations and young people ensures that the site meets its aims of improving health and emotional wellbeing, increasing awareness of services and resources and improving self-management of wellbeing needs. Currently, the site is in a soft launch phase and all Headteachers, PSHE leads, and school nurses have been asked to provide feedback and suggestions. As it develops the resource will be promoted to young people more widely, and schools will be supported to promote the resources and create content that can be shared via the site.

Oral Health Improvement One Year On Achievements: The Blackburn with Darwen Oral Health Improvement Strategy was launched in May 2022, to coincide with national smile month. Almost one year on, the Public Health Team along with partners involved in the Oral Health Improvement Group have made significant progress in delivering our plans to improve oral health across the Borough. Achievements include; supervised tooth brushing in schools, targeted awareness raising campaigns, the first cohort of Kind to Teeth Parent Champions, training and awareness raising for parents, carers and professionals, and provision of toothbrushes and toothpaste and free flowing cups to every child at their 8-12 month health visitor check. A full report outlining achievements made during the first year of the strategy, and priorities for the next twelve months, will be presented to Executive Board in April 2023.

Covid Responsiveness: The work of the council Core Covid Response and Recovery Team will come to an end on 31st March after over two years of delivery. The team has delivered some exceptional programmes to support our public sector partners; residents; communities and local businesses through the Covid-19 pandemic. Some of this activity

became national best practice, for example, our local Test & Trace programme. Staff in the team supported the roll-out of the county's first mass vaccination site at Blackburn Cathedral and helped residents successfully complete self-isolation with the innovative *10 Days Your Way* programme. As the work of the team comes to an end I would like to express my sincere thanks and gratitude for the dedication, commitment and innovation shown by the whole team. Future Covid-19 activity will be coordinated by the Public Health team, as part of their wider health protection responsibilities, with support from other council departments as required.

Covid-19 Spring Booster launched: The Spring Booster campaign will start on 17th April and end on 30th June and will be delivered by GPs and Pharmacies. The NHS will contact eligible individuals with details on how to book appointments including; adults aged 75 years and over, residents in a care home for older adults, individuals aged 5 years and over who are immunosuppressed. With support from across the organisation we continue to provide support to advertise and promote the campaign and improve access with the aim of increasing uptake and reducing inequalities.

Health and Wellbeing Board: The Health and Wellbeing Board met on 7th March. The Board considered items relating to the Lancashire and South Cumbria Integrated Care Board Joint Forward Plan, Lancashire and South Cumbria Integrated Care Partnership Strategy and approved the revised Joint Local Health and Wellbeing Strategy 2023 – 2028, noting the work that had been undertaken to ensure these plans reflected and were aligned to the needs of local people. The Board also considered updates on the Better Care Fund and proposed School Food Grant, and received and endorsed a presentation on trauma informed approaches.

NEIGHBOURHOODS, WELLBEING AND PREVENTION

Cost of Living: Household Support Scheme: Cost of Living is supported via the Neighbourhoods and Prevention teams, and delivered by a team of staff responsible for delivering the Household Support Grant, known as the Help Hub. Between October 2022 and February 2023 the team received and administered 1461 applications, of which 67% were households with children with the remaining adult only households. 20% had long term medical conditions and 42% were in employment. Recently, the work done in BwD was featured on BBC news. The report highlighted our strength based and collaborative approach with partners to ensure that everyone who makes contact with us receives some form of support. Partner involvement is critical to the success of the scheme, with Jubilee Tower Credit union giving out over £500,000 in fuel support and BwD Healthily Living 'Bill Busters' writing off thousands of pounds in energy debt for residents across the borough. Over 800 residents have been referred to The Oaks and Shelter for financial support and around 50 elderly residents have been referred to Care Network for energy efficiency/boiler advice and inspections. A large number are also referred to our own Wellbeing and Adult Learning services for support with health and wellbeing.

Housing needs team shortlisted for LGC Awards: The work of the council's Housing Needs Team has been shortlisted for the prestigious Local Government Chronical awards. Under the Housing category the work of the team with people at risk of rough sleeping at our PODS in Shadsworth was seen as both innovative and impactful supporting a really vulnerable group. The winner will be announced in June of this year.

Road Safety advice to over 1500 schoolchildren: The council's Road Safety Officer has completed a series of road safety inputs to schools across the borough. To date 17 schools have been visited providing road safety inputs to over 1500 children. Together

with Lancashire Constabularies Neighbourhood Policing Team bite size road safety training was delivered to 38 children taking part in a locally organised football tournament

School Food Support extended: A School Food Grant Funding programme has been established to provide funding to schools to enable them to feed children in the greatest need during the summer term 2023. The funding aims to respond to food poverty as a result of the cost of living crisis, including reports that some children regularly attend school unable to afford to buy lunch because their family circumstances mean they fall outside the restrictive free school meal eligibility criteria.

Funding has been allocated to schools based on the proportion of their pupils who live in the 25% most deprived postcodes and the size of the school. Schools can apply for a range of food-related interventions including funding further free or supplemented school meal for vulnerable families or provision of or improving the content of packed lunches. The total available grant is £420,000, funded via a combination of Lancashire and South Cumbria Integrated Care Board, Public Health grant and Household Support Fund. Outputs from the funding will vary depending on what activity each school supports. However, if schools propose to use the funding for additional free school meals, this would provide 171,428 meals or feed 2,678 additional children throughout the summer term at no cost.

LEISURE

Regional Cross County Event: On the 28th January 2023 Witton Park was the host of North West Regional Cross County Championships, the event is one of the biggest of its kind in the North of England.

The weather could have been kinder on the day but saw over 2000 runners of varying standards compete with times going towards their UK rankings.

The team at Witton were thanked by the organisers and race goers on the day for their hospitality and organisation, it is hoped that the success of the event will encourage them to hold the event at Witton again in the future.

Swimming Galas – Darwen Leisure Centre: Over the last four weeks Darwen leisure centre has been the host of two large regional swimming meets for Burnley Bobcats and Preston Swimming Club.

There are no other venues in the region, other than the Palatine Centre in Blackpool and Manchester Aquatics centre that can hosts events of this size. There were over 2000 swimmers at each of the events and the spectator galleries were full to their capacity for the entire day.

We have recently invested £12k on the timing equipment for the main pool which is due to arrive by the end of March 2023, this will allow us to maintain swim meets where times set can be used for regional and national rankings.

We currently host five large swim meets a year with a further ten single day events hosted by Blackburn Centurions and Chorley Marlins.

There has been a significant economic benefit of these events being held and Darwen Town Centre businesses have asked that they be informed of future events as many shops sold out by midday, especially the food eateries in order that they can plan extra staff manage stock and supplies.

REPORT OF THE EXECUTIVE MEMBER FOR ADULTS SOCIAL CARE & HEALTH

COUNCILLOR MUSTAFA DESAI

**PORTFOLIO CO-ORDINATING
CHIEF OFFICERS: Strategic Director
of Adults and Health
Thursday, 23 March 2023**

PEOPLE: Build happier, healthier and safer communities;

Adult Social Care Reform

In preparation for Adult Social care reform, including the CQC Inspection of Adult Services, a number of significant work streams and peer challenge events have been arranged. On the 2nd March 2023, colleagues from Tameside will visit to undertake a case file review to ensure that the department is meeting its statutory responsibilities, demonstrated through practice in case files. Similarly, a challenge day has been arranged with peers across a number of local authorities on 6th March 2023, whereby the department will showcase our ongoing transformation activities and be challenged in respect of our CQC inspection assurance and preparedness.

