

# Blackpool Council

25 November 2022

To: Councillors Brookes, Campbell, Farrell, Hobson, Hugo, Smith, Taylor and L Williams

The above members are requested to attend the:

## EXECUTIVE

Monday, 5 December 2022 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

## A G E N D A

### 1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### 2 SEND STRATEGY 2022-2025

(Pages 1 - 26)

To consider and approve the SEND Partnership's new SEND Strategy 2022-25 prior to its launch at the SEND Conference.

Once approved the strategy will form part of the Executive policy framework.

### 3 PROPOSED EXPANSION OF HIGHFURLONG SPECIAL SCHOOL

(Pages 27 - 34)

To seek approval to proceed with the development of The Meadow site at Highfurlong

School - subject to Planning consent - to accommodate a two-storey extension and associated facilities to ensure sufficient local provision for children and young people with special educational needs and disabilities (SEND).

**4 BETTER CARE FUND 2022/23 SECTION 75 AGREEMENT** (Pages 35 - 44)

The report is now seeking authority to enter into an agreement with the Integrated Care Board pursuant to section 75 to continue to maintain pooled funds out of which prescribed local authority functions and prescribed NHS functions can continue to be provided.

**5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** (Pages 45 - 156)

To consider the recommendation of the Licensing Committee from its meeting on 8 November 2022 on the proposed Hackney Carriage and Private Hire Licensing Policy.

Once approved this policy will form part of the Executive Policy Framework.

**6 BLACKPOOL AIRPORT ENTERPRISE ZONE: ANNUAL REVIEW** (Pages 157 - 192)

This report sets out the further progress on the delivery of the Enterprise Zone and related activity at Blackpool Airport since the Executive in February 2022.

**7 BLACKPOOL TOWN DEAL: UPDATE** (Pages 193 - 226)

To provide an update on progress with the delivery of the Town Deal Programme.

**8 PROPOSED APPROPRIATION OF LAND ON THE SOUTH SIDE OF RIGBY ROAD  
BLACKPOOL** (Pages 227 - 236)

This report seeks approval to appropriate for planning purpose a parcel of land pursuant to Section 122 of the Local Government Act 1972 ("LGA 1972"), for the delivery of the Revue Community Sports Village project that is being supported with funding through the Town Deal programme and significant private investment through Blackpool Football Club

**9 FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2022/23 AND MEDIUM  
TERM FINANCIAL PLAN 2023/24 - 2026/27** (Pages 237 - 242)

To report the level of spending and exposure against the Council's Revenue budgets and reserves and balances for the first 7 months to 31 October 2022. The report also includes an update on the Medium Term Financial Plan 2023/24 – 2026/27.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Vicky Gent, Director of Children's Services
<b>Relevant Cabinet Member</b>	Councillor Gillian Campbell, Cabinet Member for Inclusion, Youth, Schools and Transience
<b>Date of Decision/ Meeting</b>	5 December 2022

## SEND STRATEGY 2022 – 25

### 1.0 Purpose of the report:

- 1.1 To consider and approve the SEND Partnership's new SEND Strategy 2022-25 prior to its launch at the SEND Conference.

### 2.0 Recommendation(s):

- 2.1 To approve the Blackpool SEND Strategy 2022-25 attached at Appendix 2a with effect until 31 December 2025.

### 3.0 Reasons for recommendation(s):

- 3.1 Considerable work has been ongoing at a strategic level during the last 12 months which has enabled leaders in the SEND system to gain an in depth understanding of the issues facing the system; the renewed SEND Strategy is the outcome of this work, which has been informed by a new SEND Needs Assessment and a detailed self-evaluation.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### 4.0 Other alternative options to be considered:

- 4.1 Not producing a strategy would result in the partnership not setting strategic direction or meeting the requirements of Ofsted, Department for Education and NHS England.

### 5.0 Council priority:

- 5.1 The relevant Council priority is: "Communities: Creating stronger communities and increasing resilience".

## **6.0 Background information**

- 6.1 In February 2022 the joint Ofsted and CQC inspection of the local area's SEND provision highlighted four areas of significant concern and a Written Statement of Action was required to set out how the partnership would address the four areas. This was approved by the Executive on the 5 September 2022 (decision EX29/2022 refers).
- 6.2 The first of the four areas is the 'lack of specificity, ownership and accountability in the area's improvement strategy for SEND'. The strategy partially addresses this by setting out the local area's vision and priorities, with additional activity planned in December and the new year to formally launch, publicise and embed the strategy.
- 6.3 The SEND Strategy describes the partnership's commitment to working together with families through a model of co-production, which involves them in the design and shaping of services alongside those responsible for funding and delivery.
- 6.4 It identifies four key priorities that the partnership will focus on over the next 2-3 years; this also includes the areas highlighted as areas of weakness by Ofsted and CQC. An improvement plan is in development that will track progress in delivering of the activity set out in the strategy.
- 6.5 The Strategy, Written Statement of Action, and Improvement Plan will be monitored by the SEND Partnership through monthly highlight reports, evidence log and risk register which will be produced by the SEND Improvement Group. Progress reports will also be shared with the Children and Families Partnership and Blackpool Education Improvement Board on a quarterly basis.
- 6.6 The SEND Strategy has been developed with input from the Children and Young People's Scrutiny Committee which has received reports on the SEN Strategy at a number of occasions including a full draft version at its meeting on 30 June 2022. Comments and issues raised by that Committee have been addressed in the version now attached for approval.
- 6.7 Does the information submitted include any exempt information? No

## **7.0 List of Appendices:**

- 7.1 Appendix 2a – SEND Strategy

## **8.0 Financial considerations:**

- 8.1 Some additional resource to support the improvement program has been provided by the Integrated Care Board, and additional capacity will be created within existing budgets and funding streams. £70,000 has been provided by the Integrated Care Board to support the improvement program, this will contribute to funding activity such as co-production work for 2023.

**9.0 Legal considerations:**

9.1 The Council has a legal obligation to meet the legislative requirements set out in the Children and Families Act 2014, s20 of the Children's Act 2004, and Equalities Act 2010.

**10.0 Risk management considerations:**

10.1 These are published documents so there is risk to the Council's reputation if it does not fulfil its statutory duties.

**11.0 Equalities considerations:**

11.1 The purpose of the SEND strategy and improvement plans is to ensure that Blackpool has fully inclusive services for all children and young people 0-25.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 Public consultation has been undertaken on the strategy in May 2022 and amendments made as a result of feedback from parents, carers, young people and professionals.

**14.0 Background papers:**

14.1 None

**15.0 Key decision information:**

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 14/2021

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 25 November 2022 Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Summary of Discussion:**

19.1

**20.0 Executive decision:**

20.1

**21.0 Date of Decision:**

21.1

**22.0 Reason(s) for decision:**

22.1

**23.0 Date Decision published:**

23.1

**24.0 Alternative Options Considered and Rejected:**

24.1

**25.0     Executive Members in attendance:**

25.1

**26.0     Call-in:**

26.1

**27.0     Notes:**

27.1

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# Blackpool SEND Strategy

## 2022–2025



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# Foreword

Welcome to the Blackpool Special Educational Needs and Disabilities (SEND) Strategy which sets out our key priorities and actions to help children and young people with SEND between the ages of 0-25 years and their families, live happy, healthy lives in Blackpool.

This strategy is the result of our SEND Partnership Board working together and listening to the views and experiences of parents/carers, children and young people, and professionals across education, health and social care.

We consulted on the strategy from 4 April 2022 until 22 May 2022 and undertook a number of focus groups with parents/carers and children/young people. As a result of this activity the strategy has been updated to include:

- Support in early years
- Transitions between services
- Greater clarity on what we will do
- Our commitment to ensuring that co-production, communication and engagement with parents/carers, children and young people is central to all changes/improvements in SEND services.

The consultation provided recommendations from parents/carers, children and young people on changes/improvements to services and support currently available in Blackpool. Professionals working directly to deliver SEND services also suggested actions that need to be taken to enable the delivery of this strategy. We would like to express our thanks for this feedback and will ensure that it is considered in the development of the SEND partnership's improvement plan that will drive the achievement of this strategy.



# Blackpool in Context

## Demographics

Blackpool is a small, densely populated seaside town located in the north west of England. It has a total population of approximately 141,100 people with 30,600 children and young people aged 0-19 years. 21.7% of the population are under 20 years compared to 23.1% nationally.

Blackpool has an extraordinary concentration of social and economic issues in the central third of the town. According to the 2019 Index of Multiple Deprivation (IMD) the centre of Blackpool has 10 of the most deprived small areas in England – no other town has anything like this level of social challenge within such a small geographical area.