Safeguarding Adults Board

A review of our statutory Safeguarding Adults Board partnership arrangements and operational activity is underway, whereby the Local Government Association (LGA) has facilitated a number of discussions with interested partners and operational staff. This will contribute to a detailed consideration of governance, assurance and operational activity, which will influence significant transformation.

Corporate Apprenticeship Event

Staff from across adult social care attended a busy and successful corporate apprenticeship event on 22nd February 2023. This was an opportunity to promote and celebrate the Social Work profession to our potential workforce of the future. This coming year, four corporate apprentices, with access to a fully funded social work degree, will begin training within the department. These apprenticeships will complement our overarching workforce development opportunities and our actions to address challenges with recruitment and retention.

Disability Information Day

Staff from across adult social care will be supporting the 12th annual Disability Information Day on 2nd March 2023 at King Georges Hall. There will be a designated Transition/Preparing for Adulthood section whereby staff from adult services will be available to provide information and advice to young people and their parents/carers regarding support on their journey to adulthood.

Managing the winter period

The winter period has been very challenging in many respects but the measures we put in place were on the whole very successful. As a result we encountered no delays in supporting timely discharges from hospital and had sufficient community and bed based capacity to support our residents with assessed care and support needs.

Jobs & Skills Fair

The Jobs & Skills Fair was set up in collaboration with our internal Employment and Skills support services, including Adult Learning, National Careers Service and More Positive Together and took place at King George's Hall, Tuesday, 28 February, 10am – 3pm. Focusing on adults in the Borough, the event complemented the annual 'Blackburn

is Hiring' event which targets Year 10 and Year 11 students and is coordinated by the New Directions team. The Jobs & Skills Fair pulled together services within the council as well as external employers. The DWP supported this event by contacting and recruiting a number of employers and informing their customers about the event and how it can support them.

There were a wide range of employers there on the day to talk about the vacancies they currently have and/or what may be coming up. There was also a series of workshops designed to help people understand how to make sure they are ready to apply for jobs, including CV workshops, interview skills and a range of other employability and employment-related topics.

People also had the opportunity to talk to Advisers about their next steps if they were not sure of their options, or if they needed support in finding job. Individuals also received help to apply for live vacancies on the day.

The event was very well attended and was very successful in linking many individuals to employment opportunities.

Primary Care Neighbourhood (PCN) Health and Wellbeing Days

Both Darwen PCN and North PCN Health Days will take place during March and will provide an excellent opportunity for local people to hear about the range of services and activities available in their areas to help them stay healthy and well. Overall, around 25 health, care, wellbeing and voluntary sector partners will come together to offer information and advice to residents. On the day, there will be the opportunity for people to take part in activities, workshops and to undergo health checks and health screening.

The North PCN Health and Wellbeing Day is taking place on Saturday 11th March, 10am-2pm at Bangor Street Community Centre, Blackburn.

The Darwen PCN Health and Wellbeing Week is being held from Monday 13th to Saturday 18th March, 9am - 4pm at the Darwen Market Hall & Annex. An immunisation & screening clinic is also being offered at Darwen Health Centre on Saturday 18th March 8:30 - 5:00pm.

Adult Care Provider Fees

A full review of all Adult care provider fees has been undertaken to ensure we set sustainable rates for care we commission.

As part of our engagement around the fee setting process we have arranged a number of provider forums to discuss the proposals and to encourage feedback. The forums proved to be very successful and interactive.

Options considered recognised the rising costs of inflation on food & utilities, National Living Wage and Real Living Wage, as well as the wider challenges within our local care market and the outcome of the Fair Cost of Care exercise.

All these factors have been taken into account alongside the issue of affordability and the 2023/24 provider uplifts have been recommended in line with the current Medium Term Financial Plan detailed at Finance Council on 27th February 2023.

REPORT OF THE EXECUTIVE MEMBER FOR DIGITAL AND CUSTOMER SERVICES

COUNCILLOR MAHFOOZ HUSSAIN

PORTFOLIO CO-ORDINATING
CHIEF OFFICERS: Assistant Director
CE, Strategic Director of Finance &
Resources

Thursday, 23 March 2023

RESOURCES: Being a forward thinking and innovative Council

Civil Contingencies Service

The Civil Contingencies Service (CCS) continue to deliver emergency preparedness, response and recovery on behalf of the Council. A summary of recent and planned activity going forward are highlighted below:

Emergency Planning / Preparedness

- The rotas for the CCS Duty Officers and the Strategic Officers have been developed for April 2023 to March 2024, including twice weekly training continuing for the new Duty Officers.
- An advert will be posted in The Shuttle encouraging people to think about their emergency planning and preparedness, offering the opportunity to sign up for alerts and the utility companies priority services register.
- The Town Centre Evacuation Plan and the Elections Plan are currently being reviewed
- A training session for Elected Members that took place on 16th January 2023 comprised a combined session with the media and health & safety teams.
- The annual Corporate Exercise is being planned and will take place on 18th April 2023 for the Extended Leadership Team only. A debrief, report and recommendations will later be shared.
- A Bitesize emergency planning session with Public Health has been scheduled for the 27th March 2023

Schools

- A refreshed SLA for 2023/2024 has been launched and it will hopefully increase the number of schools under the CCS SLA
- The schools that signed up last year are still supported by 6 table top exercises, scheduled for March and April 2023
- A School Improvement Group Training session for those who requested it has taken place and further sessions are scheduled for the beginning of March 2023
- A table top exercise may be delivered in January/February 2023 for the BwD Corporate response to a school emergency, including visits, procedures and responsibilities that the education department should take.

Business Continuity / Business Continuity Promotion (BCP)

The majority of draft plans are completed and an audit will be held mid-March 2023, where staff will meet coordinators to review and challenge submissions where necessary. Once completed, a workshop will take place where Coordinators will be supported to work through Business Impact Analysis. The departmental plans will then inform the Corporate Business Continuity Plan, which will be presented to the Corporate Leadership Team.

Community Resilience / Volunteers

The Workshop / Volunteers Event that will take place on 9th March 2023 will be an opportunity for both internal and external volunteers to network, share experiences and meet key speakers from the Environment Agency, Lancashire Volunteer Partnership and Newground.

A brief on the UK's National Resilience Forum was delivered to the Health Protection Board, focusing on the Government's commitment to build the UK's resilience and empower LRF's, and local partners and leaders to strive for resilience in their communities and workplaces. Once mandates are received, recommendations will be addressed.

A member of the team is currently developing a Power BI data dashboard for gathering emergency statistical information. Colleagues who also collate emergency response data have been included and will be submitted on a quarterly basis. However, once the dashboard is set up it will provide real time information on emergencies and incidents the authority has responded to.

Below is the full Quarter 3 statistics:-

Duty Officer Statistics – Quarter 3 2022/23	
Information received	100
Warnings	113
TOTAL	213
Strategic Officer Activations	1
Duty Officer Activations	8

Below is the Quarter 4 statistics up until 20th February 2023 so not quite a full quarter:-

Duty Officer Statistics – Quarter 4 2022/23	
Information received	22
Warnings	107
TOTAL	129
Strategic Officer Activations	0
Duty Officer Activations	5

Health and Safety

There were 169 accidents, incidents and near misses in Q3, a rise from 136 in the same period last year. However, this has dropped from 218 incidents in Q2 this year. All areas have seen a fall in incidents, but it is more prevalent in Adults Services incidents relating to Albion Mill, showcasing an improvement in health and safety management. 104 incidents were reported by schools, a rise from the previous quarter. The latter did cover the summer holidays so this rise was expected.

Reports made to the Health & Safety Executive (HSE) under Reporting of Injuries, Disease and Dangerous Occurrence Regulation (RIDDOR) included:

- 2 Council reports in Q3 (resulting in over 7-day absences and investigations; remedial actions taken)
- 4 School reports (two resulting in over 7-day absences and two directed to the hospital following the incident)

29 near misses were reported by the Council, a fall from the 72 in Q2. Albion Mill accounted for a sizable number of Q2's near misses reports. Near miss reporting will continue being encouraged across all departments.

Key activity:

- Direct support to leisure services, with audits across the three sites (management support, staff training)
- Support of services based at the Depot (inspections, risk assessments, face-fit testing, full day health and safety training for the Street Cleansing Team)
- Zurich has undertaken a review of Hand-arm Vibration Syndrome (HAVS) and Manual Handling. A report is being finalised, but early feedback has been positive
- Health Surveillance for employees exposed to noise and vibration, with the latest HAVS clinic held on the 21st of February, for electricians.
- All corporate health and safety guidance has been updated and reviewed and will be made available on the intranet
- First Aid training has been arranged at main sites, with some sessions already delivered, to ensure appropriate first aid cover across all council buildings
- Fire Marshall training delivered to Town Hall managers, in line with the revised evacuation procedures which take into account hybrid working. Training at Duke Street is planned for March
- Mandatory Health and Safety training, with three e-learning courses, has been relaunched. Working with DSE training is also mandatory to all relevant staff.
- Events Safety Advisory Group will move under the H&S Service remit from 1st April 2023
- The Violence & Aggression Focus Group which was launched last quarter has continued to meet, key updates include:
 - New policy was given feedback at LJNCC
 - Lone Worker App currently being trialled by 2 teams, feedback will be given at meeting in April.
 - Personal Safety Training is being developed and will roll out from April – specialist Conflict Management/De-escalation training has been sought for Parking Services team and delivery is due on 8 March.
- Corporate Compliance Checks have been agreed and now set up onto a Teams site. They will be rolled out in April for completion by June. All services and those with responsibility for a building will be expected to complete the check.

Schools

The Autumn Term inspection visits to schools that have purchased our SLA have been concluded and a report has been provided, which they can share with Governors. The Spring Term visit is focussing on accident, incident and near miss reporting, to ensure proper investigation ensues when required, having had positive feedback. The Spring Term newsletter is being drafted and will focus on topical and timely health and safety information and updates. Pricing details have been agreed for the SLA 2023/2024, which schools have already started to purchase.

Digital Services and Transformation

A number of new online forms have gone live in the last 2 months. Following on from recent work to improve Taxi licensing processes, drivers can now renew their licences on line. In addition residents and businesses will shortly be able to make Land and Assets enquiries, and payments online.

The Service Design team have assisted with the user research and planning for new legislation for the upcoming elections, providing an online form as well as engaging with many residents face to face over the last 2 months.

The team continue to provide significant support across both Adults and Childrens Services. Work is continuing to support both departments with their inspection readiness programmes. The team are supporting Leaving Care, with the purchase of an App for our Young People, and the Fostering Service with a full transformation review.

The LADO referral service within Childrens is now digitised. This has moved from a paper based referral process used by professionals to a user friendly, efficient process and feedback has been very positive.

Adults Service work continues with support on several major IT system implementations and support is being provided to implement the departments business plan and associated transformation work required to meet CQC inspection requirements.

Website and intranet –

The new website has been live since 3 November. Work is now underway to put a robust system of governance in place, to make sure that content continues to remain accessible, accurate and easy to find.

We have updated our Web Improvement Plan for 2023/24, which sets out our objectives for the year ahead, and looks at:

- content governance
- content design
- data and performance
- customer behaviour
- technological advancements and best practice
- legislative requirements

We have already improved the Feedback Form on the website, so that our customers can tell us specifically what they think about any individual page on the site. We have also worked on developing bespoke sections of content for areas such as Leaving Care.

The same platform is being used to build the new internal intranet site for staff. The technical specifications are being written, based on our user feedback, and development of initial templates has started. Work is underway to put a governance structure in place for the new site.

Customer Services

In January 2023, Customer services handled:

- 13026 calls, with 82% of calls answered in 60 seconds. 82% of customers were very satisfied with the service they received.
- 3501 chats, with 97% of chats answered within 60 seconds. 68% of customers were very satisfied with the service they received.
- 1984 emails, with 100% of emails answered within one working day. 66% of customers were very satisfied with the service they received
- 2098 visits to Blackburn and Darwen town halls, with visitors served with 98% of visitors served within 5 minutes.

- 352 blue badge applications, with an average processing time of 6 working days. 93% of applicants 'self-served' via our website.

January tends to be a busy month for the team following the Christmas break, and for winter maintenance requests and enquiries. However, due to the very mild weather, we have seen contact volumes decrease by 22% in comparison to January 2022.

Information and Communications Technology

The IT Team continue to work to ensure that the technology environment supports the existing and emerging business needs in a secure and sustainable way.

The design of the new Cloud environment has begun and orders have been placed to replace the core Council network. The project to deliver the new Unified Communications environment, replacing Skype, is progressing and will be delivered across the whole council by November 2023.

In recognition of the new and emerging threats that present to all businesses a tender is being prepared for a new Backup and Recovery environment. A government award of £150,000 was gained to support this work, and implementation is expected over the summer. The Council has many laptops that are over 4 years old and these are unable to support new business requirements. A strategy for replacement is being prepared, in the interim we are repairing and servicing old devices to keep them running. In order to support the very high workloads for the year technical support for staff is being migrated from telephone support to digital support environments over the coming months.

Data Strategy and Business Intelligence

The Council is currently working on the annual cycle of Business Planning and Performance refresh. This will see a new suite of Corporate performance measures agreed which will be used to track progress from April onwards. Aligned to this is the development of annual business plans for each directorate. These are being developed with an aim of publishing these alongside the new Corporate Plan.

The Council will utilise the software available within our Microsoft Office suite to develop automated and digital means of tracking the actions in Business Plans, and the new suite of Corporate performance measures. Reporting against these new metrics will take place from April 2023.

Information Governance and Security (inc GDPR)

Half Year update 2022-23 (Q3 October to December)

There were 16 new information assurance incidents during Q3 2022/23. All incidents are monitored as part of the breach reporting process. None have been of a significant enough nature to warrant referral to the ICO.