## Local Area Inspection

Between 28 February and 4 March 2022, Ofsted and the Care Quality Commission (CQC) inspected services provided by practitioners and professionals who support children and young people aged 0-25 years with special educational needs and/or disabilities (SEND). During the inspection they assessed how well the local area has worked together to implement the SEND reforms as set out in the Children and Families Act 2014.

The local area includes Blackpool Council (education, children's and adult's social care and public health), NHS Lancashire and South Cumbria Integrated Care Board, Blackpool Teaching Hospital and other associated partners, parents and carers; and children and young people with SEND.

Some of the strengths identified during the inspection include:

- The most vulnerable children and young people with SEND benefit from the wealth of specialist services available.
- Across the area children in primary schools who require support for SEND attend and achieve well.
- There is a wide range of provision across the area to improve children and young people's mental health and wellbeing.
- The intended outcomes in recent EHC plans better reflect the aspirations of children, young people and their families.

The inspectors also identified four areas for improvement and His Majesty's Chief Inspector has determined that a Written Statement of Action is required to address these. The four areas are:

1. The lack of specificity, ownership and accountability in the area's improvement strategy for SEND.
2. The duties around preparing children and young people for adulthood not being fulfilled.
3. The poor communication with parents and carers across the areas.
4. The long waiting times for some therapies.

The SEND Partnership, as leaders of the local area, agree with the findings of the inspection and is committed to ensuring that swift action is taken to deliver these improvements. The inspection outcome has provided confirmation of the areas for improvement that we had recognized, as well as providing a renewed mandate to drive forward our plans and deliver progress as a partnership.



# Strategic Leadership for SEND

The SEND Partnership Board has overall responsibility for ensuring this strategy is achieved. Members are experienced leaders of special educational needs and disabilities services and hold partners, across education, health and social care, to account for the co-ordination, commissioning and delivery of services and support for children and young people with SEND and their families.

**Membership of the SEND Partnership Board is detailed in the following table.**

Role	Organisation
Chair	Independent
Cabinet Member for Inclusion, Youth Schools and Transience	Blackpool Council
Director of Children's Services	Blackpool Council
Assistant Director for Education, SEND and Early Years	Blackpool Council
Assistant Director Children's Social Care	Blackpool Council
Head of SEND	Blackpool Council
Adult Services representative	Blackpool Council
Associate Director SEND	NHS Lancashire and South Cumbria Integrated Care Board
Head of Commissioning	NHS Lancashire and South Cumbria Integrated Care Board
Executive Director of Integrated Care	Blackpool Teaching Hospitals NHS Foundation Trust
Divisional Director of Operations	Blackpool Teaching Hospitals NHS Foundation Trust
Chair, Blackpool Parent Carer Forum	Parent representatives
SEND Parent's Advisory Group	Parent representatives
Service Manager	SEND Information, Advice and Support Service
Head Teacher, Highfurlong Special School	School representative
Executive Principal South Shore and Marton Academies, Bright Futures Education Trust	School representative
Public Health Specialist	Blackpool Council
Head of Commissioning and Corporate Delivery	Blackpool Council

# Monitoring progress

To enable the SEND Partnership Board to measure progress on the priorities and actions set out in this strategy, a SEND Improvement Plan has been developed by stakeholders that sets out what needs to be done and when it will be achieved. The improvement plan is also aligned to the Written Statement of Action that will address the four key areas for improvement identified from the SEND inspection.

Regular reports will be presented to the SEND Partnership Board who will provide assurance to a range of key strategic partnerships across Blackpool that the SEND partnership is delivering on its priorities.

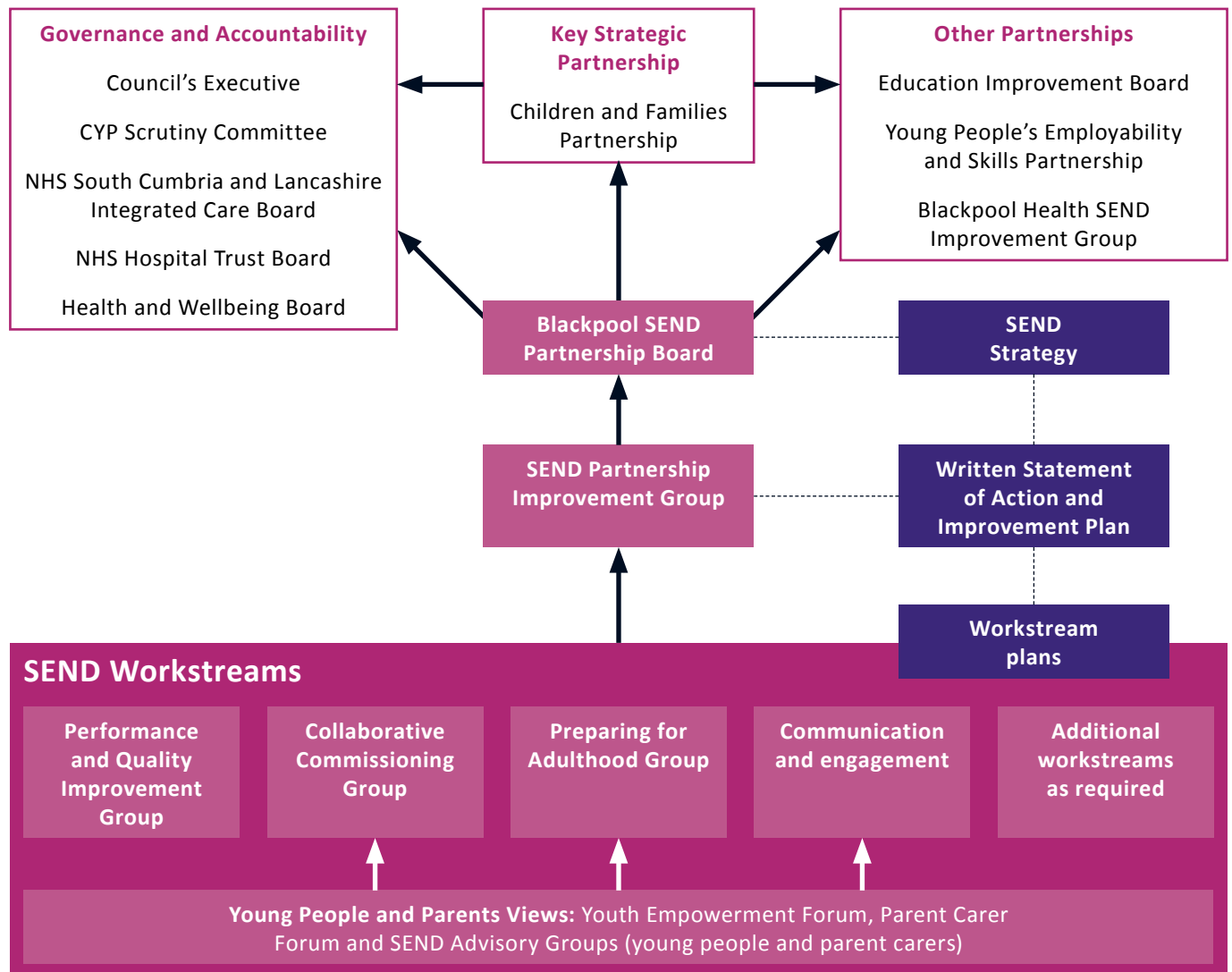
To support the SEND Partnership Board's progress monitoring, a set of key performance measures have been agreed and these are included in a SEND performance data dashboard that is also reported to the SEND Partnership Board.

The strategy will be reviewed and impact evaluated on an annual basis to demonstrate improvement, identify further areas for development and to take account of any local or national policy changes.

The governance structure diagram detailed on the following page sets out the range of partnerships that contribute to delivery of the strategy and the boards that hold the SEND Partnership to account for ensuring that the strategy is achieved. The SEND workstreams are task and finish groups made up of a range of professionals, parents and young people from across the area.



# SEND Partnership Governance Structure





# Our Partnership Vision

***All children and young people with SEND live happy, healthy lives, in a community that is inclusive and supports them to achieve their ambitions.***

This vision will determine how, as a partnership, we will most effectively use our resources and expertise to plan and delivery local services and support in the best interests of children and young people with SEND, and their families within Blackpool.

The achievement of this vision will require a commitment from all our partners to make SEND everybody's business. This means all individuals working in education, health and social care services with children and young people in Blackpool Council will consider the needs of the individual and their families in everything that they do. This will enable positive interactions and experiences of all that Blackpool has to offer to our residents.



# Working Together

***The SEND partnership is committed to working together through a model of co-production. This means parents and carers, children and young people will be involved as equal partners in the design and shaping of services/support alongside those responsible for funding and delivery.***

We will all work together and share our experiences to co-design both new resources, services and systems and to improve existing ones that parents and carers, children and young people; and professionals tell us need to be improved.

We know that we have work to do to improve communication with parents and carers across Blackpool so that they can have trust and confidence in what they are told about SEND and SEND services.

We are establishing a Parents' SEND Advisory Group and a Young People's SEND Advisory Group to facilitate co-production with families across Blackpool. These groups will enable parents and carers, children and young people to confidently express their views, wishes and feelings to help them live happy and healthy lives.

Together we will produce a SEND communications charter that describes how our families want us to work together based on our collective core beliefs, values and our practice.

Our goal is to build a SEND community that is based on mutual trust and respect and places parents/carers, children and young people's experiences and expertise at the heart of our decision making.



# What children and young people told us is important to them





# What parents and carers told us is important to them



# The landscape for SEND in Blackpool



## Early Years

- 34 group childcare providers (day nurseries and preschools)
- 20 schools with nursery classes
- 44 childminders.



## Infrastructure for health

- 1 NHS hospital providing both acute and community services including public health 0 – 19 services
- 1 child development centre
- 1 CAMHS provider



## Schools

- 33 primary schools
- 6 secondary schools
- 2 all through schools
- 4 special schools
- 1 pupil referral unit.



## Profile of children with SEND

- 1,311 children and young people with an EHC plan (October 2022)
- 3,297 children receiving SEN support (October 2022)
- 160 children with EHCPs aged 16 and 17 years old



## Post 16 provision

- 1 FE College
- 1 Sixth Form College
- 1 Specialist College 19-25,
- 3 16-19 special schools
- 1 supported internship provider
- 3 private training providers

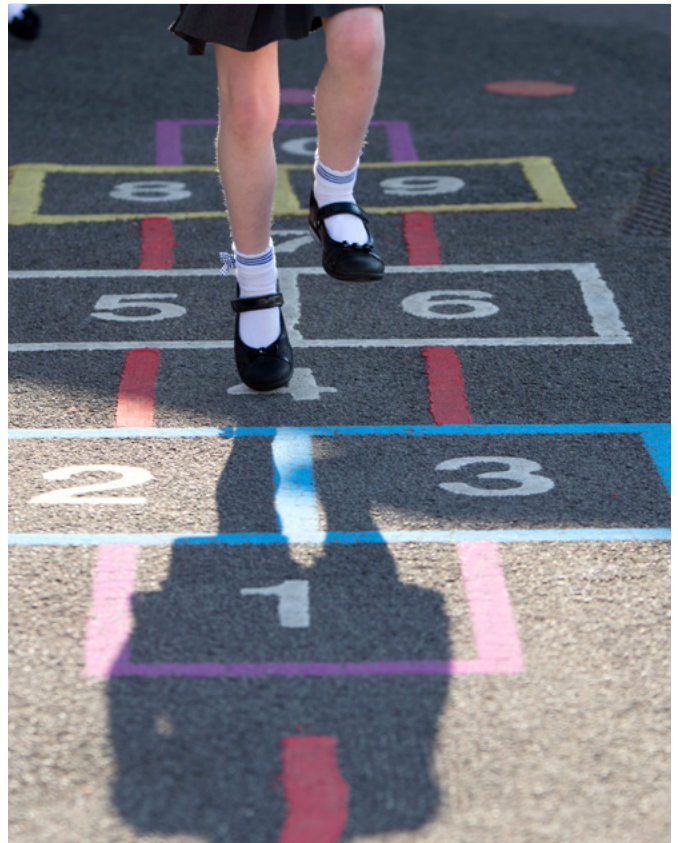


# Our Partnership Priorities

Working in partnership we have identified four key priorities that help us to achieve our vision.

**These priorities have been informed and guided by:-**

- Our SEND self-evaluation
  - The outcome of our SEND inspection
  - Listening to the views of parents, carers, children and young people; and professionals through consultation and focus groups.
- 1. Timely identification and access to education, health and care services, well planned transitions and the best opportunities that help children and young people live healthy lives.**
  - 2. Expand our range of education provision to enable children and young people's needs to be met in local settings that provide an inclusive education and support them to achieve their very best.**
  - 3. A range of leisure and social activities that develop children and young people's interests and broaden opportunities to socialise and develop friendships, incorporating respite placements.**
  - 4. Clear routes into further/higher education and training that will provide young people with the skills to secure employment, live independent, healthy lives and reach their potential.**





# Priority 1

***Timely identification and access to education, health and care services, well planned transitions and the best opportunities that help children and young people live healthy lives.***

## **The importance to our partnership**

Timely identification and support enables children to make the best possible progress in their education and in everyday life. Listening to the experiences and concerns of children, young people and their families enables support to be tailored to individual need, and builds a climate of confidence and trust between families and professionals.

Well planned transitions ensures that this support continues whenever there is a change to the child or young person's circumstances or the services/support being provided.

We expect all professionals and services working with children, young people and their families to plan, discuss and agree any changes that may take place to ensure continuity of support and that children, young people and their families have confidence in what is being provided and where they can go for help.



## **What we need to do**

- Adopt a 'right door and tell us once' approach with families so that professionals can support them to access the right services and support at the right time.
- Further develop processes for sharing information between professionals supporting children in their pre-school years so that support is planned for and provided when it is needed.
- Use the model of family hubs to establish co-located, wrap-around services in places close to where people live.
- Improve the local offer website so that families know where they can obtain help and advice when they have concerns about their children's development.
- Review the use of funding to enable more flexibility when meeting needs.
- Co-design and deliver training and support for the whole workforce and families to utilise a graduated approach for SEND.
- Co-produce strengthened graduated approach pathways into health services that provide support at the time when a need is identified.
- Provide timely access to all health services for children and young people with SEND, and resolve the access challenges in Paediatric Speech and Language Therapy.
- Work with families to ensure that EHC plans accurately reflect their child or young person's needs, expected outcomes and are updated in a timely manner.
- Jointly commission/improve services and support across education, social care and health that are based on robust data analysis and what families tell us is needed.
- Co-review the current arrangements for transitions between children's and adults' education, health and social care services based on the experiences of children, young people and their families, and the workforce.
- Ensure that information, advice and guidance is available to professionals, children, young people and their families to enable timely planning and clarity for continuity of support.

# Priority 2

***Expand our range of education provision to enable children and young people's needs to be met in local settings that provide an inclusive education and support them to achieve their very best.***

## The importance to our partnership

We are committed to ensuring the inclusive education of children and young people and the removal of barriers to learning.

There is an expectation that all educational settings will work to enable all children and young people to develop, learn, participate and achieve their best possible educational potential and achieve their aspirations.

We want every child's needs to be met, as far as possible, in their local community, by local early years' providers and mainstream schools.



## What we need to do

- Widen and strengthen SEND provision by increasing the numbers of places in Blackpool for pupils with social, emotional and mental health needs.
- Create an intensive support centre to meet the needs of our most complex children and young people.
- Provide specialist, evidence based training and support to our early years and mainstream educational settings in relation to SEND to underpin our principles of local schools for local children and 'no Blackpool child left behind'.
- Promote quality first teaching in all our educational settings that focuses on high expectations for all our children through the effective deployment of the education service.
- Support the development of SEND provision in all educational settings through a whole school approach to SEND based on NASEN standards.
- Undertake a needs based assessment to identify and strengthen the range of educational provision commissioned to ensure the needs of our most complex children and young people in Blackpool are met.
- Ensure that children, young people and their parents are involved in the planning and delivery of the support their children require.
- Increase the numbers of children with an Education, Health and Care Plan who are educated in a mainstream school to ensure that they have access to a full curriculum that enables them to progress to further education/employment.

# Priority 3

***A range of leisure and social activities that develop children and young people's interests and broaden opportunities to socialise and develop friendships, incorporating respite placements.***

## **The importance to our partnership**

We believe that all children and young people that live in Blackpool should have access to the same range of opportunities and experiences as any other child or young person living in Blackpool.

Evidence tells us that children and young people that are connected to their communities have a sense of belonging, experience better mental health and wellbeing, grow in confidence, build resilience and independence; and develop positive relationships and friendships with others.