We have achieved the minimum requirement for compliance (90%) with requests for information under the FOIA for Q3 2022/23 recording an overall compliance rate of 94.63% and with requests under EIR with a compliance rate of 98.0%. In addition we have achieved the minimum requirement for compliance with GDPR/DPA2018 subject access requests (90%) in the 1st half year 2022/23 with a compliance rate of 97.92%.

DPA2018 subject access requests (90%) in Q3 2022/2023 with a compliance rate of 97.92%. We no longer have any historical SARs awaiting completion however, there is a 65.8% increase on the number of request made in 2022/2023 compared to 2021/2022, which may impact Q4 performance.

Mandatory IG training compliance is currently not at the minimum rate of 95%. Compliance with IG Training 2022/23 course stands at 88.06 % and the DOJO Cyber Security Training 2022/23 course compliance rate stands at 89.86%. This has been escalated to department leads with a recommendation to Chief Officers issued at CAB.

The new IG SLA for 2023/24 has been added to the SFS Portal with a slightly increased charge for the 2 Multi-Academy Trusts supported and the 3 out of borough schools. Prices have not increased for borough schools. Expected income generation for 2023/24 should all schools continue to buy back into the service is expected to be £54,215 before the SFS charge. During Q3 the Schools DP Officer delivered a number of face to face training sessions for schools on Data Protection and completed a Council Forum Update Half Year 2022-23 (Q3 October to December)

Complaints/Feedback

During the last quarter the Complaints team has dealt with an increasing number of MP enquires and complaints, in accordance with the policies and procedures. Although 221 informal complaints were received they were resolved quickly, and only 48 proceeded to the 'Stage 1' of the procedure. These related to drainage and residential parking complaints. Most complaints were related to highways and refuse collection, which is not unusual. The Complaints team also collate positive feedback for Council services, and during the same period 51 compliments were recorded, which was significant increase from the previous quarter. The majority of compliments were received around Adults Social Care (26). The team have also been working closely with the Digital Transformation team to set up a complaints dashboard on Power BI. The aim is for managers and directors to be able to access up to the minute feedback data for their service area/departments. This piece of work has been prioritised to allow early access to data in readiness for Adults Services inspections."

RIPA (Regulation of Investigatory Powers Act)

There have been no applications for authorisation for undertaking covert surveillance or to use a covert human intelligence source since 2019 nor have there been any such activities outside the RIPA legislation that merited the use of the NON-RIPA application process. Much of the Council's enforcement processes are done openly. This does not exempt the Council from having to have processes in place and the Council is subject to scrutiny by the Investigatory Powers Commissioner's Office. (IPCO)

On 3rd November 2022 there was an inspection of the Council's RIPA processes in the form of a Teams Meeting with an inspector appointed by the IPCO. After the inspection the IPCO recommended a number of minor amendments to the Council's procedure and guidance, mainly around the secure storage and use of the documentation including the RIPA authorisations and also some tightening of the processes for the lawful access to publicly available social media information. The Council's RIPA Co-ordinator is currently working through these amendments with a view to ensuring they are adopted corporately as soon as possible. Internal Audit are also currently conducting an audit of the RIPA processes. A web-based training course is also being developed by the RIPA Co-ordinator with the help of HR Learning and Development Team.

PEOPLE: Build happier, healthier and safer communities

School admission appeals

In that last quarter, the Governance team have administrated 119 school appeals, which is a 39% significant increase for the same period in 2021. The increase is mainly due to more families moving into the Borough.”

REPORT OF THE EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

COUNCILLOR VICKY MCGURK

PORTFOLIO CO-ORDINATING
CHIEF OFFICERS: Strategic Director
of Finance & Resources
Thursday, 23 March 2023

RESOURCES: Tackling the budget challenge;

Revenues and Benefits

The performance of the Council Tax, Benefit and Business Rates teams is extremely good as we enter the latter part of the year. The collection rates for both Council Tax and Business Rates are ahead of the target, and it is expected that the final outturn figures will continue to be positive.

The preparation and testing of the annual billing of all domestic and commercial properties is also well underway. Included this year is an additional discount for those recipients of Council Tax Support. This discount is a Government scheme and intended to support the most vulnerable with the cost of living increases.

The new Business Rate bills for the Retail, Hospitality and Leisure sectors will also have the benefit of the Governments relief scheme which will allow for a 75% discount (up to a cap of £110,000 per business). Both discounts will be included in the 2023/24 bills which will be issued in mid-March.

Council Tax

The Government has announced two new schemes to support households who do not have a domestic energy supply contract and who therefore did not receive the previous support from the Government Energy Bill.

1. The Alternative Fuel Payment Alternative Funding scheme. This scheme will provide for a one off payment of £200 for households who use alternative fuel such as oil.
2. The Energy Bill Support Scheme Alternative Funding and will be a one-off support payment of £400. This scheme is aimed at those responsible for paying for energy as part of a service charge, rent or other arrangement.

Individuals will need to apply for these two schemes through the Gov.uk website, with the Local Authority only responsible for making certain checks on applicants and the actual payment into bank accounts. The scheme is fully funded by the Government.

The council is still awaiting the final guidance documents to be issued. The two schemes will be launched on the 27th February and run until 31st May 2023.

Benefits

The council's participation in the Government's Supported Housing Improvement Programme (SHIP) commenced in January. The work plan includes the regular inspection of all large HMO properties that provide support to residents; in addition, standards of support will be assessed through engagement with residents and a comprehensive examination of records and case files. As the programme lasts for a period of 27 months, large amounts of information and data will be obtained which will assist the Government with the review of Supported Accommodation regulations.

Financial Services

The Council's budget 2023-24 and Financial Strategy 2022-25 were signed off at Finance Council on 27th February 2023.

The team are now working alongside colleagues in all departments, preparing for year end closure of the 2022-23 accounts and the resulting budget outturn positions for both revenue and capital budgets, which will then be reported to Executive Board.

Once the outturn position is finalised completed, preparation of the statement of accounts 2022-23 will commence.

Work is still underway to conclude the audit of the Council's Statement of Accounts in both 2020/21 and 2021/22. The former was delayed due to a national issue associated with the accounting for infrastructure issues; whilst this has been resolved, a further issue to with the accounting for the Mall Lease has arisen which is being reviewed. For the 2021/22 Statement of Accounts, audit work is progressing with no significant issues to report at this time.

Audit & Assurance

Progress in delivering the 2022/23 Internal Audit Plan was reported to the March Audit & Governance Committee meeting. The report summarised the internal audit outcomes achieved to the end of January. It also included an update on the latest National Fraud Initiative exercise, which led by the Cabinet Office. In addition, the draft 2023/24 annual internal audit and two-year strategic audit plans were presented for approval. The annual audit plan sets out the work that the Audit & Assurance Team will carry out during 2023/24 to support the Section 151 Officer's statutory obligations to maintain an adequate and effective internal audit of the Council's accounting records and systems of internal control, governance and risk management. The overall outcome of the planned activity will inform the Head of Audit's Annual Audit Opinion and Report for 2023/24 in due course. This is a key report that supports the Annual Governance Statement.