### **What we need to do**

- Explore opportunities to expand the range of school holiday care across Blackpool for working parents.
- Co-design and realign existing funding to provide a range of opportunities that enable children and young people to develop life skills, friendships and build confidence.
- Encourage partners to create activities in accessible locations to avoid unnecessary travel.
- Expand provision in before and after school clubs to enable access for children from special schools.
- Support existing leisure and social activities to better meet the needs of children and young people with SEND.
- Consult and co-produce with families commissioning priorities to ensure a wide variety of options for respite, short breaks and leisure opportunities to meet a wide range of needs.
- Provide training and support to voluntary organisations to enable children and young people with SEND to access their activities.
- Explore the use of community assets to provide safe, accessible venues and facilities for children and young people with SEND.





# Priority 4

***Clear routes into further/higher education and training that will provide young people with the skills to secure employment, live independent lives and reach their potential.***

## **The importance to our partnership**

We are ambitious on behalf of our young adults with SEND. We want them to have access to opportunities that enable them to achieve their career and life goals.

We recognise that young people and their families need support for this to happen and we are committed to working with young people and their families to understand what their goals are and the support they need to achieve them.

Our intention is to develop a Preparation for Adulthood strategy with young people, their families and a range of stakeholders across Blackpool that provides clarity on the routes, opportunities and support available so that young people and their families can plan and be confident in the decisions they make about their futures.

## **What we need to do**

- Gather the views and aspirations of young people, and their parents to shape the provision provided within Blackpool.
- Work with our further education partners to provide courses for young people that include a quality work experience placement and enable them to gain the skills and qualifications to progress to higher education, access apprenticeships/employment within the Blackpool area.
- Engage with local employers to increase the numbers of opportunities for supported internships and apprenticeships.
- Provide high quality information, advice and guidance to young people and their parents in a timely manner that enables them to make early informed choices about their future career/life pathway.
- Co-develop with young people and our partners a range of provision that will prepare young people for everyday life that develops their independence skills (e.g. managing on a budget, cooking, booking health appointments).
- Create opportunities with local providers for young people to participate in activities such as Duke of Edinburgh awards and volunteering.



# Glossary of Terms

Term	Description
<b>Apprenticeships</b>	An apprenticeship is a paid job for anyone over the age of 16. Alongside on-the-job training, apprentices spend at least 20% of their working hours completing classroom-based learning with a college, university or training provider which leads to a nationally recognised qualification
<b>Children and Families Act 2014</b>	The Children and Families Act 2014 brought together a number of changes to legislation around services for vulnerable children and young people and families. The changes cover the family justice system, virtual schools for looked after children, adoption, childcare, shared parental leave and flexible working, and services for children and young people with Special Educational Needs and/or Disabilities (SEND). The provisions in the Act which relate to SEND came into force in September 2014.
<b>CAMHS - Child and Adolescent Mental Health Services</b>	<p>Blackpool CAMHS service is made up of professionals from a range of disciplines including consultant child and adolescent psychiatrists, nurses, social workers, occupational therapists, psychologists, counsellors, support staff and an admin team.</p> <p>The service offers a range of assessments and therapeutic interventions including 1:1 work, family therapy and group work.</p>
<b>Communications charter</b>	An agreement that sets out how professionals will communicate with parents, carers, children and young people based on a co-produced set of principles.
<b>Co-production</b>	An approach that places parents, carers, children and young people at the heart of decision making by involving them in the design, development and delivery of services that impact on their lives.
<b>CQC – Care Quality Commission</b>	The independent regulator of health and adult social care in England. They make sure health and social care services provide people with safe, effective, compassionate, high quality care and encourage care services to improve. They undertook the SEND inspection in Blackpool jointly with Ofsted.
<b>Data dashboard</b>	An information management tool that helps to track our progress against our key performance indicators.
<b>Early Years</b>	From pre-birth to starting school.
<b>EHCP – Education, Health and Care Plan</b>	A legal document that details the education, health and social care support that is provided to a child or young person who has a special educational need and/or a disability. It is drawn up by the local authority after an education, health and care (EHC) needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partner agencies.
<b>Family hubs</b>	Family Hubs are centres which, as part of integrated family services ensure families with children and young people aged 0-19 receive early help to overcome a range of difficulties and build stronger relationships.
<b>Focus Group</b>	A group of people brought together to have a discussion/provide feedback on a specific service or topic.



# Glossary of Terms

Term	Description
<b>Graduated approach</b>	An outline of the provision and support that Blackpool Council expects to be in place in all educational settings which support Blackpool children and young people with SEND and, therefore, forms an important part of the Blackpool local offer for SEND.
<b>IMD – Index of Multiple Deprivation</b>	The Index of Multiple Deprivation is the official measure of relative deprivation for small areas <sup>1</sup> (or neighbourhoods) in England. The Index of Multiple Deprivation ranks every small area in England from 1 (most deprived area) to 32,844 (least deprived area).
<b>Improvement Plan</b>	A plan that sets out measurable actions that will be taken with clear accountabilities, measures and deadlines to make improvements identified from the SEND strategy and the SEND inspection.
<b>IAG – Information, advice and guidance support</b>	Services that provide advice and information to children with SEND, their parents and young people with SEND. These services provide advice and support to help families make informed decisions about education, further learning and employment, health and care transitions and support.
<b>Local Offer</b>	The Local Offer is the support and services available in Blackpool for children and young people with SEND aged 0–25 and those who support them.
<b>Mainstream</b>	Any school or setting that is not a special school or non-specialist pre-school provision.
<b>NASEN</b>	The National Association for Special Educational Needs – a charitable membership organisation that exists to support and champion those working with, and for, children and young people with SEND and learning differences.
<b>ND pathway</b>	
<b>(Neurodevelopmental) pathway</b>	The Fylde Coast School Age Neurodevelopmental Pathway is an integrated multi-agency pathway for children and young people aged 5-16 years who are causing parental and professional concern and who require multi-agency specialist consideration of their needs.
<b>NHS Lancashire and South Cumbria Integrated Care Board (ICB)</b>	A statutory NHS organisation which is responsible for developing a plan for meeting the health needs of the population, managing the NHS budget and arranging for the provision of health services in a geographical area. ICBs have their own leadership teams, which include a Chair and Chief Executive, and also include members from NHS trusts/foundation trusts, local authorities, general practice, and an individual with expertise and knowledge of mental illness.
<b>Ofsted – Office for Standards in Education, Children’s Services and Skills</b>	Ofsted is a non-ministerial department that inspects services providing education and skills for learners of all ages. They also inspect and regulate services that care for children and young people and undertook the SEND inspection in Blackpool jointly with the Care Quality Commission.
<b>Short breaks/respite provision</b>	Short breaks provide opportunities for children and young people with disabilities to spend time away from their primary carers, and provide opportunities for their parents and carers to have a break from caring responsibilities

# Glossary of Terms

Term	Description
<b>Special Educational Needs and/or Disabilities</b>	A child or young person between the ages of 0-25 years has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child or young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of education facilities of a kind generally provided for others of the same age in mainstream schools or colleges.
<b>Quality First Teaching</b>	A style of teaching that emphasises high quality, inclusive teaching for all pupils in a class.
<b>Supported Internships</b>	Supported internships are a structured, work-based study programme for 16 to 24-year-olds with SEND who have an education, health and care (EHC) plan. The core aim of a supported internship study programme is a substantial work placement, facilitated by the support of an expert job coach for those young people wanting to secure employment.
<b>Transitions</b>	The moves children and young people make from home to early years education through to further and higher education/employment and the transfers from children's services to adult services for health and social care provision.
<b>WSOA – Written Statement of Action</b>	A document which sets out the actions that are needed to address the significant areas of weakness in a local area identified by Ofsted and the Care Quality Commission following a SEND inspection.

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Victoria Gent, Director of Children's Services
<b>Relevant Cabinet Member</b>	Councillor Gillian Campbell, Cabinet Member for Inclusion, Youth, Schools and Transience
<b>Date of Meeting:</b>	5 December 2022

## PROPOSED EXPANSION OF HIGHFURLONG SPECIAL SCHOOL

### 1.0 Purpose of the report:

- 1.1 To seek approval to proceed with the development of The Meadow site at Highfurlong School - subject to Planning consent - to accommodate a two-storey extension and associated facilities to ensure sufficient local provision for children and young people with special educational needs and disabilities (SEND).

### 2.0 Recommendation(s):

- 2.1 To approve the development, following a procurement process via the Procure NW Framework (£1m to £5m contract for partners).
- 2.2 To approve the budget of £4.8 million for phase one of this scheme.

### 3.0 Reasons for recommendation(s):

- 3.1 A planning application has been submitted for approval to develop The Meadow on Garstang Road West to accommodate a two-storey extension with associated facilities to ensure sufficient local provision for children and young people with special educational needs and disabilities (SEND). Design and feasibility work to RIBA Stage 4 and costings are being developed to enable a traditional construction scheme to be tendered via the Procure NW Framework (£1m to £5m contract for partners).

Highfurlong Special School reached a cohort of over 110 students in the summer term 2022, which is three times the number five years ago. The growing number of pupils in special schools is in part as a result of changes in legislation introduced in 2014, but also due to children surviving with more complex medical needs than historically was the case.

Despite additional building works being undertaken during that time to create extra space at the school, the capacity of the existing building is now over-stretched. An independent

school capacity report dated March 2022 found that Highfurlong's building has a deficit of space equivalent to four classrooms when compared against current pupil numbers. The school has now saturated its existing footplate and is no longer able to effectively deliver complimentary curriculum activities such as design technology, music and life skills, despite winning the prestigious School of the Year award in 2021.

The Local Authority has a statutory duty to ensure sufficient suitable places are available for all pupils across the town. The proposed expansion at Highfurlong School would help to ensure that Blackpool Council can meet the needs of children with complex physical and medical disabilities.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

**4.0 Other alternative options to be considered:**

4.1 If additional provision is not provided the Council would have to rely on Out of borough SEND provision, including associated transport costs, which is both expensive and not always in the best interests of children and their families.

**5.0 Council priority:**

5.1 The relevant Council priority is: "Communities: Creating stronger communities and increasing resilience".

**6.0 Background information**

6.1 Highfurlong Special School benefited from a single storey infill extension in the summer of 2021, which enabled it to continue to meet the needs of their increasing pupil numbers. The school has used its existing space as flexibly as possible and has now reached saturation point of their existing footplate due to the nature of the physical requirements and associated equipment of the current cohort.

6.2 Land known as "The Meadow" currently sits unused on the site due to significant level differences. Phase One will see the two-storey extension built, with a covered walkway created to link to the existing site via the top floor of the new building. The ground floor of the new building will comprise facilities for post-16 students, alongside a new kitchen that will serve the whole school (currently facilities are shared with Aspire Academy). There will also be a community café at the front of the school designed for post 19 students to gain valuable employment skills and increase the commercial viability of the venture through improved public access from the main road. The upper floor would comprise classrooms and

ancillary spaces for secondary aged pupils. Under the development proposals the existing building would house primary pupils.

6.3 Phase two would see the creation of a new fit-for-purpose hydrotherapy suite, with a music room, sensory unit and breakout rooms above. Should additional funding be identified in time, both phases would be delivered in tandem in order to benefit from cost efficiencies whilst contractors are on site.

6.4 Subject to relevant approvals and the tendering process, it is anticipated works would commence on site around May 2023 for completion by June 2024.

6.5 Does the information submitted include any exempt information? Yes

Appendix 3a is not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would not be served by publishing information at this stage as this information would undermine the Council's position in future negotiations and could risk the scheme not being able to proceed.

## **7.0 List of Appendices:**

7.1 Appendix 3a – Financial considerations (exempt)

## **8.0 Financial considerations:**

8.1 See exempt information at Appendix 3a.

8.2 Children's Services has allowed a budget envelope of £4.8 million for phase one of the scheme, and costs will be contained within that budget. The scheme is being funded from a combination of education capital, including Basic Need, High Needs Provision Capital Allocations, and School Condition Allocations. Alongside other planned capital schemes, reliance is being made on known future allocations of Basic Need funding in 2023/24 and 2024/25, and of High Needs Provision Capital Allocations in 2023/24.

8.3 A bid for capital funding to deliver phase 2 of the scheme will be submitted as part of the Department for Education's Safety Valve programme. A separate report to Executive on this programme is planned for January 2023.

## **9.0 Legal considerations:**

9.1 A new access road will be required using land currently within the demise of the 125 year lease to Aspire Academy – subject to legal negotiation with Fylde Coast Academy Trust and all associated due diligence.

**10.0 Risk management considerations:**

- 10.1 Not progressing the proposed expansion would mean the local authority would be unable to meet its statutory duty to ensure that sufficient suitable places are available for all pupils across the town. This would create further pressure on the High Needs budget, as places would need to be secured in more costly independent special schools outside of Blackpool.

**11.0 Equalities considerations:**

- 11.1 Highfurlong Special School caters for the needs of children with special educational needs and disabilities. The expansion scheme will ensure that the needs of more children can be appropriately met in local provision, reducing the need for lengthy transport journeys, and enabling children to be part of their local community.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 The scheme at Highfurlong Special School is being developed in line with Blackpool Council's Climate Change Declaration. The scheme will include the provision of air source heat pumps in lieu of conventional gas boilers. Provision will also be made for a number of solar panels to be installed. The scheme is also required to achieve a BREEAM rating of very good.

**13.0 Internal/external consultation undertaken:**

- 13.1 Statutory public planning consultation is being undertaken. Information on the proposed development was shared with parents of pupils at the end of summer term 2022, and school employees are being kept updated about progress with the plans. Community information sessions will be held during the course of the public consultation period.

**14.0 Background papers:**

- 14.1 Planning application 22/0725 is available on Blackpool Council's website at [Simple Search \(blackpool.gov.uk\)](https://www.blackpool.gov.uk/Planning/22/0725)

**15.0 Key decision information:**

- |      |   |         |
|------|---|---------|
| 15.1 | Is this a key decision?   | Yes     |
| 15.2 | If so, Forward Plan reference number:                               | 16/2022 |
| 15.3 | If a key decision, is the decision required in less than five days? | No      |
| 15.4 | If <b>yes</b> , please describe the reason for urgency:             |         |

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 25 November 2022 Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Summary of Discussion:**

19.1

**20.0 Executive decision:**

20.1

**21.0 Date of Decision:**

21.1

**22.0 Reason(s) for decision:**

22.1

**23.0 Date Decision published:**

23.1

**24.0     Alternative Options Considered and Rejected:**

24.1

**25.0     Executive Members in attendance:**

25.1

**26.0     Call-in:**

26.1

**27.0     Notes:**

27.1



<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Karen Smith, Director of Adult Services
<b>Relevant Cabinet Member:</b>	Councillor Jo Farrell, Cabinet Member for Adult Service and, Community Health and Wellbeing
<b>Date of Meeting:</b>	5 December 2022

## BETTER CARE FUND 2022/23 SECTION 75 AGREEMENT

### 1.0 Purpose of the report:

- 1.1 The Council has previously entered into an agreement with Clinical Commissioning Group pursuant to section 75 of the National Health Service Act 2006 to establish and maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions. The Health and Care Act 2022 decommissioned Clinical Commissioning Groups and established Integrated Care Boards

The report is now seeking authority to enter into an agreement with the Integrated Care Board pursuant to section 75 to continue to maintain pooled funds out of which prescribed local authority functions and prescribed NHS functions can continue to be provided.

### 2.0 Recommendation(s):

- 2.1 To approve entering into a partnership agreement under section 75 of the NHS act 2006 with the Lancashire and South Cumbria Integrated Care Board
- 2.2 To delegate authority to the Director of Resources to negotiate the terms of s75 agreements with Lancashire and South Cumbria Integrated Care Board and Blackpool Borough Council for 2022/23 and any further subsequent section 75 agreements with the same parties.
- 2.3 To authorise the Head of Legal Services to enter into any section 75 agreements between the Integrated Care Board and the Council.

### **3.0 Reasons for recommendation(s):**

- 3.1 National Health Service England require the relevant local authority to establish a pooled fund with the relevant NHS party prior to releasing funds that are under its control.

The Council has previously entered into agreements with the prior relevant NHS party (an integrated commissioning group), however that party has now been decommissioned pursuant to the Health and Care act 2022.

To ensure the continuity of the joint services which have been previously provided the Council is now required to enter into a section 75 agreement with an Integrated Care Board.

It is recommended that the delegation is granted to the Director of Resources due to the joint role now held by the Director of Adult Services so that there is clarity of roles and to proactively avoid conflicts of interest.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### **4.0 Other alternative options to be considered:**

- 4.1 Not entering into the Section 75 agreement. Should a decision be made not to enter the agreement with Lancashire and South Cumbria Integrated Care Board for 2022/23 and for future years it would impact on the availability of NHS funding to support the local health and care system. It could also impact on the £2,617,000 Disabled Facilities Grant that is paid directly to the Council by the Department of Levelling Up, Housing and Communities (DLUHC) and also the £10,875,000 Improved Better Care Fund Grant (iBCF) that is also paid directly to the Council by the Department of Levelling Up, Housing and Communities In each case grant conditions require that the Council has an agreed Better Care Fund plan in place that meets national conditions. Having an agreed Section 75 is also one of the national conditions.