A report was also presented setting out the results of the assessment of the effectiveness of the Committee against the CIPFA best practice guidance for Audit Committees for the members' consideration.

Corporate Procurement and Contracts

Procurement team have been working on evaluations for a couple of frameworks for use by the Highways department for Minor Works and for Civils and Surfacing works. In addition the team have been supporting the tender for a new roof for the Blackburn museum. The team have also been considering options for new janitorial supplies contracts and for home to school transport and SEN transport.

The legal section of the team have also been advising on changes brought in by the Subsidy Control Act and briefing departments on these changes.

Work on the implementation of the Procurement Strategy and the Social Value Policy continues. An update on this will be provided to the Executive Board in due course.

Organisational Development (OD)

Confirmation regarding continued investment in the OD programme is expected soon, which will shape our workforce priorities over the next 12 months. A Learning Hub is being developed and also a leadership pathway, to provide development opportunities for employees at all levels. There will be a strong focus on diversity & inclusion, which includes increasing the quality of data, so we fully understand our workforce, and also

ensuring all employees undertake equality training. We are developing staff networks, so these networks can inform policy and service developments. The annual equality watch report was published on 31st January 2023.

Apprenticeships

We are currently in the Apprenticeship window and following applications being submitted for corporate funding, a decision was made to corporately fund 20 apprentices to join the Organisation from 1 September 2023. A further 5 opportunities are to be paid for from departmental budgets.

A very well attended Apprenticeship Event was held on Wednesday, 22 February 2023 where managers showcased their roles and chatted first hand with many people who were interested in learning more about working for the Council. As at 28 February, 109 applications have been received though the closing date is still a number of days away (17 March 2023). It was interesting to learn that many of those attending on the evening were enquiring about trade linked roles such as electricians and plumbers. This ties in with previous years where high number of applications were submitted for those types of roles.

Recruitment Training

We are also currently working with managers across the Organisation developing their skills in recruitment training. All managers with recruitment responsibilities are expected to attend with a vision that going forward only those who have attended the mandatory training will be able to sit on Recruitment Panels. To date a total of 81 managers have been upskilled with a further 114 booked on future sessions. More promotion of available dates is in the pipeline too.

Legal & Governance Services

The Legal Children's Social Care team continue to be busy with a 33.3% increase of care applications, compared to last year. Pre-proceedings numbers have also seen a 19% increase. As can be expected the team work very closely with Children's social care to use very best endeavours to divert families away from the Court process and there has been a good degree of successful outcomes from our pre-proceedings work. The team will soon be involved on peer review with our PAN Lancashire partner Local Authorities. This will be an excellent opportunity for learning and collaborative working which can only serve to improve our offer to the children and families of our Borough. As part of this, BwD has been heavily involved in the Nuffield Family Justice Observatory research into babies who are born into care, and this week the teams co-presented a webinar detailing our journey so far. This piece of work is focussed on improving the experiences of new parents within the family justice system and it is hoped that our local family justice partners (solicitors, barristers and Judges) will join us on this journey. We are hoping to set up a larger, face-to-face educative event later in the year.

The Litigation team continues to focus on prosecutions in relation to waste, public protection and school non-attendance. During that last quarter 25 people were ordered to pay £5787 fines and £2404 costs by the Court. Currently over 30 prosecution cases are ongoing in the Magistrates Courts. Three of those are warrants matters and two are contested trials. Prosecution files are being submitted on an almost daily basis: 52 case files for waste prosecutions have been submitted to legal services this quarter, which is a total of 163 this financial year so far. In addition, the team has noted a positive shift in the award of fines in respect of waste which is deposited in rear alley ways. There is also a better response with more FPNs are being paid before enforcement action at court.

[More successful waste prosecutions for environmental crime team | The Shuttle: Blackburn with Darwen Council News](#)

In relation to 'non-school attendance prosecutions, 39 cases were issued in the last quarter, which is a total of 133 so far this financial year. 67 cases were dealt with in court during this period. Results for this financial year so far are £19,311 in fines and costs with the costs element being £5,333. There are several other prosecutions arising from instructions given by Public Protection notably a new case with at Preston Crown Court on 20 January 2023 relating to fraudulent trading and counterfeit cigarettes, another of the same completed (previously reported, with the defendants having already received suspended prison sentences) but awaiting proceeds of crime hearing in December. The team also completed the noise nuisance prosecution against a car dealer relating to unceasing noise from barking dogs on the site. The car dealer pleaded not guilty, failed to attend his trial and was fined £5000 and ordered to pay £3000 costs. He was also given a criminal behaviour order at another hearing that he attended. He is thought now to have moved off that site.

The Governance team is currently focusing heavily for the local elections in May, whilst also continuing to deal with complaints, administering school appeals, committee administration support and mayoralty/civic events. The planning and organisation for the local elections is well underway, working with the Communications team to ensure that all residents are aware of the Government's new Voter ID requirements for voting at polling stations. The Governance team have so far arranged bookings of polling stations and are recruiting polling station staff, which will require training on the new Voter ID requirements. The team will also assist in hosting the candidates and agents briefing before preparing for the receipt of nominations (between 24 March and 4.00pm on 4 April 2023), and thereafter continue with other electoral administration work and preparations for the verification and count."

REPORT OF THE EXECUTIVE MEMBER FOR GROWTH AND DEVELOPMENT

COUNCILLOR QUESIR MAHMOOD

PORTFOLIO CO-ORDINATING

STRATEGIC DIRECTOR: MARTIN KELLY

DATE: 23rd March 2023

ALL PRIORITIES:

New Local Plan to 2037

The ambitious new Local Plan for the Borough (2021-2037) continues its progress through its Examination in Public (EiP). The Plan was formally submitted to the Secretary of State in August 2022, and the Planning Inspectorate subsequently appointed two Planning Inspectors to conduct the EiP process. The Inspectors raised a series of Matters, Issues and Questions (MIQs) for the Council and other 3rd parties (who had made representations to the final consultation version of the Local Plan) to respond to. All responses to the MIQs are published in the form of 'hearing statements' on the examination webpage at www.blackburn.gov.uk/localplan. A series of Public Hearings took place throughout February 2023 to discuss the MIQs and hearing statements in further detail. These have now concluded and a schedule of required Actions and Modifications is being prepared by the Council to be agreed with the Planning Inspectors.

The next steps are: 1) the Council to complete all requested actions and drafting of modifications once agreed, and submit to the Inspectors; 2) the Inspectors will then issue a post-hearings letter which will set out their thoughts formally, and list all the Main Modifications required in their view to make the plan 'sound'; 3) the Council will manage a Main Modifications consultation (for a minimum of 6 weeks, estimated for summer 2023), all responses to be sent direct to the Inspectors; and 4) the Inspectors will review responses and issue their final report recommending all modifications required for the Council to adopt the plan. Further updates will be provided at future Council Forum meetings through 2023.

Local Transport Plan

On 9 March 2023, Executive Board approved the Local Transport Plan detailed programme for 2023/24. A total of £8.4m funding from the Department of Transport and Section 106 funds will be spent in 2023/24 to ensure we provide a good, safe and resilient road network to support the travel of residents across the borough providing access to facilities and opportunities for all. The programme also promotes growth and development with section 106 monies being used to support highways improvement schemes to attract business development opportunities.