### **5.0 Council priority:**

- 5.1 The relevant Council priority is: "Communities: Creating stronger communities and increasing resilience".

### **6.0 Background information**

- 6.1 The Council has responsibility for commissioning and/or providing social care services on behalf of the population of the borough of Blackpool.

- 6.2 Pursuant to the enactment of the Health and Care Act 2022 which facilitated the dissolution of Clinical Commissioning Groups and replacement of Integrated Care Boards the Lancashire and South Cumbria Integrated Care Board pursuant to the National Health Service 2006 Act has the responsibility for commissioning health services in the borough of Blackpool.
- 6.3 The Better Care Fund was established by the Government to provide funds to local areas to support the integration of health and social care and to seek to achieve the National Conditions and local objectives. It is a requirement of the Better Care Fund that the relevant Integrated Care Board and the relevant Local Authority establish a pooled fund for this purpose.
- 6.4 Section 75 of the National Health Service 2006 Act gives powers to local authorities and integrated care boards to establish and maintain pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed NHS functions.
- 6.5 The purpose of the Section 75 agreement is to set out the terms on which Blackpool Borough Council and Lancashire and South Cumbria Integrated Care Board (“the Partners”) have agreed to collaborate and to establish a framework through which the Partners can secure the future position of health and social care services through lead or joint commissioning arrangements and other Arrangements. It is also a means through which the Partners will pool funds and align budgets as agreed between the Partners.
- 6.6 The aims and benefits of the Partners in entering into this Agreement are to:
- improve the quality and efficiency of the Services;
  - meet the National Conditions and local objectives of the Better Care Fund;
  - make more effective use of resources through the establishment and maintenance of a pooled fund for expenditure on the Services;
  - work together towards achieving the vision for health and care services in Blackpool; and
  - utilise the benefits of the flexibilities available to the Partners pursuant to Section 75 of the 2006 Act.

The Partners have jointly carried out consultations on the proposals for this agreement with all those persons likely to be affected by the arrangements.

The Partners are committed to continuing to work together towards the further pooling of resources to deliver integrated services, and this Agreement may be extended by the addition of new Individual Schemes to enable integration to be delivered across a wider range of services.

6.7 The Executive previously agreed to enter a Section 75 agreement with the Clinical Commissioning Group in Executive Decision EX10/2014 Better Care Fund Approval Process. This report seeks to replicate that process with the new partner organisation.

6.8 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 Appendix 4a- Table 1 sources and allocation of funding, Table 2: Financial Contributions by Organisation 2020/21 and 2021/22 Compared, Table 3 Schedule of Schemes

**8.0 Financial considerations:**

8.1 These are as outlined in Appendix 4a.

**9.0 Legal considerations:**

9.1 Section 75 of the National Health Service Act 2006 established the ability for the Clinical Commissioning Groups on behalf of the National Health Service to enter into a pooled account with the relevant local authority to provide joint services.

9.2 The Health and Welfare Act 2022 decommissioned Clinical Commissioning Groups and established Integrated Care Boards

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 Blackpool Health and Wellbeing Board and the Better Care Fund Monitoring Group have consulted with key providers of Health and Adult Social Care services through existing meetings and dedicated planning workshops. Consultation with patients, service users and the public will continue to be facilitated by Healthwatch Blackpool.

**14.0 Background papers:**

14.1 [NHS England » Better Care Fund planning requirements 2022-23](#) (DHSC, 2022)

**15.0 Key decision information:**

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 30/2022

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 25 November 2022 Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Executive decision:**

19.1

**20.0 Date of Decision:**

20.1

**21.0 Reason(s) for decision:**

21.1

**22.0 Date Decision published:**

22.1

**23.0 Executive Members in attendance:**

23.1

**24.0 Call-in:**

24.1

**25.0 Notes:**

25.1

## APPENDIX 4a

Table 1 sources and allocation of funding

Table 1: BCF FUNDING SUMMARY 2022/23			
Funding Breakdown	2021/22 (£,000)	2022/23 (£,000)	% Difference
<b>MINIMUM ICB CONTRIBUTION</b>	16,069	<b>16,979</b>	5.7
<b>Required Spend</b>			
Adult Social Care	10,574	11,171	5.6
Out of Hospital	4,566	4,824	5.7
<b>MINIMUM BLACKPOOL COUNCIL CONTRIBUTION</b>	13,171	<b>13,490</b>	2.4
<b>Required Spend</b>			
Disabled Facilities Grant (DFG)	2,615	2,615	0
Improved Better Care Fund (iBCF)	10,556	10,875	3.0
<b>MINIMUM BCF VALUE</b>	29,240	30,469	4.2
Additional ICB Contribution	8,582	7,807	-9.0
Additional Blackpool Council Contribution	0,512	1,367	167
<b>TOTAL BCF VALUE</b>	38,334	<b>39,643</b>	3.4

Table 2 below provides the breakdown of Council and CCG contributions in 2021/22 compared with 2022/23:

Table 2: Financial Contributions by Organisation 2021/22 and 2022/23 Compared		
Organisation	2021/22 (£,000s)	2022/23 (£,000s)
CCG	24,651	24,786
Blackpool Council	13,683	14,857
<b>TOTAL</b>	<b>38,334</b>	<b>39,643</b>

Table 3 below provides a summary breakdown of investment by the Council and the ICB in each scheme in 2022/23 which reflects information included within the template that Blackpool Council was required to send to NHSE as part of the plan submission process.



**Table 3 Schedule of Schemes**

Scheme number	Scheme Name	Commissioner	Provider	Expenditure 2022/23 (£)	Year
1	Disabled Facilities Grant - Capital	LA	Local Authority	£2,614,944	2022/23
2	Phoenix Centre (Crisis and Respite Service)	LA	Local Authority	£502,726	2022/23
3	Assessment and Rehabilitation Centre - Incl Social Workers	LA	Local Authority	£2,242,407	2022/23
4	In-House Homecare Service incl reablement	LA	Local Authority	£2,932,604	2022/23
5	Vitaline (Technology Enabled Care)	LA	Local Authority	£1,294,067	2022/23
6	Keats Daytime Support Service for people living with Dementia and their carers	LA	Local Authority	£241,779	2022/23
7	Extra Support Service (complex and challenging LD)	LA	Local Authority	£2,527,698	2022/23
8	Coopers Way (Respite and Crisis service)	LA	Local Authority	£1,304,691	2022/23
10	Primary Mental Health Care	LA	Local Authority	£259,599	2022/23
11	Hospital Discharge Team (Transfer of Care Hub)	LA	Local Authority	£1,528,983	2022/23
12	Mental Health Day Services	LA	Local Authority	£307,890	2022/23
13	Continuing Healthcare Team	LA	Local Authority	£98,948	2022/23
14	Additional Social Workers - neighbourhood teams	LA	Local Authority	£459,648	2022/23
16	Preparing for Adulthood	LA	Local Authority	£39,425	2022/23
17	Autism	LA	Local Authority	£348,146	2022/23
21	Quality Assurance Team	LA	Local Authority	£411,182	2022/23
22	Adults Equipment	LA	Local Authority	£1,082,750	2022/23
23	Care & Repair Contract - BCH	LA	Local Authority	£169,163	2022/23
24	Spending Review Original iBCF allocation	LA	Local Authority	£8,371,989	2022/23

27	Children's Equipment	LA	Local Authority	£201,900	2022/23
28	Hub Manager	LA	Local Authority	£56,998	2022/23
29	Speech & language	LA	Local Authority	£45,598	2022/23
30	YOT	LA	Local Authority	£15,442	2022/23
31	Care Co-ordinator Manager	LA	Local Authority	£6,218	2022/23
32	Enhanced Primary Care and Care Homes	ICB	NHS Community Provider	£731,595	2022/23
33	Out of Hospital IV therapy service	ICB	NHS Community Provider	£279,285	2022/23
34	Frequent Callers	ICB	NHS Community Provider	£75,784	2022/23
35	Intermediate Care model	ICB	NHS Community Provider	£1,127,290	2022/23
36	Carers support workers/grants	ICB	NHS Community Provider	£158,470	2022/23
37	Rapid Response	ICB	NHS Community Provider	£512,957	2022/23
38	HD Team	ICB	NHS Community Provider	£144,183	2022/23
39	Hospital Aftercare service (existing)	ICB	Charity / Voluntary Sector	£40,476	2022/23
40	Extensive Care Service	ICB	NHS Community Provider	£1,299,161	2022/23
41	GP Plus NEL scheme	ICB	ICB	£2,411,602	2022/23
42	Enhanced Support Discharge	ICB	NHS Community Provider	£375,429	2022/23
43	Speech & Language Therapy - BTH	ICB	NHS Acute Provider	£496,659	2022/23
44	Richmond Fellowship	ICB	Private Sector	£161,138	2022/23