In order to ensure we achieve value for money from the funding available, the Highways service, with assistance from the council's procurement team is creating a Civils and Surfacing Framework. The framework includes four separate lots, with up to three contractors on each lot, who can clearly demonstrate ability to meet our requirements and who offer the most competitive bid.

The following four lots have been advertised via the Council's e-tendering portal:

- 1) Lot 1: Surfacing (schemes up to £1m pa)
- 2) Lot 2: Civils work (schemes up to £1m pa.)
- 3) Lot 3: Surface Dressing work (schemes up to £250K pa.)
- 4) Lot 4: Specialist Carriageway Treatment work (schemes up to £250K pa.)

The procurement process will be completed in March 2023 and will support the delivery of the local transport plan in 2023/24 and in future years.

New lighting scheme – Safer Streets round 4

The Highways Street Lighting division has recently completed a lighting scheme to Pringle Street Park as part of the Government intervention initiative Safer Streets Round 4 aimed at tackling neighbourhood crime along with anti-social behaviour and improving safety of public spaces for all.

The scheme involved a lighting survey and design to introduce 9 new lighting columns and lanterns strategically placed to illuminate dark or shaded areas of the footways used by pedestrians visiting or passing through the park. Pringle Street Park is a small green space with an all-weather pitch together with a play area and has some history of anti-social behaviour.

The feedback from local residents who walk through the Park has been really positive, with many residents commenting that the areas feels much safer. The lighting has also made a significant and positive difference to those residents who use the all-weather pitch facility, as previously the pitch was generally out of bounds in the darker winter evenings.

Queens Park is also being upgraded as part of the Safer Streets 4 funding and the improved illumination throughout the park is due for completion by the end of March 2023.

PLACE, PRIORITY 4: CONNECTED COMMUNITIES

Levelling Up Fund 2 – Blackburn Growth Axis Transport Package (South East)

In January 2023 the Council secured £20m from round 2 of the Government's Levelling Up Fund (LUF 2) to help bring forward improvements to Junction 5 of the M65, and to deliver a comprehensive, high-quality walking and cycling network in south east Blackburn. The funding supports the Council's strategic Growth Axis ambitions and will deliver two key projects required to support our ambitions for Southeast Blackburn. Together these significant transport interventions (totalling £30.8m) will help tackle congestion, address safety concerns and promote active travel between key origins and destinations (including links to the town centre). This will support the Council's Local Plan and Blackburn Growth Axis ambitions, help drive prosperity across East Lancashire, and reduce emissions and improve the health and wellbeing of residents in the area.

Cultural Services:

Libraries: Supporting creativity, learning, social opportunities and wellbeing programmes across all sites have increased via blended delivery from volunteers, partners and staff. The half term author and professional storyteller performances attracted record attendances and the regular weekly rhyme time for early years at Blackburn Library draws in audiences of up to 100 per session, while volunteers at

Cherry Tree Library's Saturday Family Lego Club regularly welcome 60+ creative builders.

Venues: The start of the year has been busy for Venues – with a strong mix of music and comedy across both KGH and DLT including 2 sell-out dates for Jon Richardson. It has been fantastic to see so many children, young people and families attending, attracted by the amazing robotic dinosaurs in Jurassic Earth over half term and with 18 performance dates for the popular Lets Go Sing initiative and the Last Choir Singing Competition KGH welcomed 132 different schools into the venue throughout March. The Lancashire Dance Academy also staged a sell-out performance in the main hall, the first of five booking during 2023.

Heritage & Arts: Arts Council England funding has been secured to develop the textile story within Blackburn Museum & Art Gallery and ensure that the looms and textile collections can be better preserved and stories from the community told. This year long project will include artist commissions and oral history projects. The Creative Connection, our local cultural education partnership brought the National Theatre's Primary Touring production of Shakespeare's Hamlet to Blackburn with Darwen recently. This specially created production for Years 4 – 7 was hosted by three schools in the borough with over 700 pupils enjoying the shows over three days

National Festival of Making: This fantastic festival returns to Blackburn this summer over the weekend of **8th and 9th July**. The festival promises to be bigger and better with even more making opportunities.

PLACE, PRIORITY 5: SAFE & CLEAN ENVIRONMENT

Climate Emergency Action Plan

Work continues on the delivery of a number of different actions set out in the Council's existing Climate Emergency Action Plan (CEAP), including: tree planting (10,000 trees in the 2022/23 season); preparation of heat decarbonisation plans for the Council's largest emitting buildings (to assist the Council to be bid-ready for future rounds of Public Sector Decarbonisation Scheme funding); updating of the Council's Climate Change Adaptation Strategy; expansion of carbon literacy training; and procurement of 11 electric vehicles to replace ageing diesel fleet. The People's Climate Jury process has now concluded, with its recommendations being presented to the Council forum in January. The recommendations from this process will feed into an update of the CEAP, which will be presented to June's Executive Board meeting. The Council is also actively investigating options to consider how best to maintain collaboration and momentum between the Council and other relevant organisations/stakeholders following the People's Jury, to help achieve net zero ambitions.

PLACE, PRIORITY 6: STRONG, GROWING ECONOMY TO ENABLE SOCIAL MOBILITY

Housing Developments

Further to the Council's agreed Growth Programme, the following major housing projects involving Council land are Page 108 in progress:

- Haslingden Road Housing Site - Keepmoat Homes have secured planning permission to develop 300 new homes to include 160 family homes for sale and up to 50 keyworker affordable homes in the first phase. A report was taken to Executive Board on 11th March seeking approval to appoint a contractor to build a new access into the site and carry out the next phase of road widening on Haslingden Road. Works are planned to be completed prior to Keepmoat starting on site.
- Whalley Old Road Housing Site - Vistry Partnerships have completed the purchase of the site to deliver 165 high quality family homes. Planning permission was granted in November 2022 for the scheme of new homes which will include Vistry's flagship 'Bovis Homes' brand to the site. Blackburn will be the first site to offer Bovis Homes in Lancashire.
- Holden Fold Housing Site - Executive Board (Dec 2022) approved the appointment of Vistry Partnerships as preferred bidder to build around 477 new homes of mixed tenure to include 2, 3 and 4 bed family homes including 170 affordable homes for rent and home ownership. Vistry plan to build new homes under their 'Bovis' and 'Linden Homes' brands and attended preplanning discussions with the Council in March to prepare and submit a planning application over the coming months. Legal agreements are being finalised to complete the sale of the land which is in multiple ownerships.

Progress on selected other developments on Council land:

- Countryside Homes and Together Housing are making good progress at their development of 390 new homes of mixed tenure on two sites on Fishmoor Drive and one site on Roman Road. Countryside completed sales of 6 new homes by October 2022 which are now occupied by the new owners.
- McDermott Homes at Ellison Fold Way, Darwen, are continuing to make good progress at their development which will deliver a combined total of around 340 new family dwellings including 70 affordable homes plus funding towards more school places, roads and improvements to Blacksnap Play Area. Part of the site was Council-owned.
- McDermott Homes continue with a successful build programme at Lomond Gardens, Blackburn, where residents have started to move in.
- Elan Homes, Milking Lane, Lower Darwen – which the Council owns as part of the Barnfield Blackburn Ltd Joint Venture – have started works on site to build 76 new family homes.