45	Community End of Life Team	ICB	NHS Community Provider	£114,760	2022/23
46	Adult Beds	ICB	NHS Acute Provider	£423,292	2022/23
47	Community Stroke and Neuro	ICB	NHS Community Provider	£89,859	2022/23
48	Rapid Response Team	ICB	Local Authority	£480,274	2022/23
49	50% Quality Assurance Manager	ICB	Local Authority	£25,000	2022/23
50	ICB Contribution to Safeguarding Adults Board	ICB	Local Authority	£40,985	2022/23
51	Additional Homecare Hours to support Hospital Discharge	LA	Local Authority	£468,730	2022/23
52	Health Inequalities	ICB	ICB	£3,000,000	2022/23
53	ARC Rehabilitation GP support	ICB	NHS Community Provider	£124,546	2022/23
TOTAL				£39,642,687	

<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	John Blackledge, Director for Community and Environmental Services
<b>Relevant Cabinet Member:</b>	Councillor Neal Brookes, Cabinet Member for Enforcement, Public Safety, Highways and Transport
<b>Date of Meeting:</b>	5 December 2022

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

### 1.0 Purpose of the report:

- 1.1 To consider the recommendation of the Licensing Committee from its meeting on 8 November 2022 on the proposed Hackney Carriage and Private Hire Licensing Policy.

### 2.0 Recommendation(s):

- 2.1 To approve the Hackney Carriage and Private Hire Licensing Policy with effect until the 31 December 2027.

### 3.0 Reasons for recommendation(s):

- 3.1 The existing policy received approval in 2016. The policy is due for a full review taking into consideration the Statutory Taxi and Private Hire Standards published by the Department for Transport.
- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### 4.0 Other alternative options to be considered:

- 4.1 None.

### 5.0 Council priority:

- 5.1 The relevant Council priority is both:
- "The economy: Maximising growth and opportunity across Blackpool"

- “Communities: Creating stronger communities and increasing resilience”

## **6.0 Background information**

- 6.1 Best practice dictates that the Council should have a policy setting out how it will approach decisions relating to taxi and private hire licensing. The last full review of the Hackney Carriage and Private Hire Licensing Policy took place in 2016, although the Council made minor amendments in 2018 a full review is now required to ensure that the policy remains up to date and fit for purpose.
- 6.2 The Policing and Crime Act 2017 empowered the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire licensing functions to protect children and vulnerable individuals from harm when using these services. The Department for Transport published the statutory standards in July 2020 and there is an expectation that authorities will implement the recommendations contained therein unless there is a compelling reason not to do so.
- 6.3 The Public Protection Sub-Committee considered a draft version of the policy at its meeting on 21 June 2022 and approved a period of consultation.
- 6.4 Consultation took place from July 2022 and ended on 16 September 2022. Two meetings were held with representatives from the Hackney Carriage and Private Hire trade to discuss the content of the draft policy.
- 6.5 The written responses to the consultation can be found at Appendix 5a, and the proposed policy is at Appendix 5b.
- 6.6 Those present at the meetings were supportive of the proposal to move to a combination of annual pit inspection and MOT test six months later (or 4 and 8 months later in the case of vehicles over 14 years). The proposed policy has been amended to confirm the intervals between pit inspection and MOT. Discussions will take place with the trade on the transition from the old system to the new.
- 6.7 The other amendments to the proposed policy have been made following consideration of the response from NPHTA sent on behalf of BLTOA and Blacktax. The main changes are noted below.
- 6.8 The Executive will note that the Code of Conduct when working with vulnerable passengers has been removed. This code pre-dates the safeguarding training that has been in place for a number of years and as the consultation comments state, much of the conduct suggested in the code is what would be expected of a licensed driver whenever they are working. Officers will review the need for a refreshed code of conduct and if felt necessary will bring a revised code to the Public Protection Sub-Committee for consideration at a future date.

- 6.9 CCTV – this section has been removed. The need for further guidance on CCTV systems will be reviewed in consultation with the trade.
- 6.10 Of major concern to the trade was the policy on convictions for use of hand held devices whilst driving (Appendix 5a point 11). There is a fear that drivers will be convicted of an offence for using their PDA in the course of acting as a licensed driver and risk revocation of their licence. The comments of the NPHTA are noted and the intention of the proposed amendment to this section balances the serious view to be taken of driving and talking/otherwise using a device in your hand with the acceptance that drivers may find themselves with such a conviction in circumstances that might not merit revocation of their licence.
- 6.11 Vehicle specification and exceptional quality policy – no amendments are currently proposed, however it is accepted that these appendices will benefit from a full review bearing in mind the comments made by the NPHTA. The appendices will remain in place for the time being whilst officers conduct the review.
- 6.12 The Public Protection Sub-Committee considered the proposed policy at its meeting on 4 October 2022. The Sub-Committee recommended the proposed Hackney Carriage and Private Hire Licensing Policy to the Licensing Committee for recommendation to the Executive for adoption subject to the amendment of the section on safeguarding to refer to both children and vulnerable people. The proposed policy at Appendix 5b contains this amendment. The Licensing Committee at its meeting on 8 November recommended this finalised version of the policy to the Executive for approval.
- 6.13 Does the information submitted include any exempt information? No

## **7.0 List of Appendices:**

- 7.1 Appendix 5a Consultation response  
Appendix 5b revised policy

## **8.0 Financial considerations:**

- 8.1 None.

## **9.0 Legal considerations:**

- 9.1 There are no legal considerations.

## **10.0 Risk management considerations:**

- 10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

**15.0 Key decision information:**

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 19/2022

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:



**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 25 November 2022 Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Executive decision:**

19.1

**20.0 Date of Decision:**

20.1

**21.0 Reason(s) for decision:**

21.1

**22.0 Date Decision published:**

22.1

**23.0 Executive Members in attendance:**

23.1

**24.0 Call-in:**

24.1

**25.0 Notes:**

25.1

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Lynn Williams – Blackpool  
Council Leader

John Blackledge –  
Director of Blackpool  
Council

Date: 15/08/2022

### **Taxi & PH Draft Policy Consultation Outcomes**

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

#### **Credibility and Transparency Failures**

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.

2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

### **Draft Taxi & PH Policy**

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

Confidential

2

No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?  
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

## **Summary**

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis



[www.nphta.co.uk](http://www.nphta.co.uk)

## **Blackpool consultation august 2022**

Within this document, we will copy and paste sections that we feel are in need of a response, or raise concerns for members locally, and in some cases, may be nationally, the sections will be in **black text**, with any key wording **highlighted**, comments below will be in **blue text**. And where amendments are suggested, they will be in **green text**. This approach is taken purely for simplicity and to make the comments much easier to follow and differentiate from the original online document.

There may be quotes and comments made within the document too, which will be in italics, and we may use reference points such as articles where such matters as we come across them have already been publicised and discussed elsewhere.

Comments are written by David Lawrie (DL) and Steven Toy (ST)

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### **g. Child Sexual Exploitation and Abuse**

please re name as “safeguarding”

#### **The Police**

Common Law Police Disclosure enables the police to disclose information to the licensing authority concerning a driver **where there is** a public protection risk. As information is disclosed at arrest or charge rather than conviction, the authority is able to take mitigating action at the earliest opportunity.

This may be nothing more than an assumption or opinion, in reality, it is also equally possible that there is no risk at all.

Suggest amending to read “**where there may be**”

### **Sharing information with other licensing authorities**

Applicants are required to confirm whether they have previously held a licence with another authority. Checks will be made with any authority disclosed. Blackpool Council will also use the NR3 database of refusals and revocations as a further source of information.

This is written as if it is optional for the council, where in reality it is now mandated in order to comply with the new safeguarding act from Peter Gibson MP that became an act of legislation this year.

Suggest this is amended to reflect this by stating “Blackpool council is duty bound to use the NR3 database.”