Despite the challenging economic environment, the Council's continued pro-active growth programme has helped to ensure that the completion rates of new homes is being maintained. 450 new home completions were recorded from 1st April 2022 – 31st Jan 2023, compared to 440 during the whole of the 2021/22 financial year.

Employment Developments

Further to the Council's agreed Growth Programme, the following major commercial projects involving Council land are continuing to progress:

- Barnfield Construction has progressed construction at Dock St / Eden St, where new employment units are to be provided.

- At Carl Fogarty Way, construction of new commercial units has commenced clearance works at Plot 1, with a revised project being considered through planning. The planning application for commercial units at Plot 4 was determined in the Autumn of 2022, and works have commenced on site. A commercial development at Plot 6 is also being assessed in planning, and is expected to commence in 2023. The preferred bidder for Plot 3, Autolab, was selected at Executive Board in October, and a planning application for the site development is expected to be received in the Spring.
- Development of new industrial / commercial units at Millbank Business Park in Lower Darwen, which is owned by the Council's Joint Venture Company with Barnfield Construction, is well under-way.

PLACE, PRIORITY 7: SUPPORTING OUR TOWN CENTRES AND BUSINESSES

Townscape Heritage Project - Blakey Moor/Northgate/Lord Street West

Rebuilding work to gable walls has now started at Blakey Moor and it shouldn't be too long until progress is much more visible. The site was recently visited by a group of MSc Conservation and Adaptation students from UCLan who were keen to learn from the innovative way we responded to structural failures. 10 construction students from Blackburn College will also be starting work experience onsite soon.

Works to 34 (Baileys Jewellers) and 36-40 (Family Bargains) Northgate are now complete and businesses are really pleased with the improvements. The Townscape Heritage Project funded 80% of the works with private property owners contributing 20%.

The Townscape Heritage Project is a joint investment by Blackburn with Darwen Borough Council and the National Heritage Lottery Fund.

Morrisons Relocation

Maple Grove Blackburn (Joint Venture Partnership between the Council and Maple Grove) has agreed heads of terms with Morrisons for purchase of the former Thwaites brewery site for the construction of a new store. The contract is being prepared and design progressed with a planning application scheduled to be submitted in Spring 2023.

St Johns Refurbishment Project

A full design team including OMI Architects have been appointed to prepare the design for the refurbishment of the former St John's Church. Design proposals for an innovation hub are progressing with the aim to provide a range of flexible work spaces to support individuals and help businesses to thrive in Blackburn. A planning application for the refurbishment project is scheduled to be submitted in Spring 2023.

Imperial Mill Acquisition and Development

Following approval to acquire the building at February's Executive Board, legal completion of the sale and leaseback is likely to be complete by April 2023. Following completion, urgent works to make the building wind and watertight will be prioritised over the next 2-3 years.

REPORT OF THE EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE AND EDUCATION

COUNCILLOR JULIE GUNN

PORTFOLIO CO-ORDINATING

CHIEF OFFICERS:

Thursday, 23 March 2023

PEOPLE: Every child and young person to have opportunities to fulfil their potential;

Help & Protection

Workforce - Our recent recruitment event in January was successful in attracting external candidates. There were appointments made. In the main we are still attracting newly qualified Social Workers. There was very positive feedback around what was attractive about BwD with one attendee advising that our TRACK values was the main driver for them looking at BwD. We have also revised how we link in with our current students to make the process of securing them with us at an earlier stage. We have had agreement for Social Work apprenticeships to be broadened to an external offer alongside internal apprenticeships. This is extremely positive so we can grow our own and retain staff.

There is an increase in demand at the front door. This is not unusual for the post Christmas period. We have re-configured our Social Work teams to duty/ assessment and CP/court. This has been well received by the workforce, morale is good so from that perspective we are in a position to be able to cope with an increase in demand at this time. This is balanced, however, with caseloads still being higher than we want them to be. We continue to work with HR colleagues on recruiting to our vacancies, some of which are currently being covered by Agency Social Workers which comes with an increased cost.

Corporate Parenting and Permanence

Over the last quarter, the Leadership Structure has stabilised, with two new Service Leads appointed and commenced in post. One Service Lead for Children in our Care (CIOC) and Children with a Disability (CwD) and one Service Lead for Placements and Resources. In addition, in January 2023, an Interim Head of Service for Corporate Parenting and Permanence was appointed for six months or until a full Directorate Structure has taken place following the appointment of the Director of Children's and Education (DCS) role.

Children In Our Care (CIOC)

The Blackburn with Darwen Children In Our Care service has experienced significant changes in the last 12 months, this has included a number of changes in social workers and within the management team. It is however extremely positive that as of March 2023 there is a fully staffed team. This will be positive for our children and young people, as it will provide them with consistency and we know the importance of our social workers building positive and enduring relationships.

From January 2023, the team have implemented a learning and development programme, which aims to ensure that social workers are skilled in interacting with our children and young people, allowing them to fully understand their lived experience. This has included a key focus on ensuring the team are using appropriate direct work tools whilst carrying out key statutory duties such as home visits and Child and Family assessments.

The team continues to build positive relationship with key partners from health and education, with a further key focus of ensuring our children and young people have access to specialist support.

There has been an increase in the number of Unaccompanied Asylum Seeking Children (UASC) who have been placed into our care via the North West Strategic Migration Partnership. The dedicated Team Manager to this area of work, has worked closely with this partnership and he has sought additional training and guidance when required to allow us to meet the specific needs of these vulnerable young people.

Children with Disabilities

There has been further positive changes within the Children with Disabilities Team, which includes the recruitment of a new Team Manager and two new social workers. The team has also recruited an Advanced Practitioner who can provide specialist oversight of the social care advice which informs our children's Education Health and Care Plan.

In response to feedback from parents and carers, the team have implemented new process, which reviews the packages of outreach support provided to our children with disabilities. Through consultation and agreement with our partners in education, the team are now utilising the EHCP review process to review these packages, which removes the need for these children to be open via the Child In Need process.

The service has now re-established the siblings group, this is a group with brings together the siblings of children with disabilities. This allows for peer support for these children whilst allowing them an opportunity to socialise outside of the home.

Placements

The Fostering Team has begun significant transformation planning, which is in line with the six pillars within the Stable Homes, Built on Love Implementation Strategy and Consultation published on the 2nd of February 2023. This strategy sets out a vision to rebalance children's social care away from costly crisis interventions, to more meaningful and effective early support. It seeks to address urgent issues facing children and families now, lays the foundations for system reform and sets the national direction for change. The current Transformation Plan ensures we are moving forward and driving the service to ensure we are fit for now and the future. The Plan includes 6 main areas which are:-

1. Digital Transformation Programme
2. Recruitment and Links with Communication Team
3. Retention of Foster Carers/Allowances
4. Commissioning and Contracts
5. Payments Panel/Governance
6. Workforce Development

The aim of the plan is to ensure the fostering service receives adequate investment and strategic oversight to meet the needs of the service with a focus on the above six areas. This development plan will aim to ensure that our children who are cared for are provided with placements that are local and mainly in house, with highly trained foster carers who receive appropriate support from the local authority. In addition, placements can provide long term, permanent care without delay and where the children and young people in these placements achieve the best possible outcomes and live life to their full potential.

Young Peoples Services (YPS), Engage, SEEDS, Leaving Care and Youth Justice Service (YJS)

Young People's Services

Strategic Youth Alliance (SYA) Forum

The Participation Team's youth voice activity continues to progress well with over 30 Young People (YP) now regularly attending the SYA Youth Forum (YP reps from each of the 11 SYA orgs). Chaired by the Youth MP (and deputies) this forum has supported the following over the last 3 months:

- BwD YIF application
- Supporting KOOTH roll out
- Work continues on issues such as period poverty, child poverty and EHWP

Youthforia

The Youth MP and Deputies have also attended this month's Youthforia which was hosted in BwD Council Chambers. Over 100 YP attended in what was the busiest Youthforia since the pandemic. Positive feedback from YP attending and Staff supporting.

Young Inspectors

The Young Inspectors programme has now completed 2 internal pilots (Targeted Youth Support and SEEDS) and has just commenced its final pilot via VCFS partner Nightsafe. When the evaluation/actions from this pilot is complete the programme will be launched and will commence with a full YI inspection of BwDBC Leaving Care and Youth Justice Services. It'll be interesting to see if our Young Inspectors agree with the National Youth Justice Inspectors – who found the Youth Justice Service Good with outstanding areas!

Other Participation highlights:

- Youth MP involved in DCMS consultation re; UK Youth Parliament
- Care experienced YP to deliver Total Respect training at the next CPSAG meeting at the end of March.
- SEND YP participated in the national Youth Voice Matters conference supported by the Council for Disabled Children and the National Children's Bureau.
- SEND YP have coproduced the BwD Local Offer webpage with support from the Council for Disabled Children.
- YP planning a Climate Summit for their Takeover Challenge in November with support from the Environment Agency.
- Active involvement with Children's Services recruitment, YP involved in the social worker recruitment day and a number of key positions over the last few weeks, including the DCS role.
- Residential planned for March for YP to participate in development workshops such as public speaking, campaigning and debating skills.
- YP to participate in the Youthforia Brathay residential in March 23 with 100 YP from across the NW.

Youth Justice

On the back of its 'Good' HMIP inspection, earlier this month the Youth Justice Service (YJS) finalised their Improvement Plan before submitting this to the inspectorate, which has since been acknowledged and approved. Many aspects of this are already complete, with the others being actioned. Within the YJS, the Turnaround Programme is now operational following receipt of funding from the Ministry of Justice up until April 2025. The programme aims to target and support children and young people on the periphery of the justice system, with referral pathways now established for the Police, Community Safety and Courts. A Coordinator for the programme is currently being recruited to support delivery for the duration of the funding. This complements the existing Prevention Officer role within the YJS who continues to extend the remit of his work, supporting a Community Safety initiative called 'In Your Corner' being delivered in schools and a

collaborative programme of resources between the YJS and Young People's Services with a small group of young people identified on the YPS caseload. The Prevention Officer continues to develop links with our schools to establish referral pathways, with St Thomas' and DACA now linked in and recent conversations with the School Effectiveness Officer to look further across the borough.

Engage

County line intensification week is taking place on the 27th February 2023 – Over the week there will be multi agency awareness raising events within the local community with a larger event being hosted at Blackburn Central High school on 3rd March.

The last county line intensification event took place in October 2022 where the multiagency team reached out to over 150 young people with over 17 key agencies supporting. It is hoped that we reach out even wider with the event in February 2023.

The SEEDS

SEEDS have continued to carry out their invaluable edge of care services for children, young people and their families. SEEDS was inspected by Ofsted on the 16th and 17th February 2023, we are awaiting the final report and grading. Young people came to meet with the inspector to share their overwhelmingly positive experience at the SEEDS.

Leaving Care

A PEER review is taking place with the Leaving Care team on 20th March 2023, the team will have a number of key lines of enquiry and will review practice within the service alongside the difference the service is having upon the care leavers.

Education and Vulnerable Learners

Pupils with SEND

Special educational needs and disabilities (SEND) can affect a child or young person's ability to learn. A child with SEND can experience many challenges during their academic journey for example; behaviour and/or their ability to socialise, speech and language, cognitive function and understanding.

As an LA we are continuing to work closely with our schools to ensure that children get the right support, in the right place at the right time in line with the Government's Green Paper: SEND Review 2022.

As an LA we support schools in identifying children with SEND. Children and young people with SEND receive support at either:

- [SEN support](#) - support given in school, i.e. additional speech, language or communication support

Or through:

- an [Education, Health and Care \(EHC\) plan](#) - a plan for children and young people aged up to 25 who have more complex needs

The percentage of children who have identified SEND needs is rising both nationally and locally. Blackburn with Darwen are currently responsible for the education of over five thousand pupils with identified SEND needs. Therefore, in order to carry out statutory duties, we have a large SEND team who work with the different sectors providing both support and challenge. The work includes fostering understanding across the wider children's services department, upskilling and training staff and providing both statutory and non-statutory advice and guidance.

The team has recently expanded in order to provide support for children with Social, Emotional and Mental Health (SEMH) needs. We now have a Lead Advisory Teacher, Advisory Teacher and two Specialist Support Practitioners who are deployed to work directly with children and settings. In addition, we have two SEND School Effectiveness Officers who are responsible for providing challenge and support to schools around inclusive and adaptive teaching and learning

practices. As part of this work, the team have established joint working practices with Public Health and Mental Health in Schools colleagues to pilot an Emotional Health and Wellbeing Audit and resources across ten schools. This is now being rolled out further to include all settings and provisions across the borough.

Suspensions/Exclusions

We have seen an increase in the number of pupils who have received fixed term suspensions and permanent exclusions in Blackburn with Darwen. Whilst this increase reflects the trajectory both regionally and nationally the numbers of pupils who receive a fixed period suspensions and/or who are excluded remains lower than the regional and national averages.

Schools submit information about suspensions and exclusions to the LA. This information is reviewed monthly and those schools with high numbers of suspensions/exclusions are contacted to discuss the reasons for this.

Information is shared with the relevant services areas/professionals if any Looked after Children or children with an EHCP (Education and Health Care Plan) are suspended/excluded and the relevant officers will make contact with that school to discuss the reasons for the suspension/exclusion, and ascertain what strategies or support needs to be put in place to facilitate a pupils prompt return to school and mitigate future suspensions/exclusions.

On receipt of a permanent exclusion notification and if the pupil resides in Blackburn with Darwen an immediate referral is made to St Thomas Centre, ensuring that a school place is made available by day 6 of any permanent exclusion.

The Local Authority attends all maintained permanent exclusion meetings and attends academy/free school permanent exclusion meetings at the request of parents and/or the school.

Bi-monthly complex case meetings are held to discuss individual cases and may include pupils who are regularly missing education due to suspensions.