## Multi-agency safeguarding (MASH)

Multi-agency safeguarding hubs promote better information sharing between agencies to improve the safeguarding response for children and the vulnerable. The Child Protection Licensing officer provides a link with the MASH to ensure that relevant information is exchanged with the licensing authority.

Who to please? Is this shared with drivers in order to support their safeguarding role? Not clear what this actually means, please re write to make it clear. (DL)

Indeed, let us not presume the licensed driver, deemed a fit and proper person to be a risk in themselves. They have a role to play in identifying when a child or other vulnerable person is at risk. (ST)

## Complaints against licence holders

Complaints about licence holders can be a valuable source of information and intelligence. It may be possible to identify patterns of behaviour, which casts doubt on an individual’s fitness to hold a licence. For this reason, the licensing authority will ensure that they have a robust system for recording complaints.

Agreed, but the same can be said about compliments or comments, we as a national stakeholder are very clear on the subliminal messaging used here to suggest that the only thing that matters, is when a driver does something wrong, which is worthy of complaint, we have pages and pages of “unsung heroes” published monthly in the national publication which is [www.phtm.co.uk](http://www.phtm.co.uk).



Suggest an amendment to simply change the word “complaint” to “compliment” or “comment” or even “feedback,” all of which are just as effectively as forms of establishing patterns of behaviour.

Indeed, the role of the regulator is not to reinforce or create negative perceptions of the trade on the part of public. Fostering public confidence in accessing the services provided by licensed drivers and vehicles is in the public interest. The role of the regulator is to protect the public and not make them fearful. The travelling public should be encouraged to share positive experiences for this also informs licensing and policy decisions. Naturally, the authority exists to take action in the event of drivers, vehicles or operators failing to meet the standards reasonably expected of them. (ST)

## Overseas convictions

A DBS certificate may not provide a complete picture of an individual who has spent periods living or working abroad. Where an applicant has been abroad for an extended period (3 months or more), they will be required to provide criminal record information or a certificate of good character.

This seems quite a short period of time when, compared to most other licensing authorities, most stipulate 6 months, not just 3 months. 3 months is simply a long holiday for those lucky enough to be able to afford the time off.

Indeed, six months is the recommended norm. There should not be a competition between licensing authorities for how draconian their policies can be in order to be *seen* to protect the public (as opposed to taking more meaningful, proportionate, and effective approaches). Gesture politics is to be avoided. (ST).

## The Regulatory Structure

Under the Council’s Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine applications, contraventions, suspensions, and revocations.

The Public Protection Sub-Committee meets approximately every four weeks to consider matters relating to hackney carriage and private hire licensing.

- Each case will be determined on its own merits
- The elected members making the decision will not be involved in day-to-day operational matters resulting in a clear distinction between the investigator and decision

Whilst we have no direct objection to the main context here, in fact it is in keeping with the duties and burdens placed on the committee, our concern, and one of my personal pet hates here is the use of the derogatory and defamatory implication made by use of the name “public protection” since it implies that indeed the public need protecting from the rogues, misfits and deviants that are license holders, when the truth is two-fold, firstly, all drivers are DBS cleared and perform the role of protecting the public, ensuring they can travel safely, and get home safely from a night out, and secondly, the licensees are also entitled to protection FROM the public.

With this in mind, considering the fact that public perception is of huge importance here, and since we are at consultation stage here to make changes for the better, can we please re name the department and committee to the “licensing and regulatory...,” or “licensing and enforcement...”

## 6. Hackney Carriage and Private Hire Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

Agreed, however, once the driver has verified that he or she is a fit and proper person, then he or she remains fit and proper until and unless an offence is committed, a significant breach of licensing conditions has occurred or there is a reasonable cause to suspend, revoke or refuse to renew their licence. There is no “must” about this, suggest a re-phrase to “it is expected that a driver shall” remain a fit and proper person. (DL)

This is not an unreasonable expectation as most drivers do remain fit and proper persons! (ST)

## Fit and Proper Person Test

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

Whilst there is no definition of a fit and proper person decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

**“Without prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?” If on the balance of probabilities the answer is no the individual should not hold a licence.**

All decisions must be evidence based and not on opinion alone, (regulators code 2014) (DL)

This statement has been cited in court on occasion but we must remind ourselves that due emphasis must be placed on "Without prejudice and on the information before you..."

The decision, whilst based on a lower bar of burden of proof - the balance of probabilities, rather than beyond all reasonable doubt, must still be evidence based. It cannot be based on hunches, gut feeling, 'sixth sense' or any subjectivity or prejudice. (ST)

## Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is

required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s licensing unit however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed in relation to both the child and adult workforce employment position (this is specified on the certificate)

**This is welcomed, as it is actually following the spirit of the update service.**

The DBS send the certificate to the applicant direct. Where the certificate shows convictions or information from the Police, the applicant is required to produce the original certificate to the Licensing Service to progress the application.

**Confusing, the certificate is only required IF there is a conviction? How would you know it has arrived? Suggest removing the highlighted part, just leaving “the applicant is required to produce”**

## **DBS Update Service**

Subscription to the DBS update service allows the authority to check the status of the certificate online removing the need for new certificates. As part of its on-going duty to protect the public, the licensing authority will check the status of DBS certificates for its licensed drivers every six months. Licence holders are encouraged to subscribe to the update service to enable this to take place. If a licence holder does not wish to subscribe to the service, they will be required to obtain a new DBS certificate every six months.

**Suggest amending this to actually encourage applicants to subscribe, on the basis that once subscribed, the clearance is not only transferable, but also lasts for life, or until a change takes place such as an offence committed, or a change of address (provided the £13 per year subscription is maintained, which then also makes it far less expensive than having to perform a new full DBS application every 6 months.**

Signing up to the live update service could be made a requirement, for it enables licensing authorities to make more frequent checks as required by the DfT Statutory Standards 2020 document. (ST)

## Medical Assessment

The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:

They carry members of the public who expect a safe journey They are on the road longer than most car drivers

They have to assist disabled passengers and handle luggage

For this reason the Group 2 standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers

Whilst we have no direct objection to this, in fact it has become the national standard for licensing purposes of the last few years, we would suggest a slight amendment, merely for grammatical accuracy to show “we are of the opinion,” or “we consider,” as opposed to “it is the appropriate standard” since whilst we understand the logic used here, the fact still remains that a group 2 medical is indeed for driving lorries and buses. (DL)

There are obvious PR advantages to the trade if the standards required of us are aligned with those for lorry and bus drivers. (ST)

## Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition, which is aggravated by exposure to dogs, may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.

This is one we come across quite often, and with the greatest respect, if a driver is medically exempt, they are exempt with or without council approval, there is no “if” about this, which means that “if the application is successful” should be removed so it might be better to say: “should notify the council, they will be issued with an exemption certificate to avoid public confusion.”

## Knowledge of the Borough

Applicants for a new licence are required to have passed the Council’s knowledge test. This test will ensure that the applicant has sufficient knowledge.

Applicants previously licensed by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

This part is welcomed, as we do see many local authorities that for some odd reason, apply this to all new and renewals, a requirement which we are relieved we do not need to argue here, thank you. (DL)

## Customer Service Training

The licensing authority has suspended the requirement to undertake the NVQ. It is the intention of the licensing authority to develop a suitable training package. Once available; new applicants will be required to undertake this training before being licensed.

This is welcomed, more so the fact that when the new scheme is developed, it will be new applicants only.

## Child Sexual Exploitation and Abuse

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason, the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training...

Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

It is a requirement that all existing licensed drivers undertake CSE training before their licence is renewed.

Ok, three issues here, which are actually extremely severe

1. Who in the world wants to be trained on how to sexually exploit a child!!!....include the wording within the safeguarding scheme by all means, but not as a main header!! This is in the public domain, the public perception of such terminology is always to cast aspersions on the entire industry. Please use “safeguarding” as your focal point here.
2. An individual cannot and must not EVER be considered to be complicit in any criminal offence, simply by not spotting the warning signs, that is wrong on so many levels and could lead to the council having action taken against them for defamation, that is a very severe and damning statement and assumption to make.
3. Why does this apply to existing license holders? And does this suggest that every single driver will have to repeat the same course every time they renew their licence? Please make this for new applicants only, as with the basic skills test, NVQ and local knowledge test. (DL)

All drivers, new and existing should undergo safeguarding training. However, it should not be a condition of licence renewal. They should merely be required to attend courses organised on their behalf with a number of scheduled sessions in order to capture all drivers including those who may be absent through sickness or holiday at any given time. The costs of such training sessions should also be met by the LA for existing drivers. (ST)

## 7.1 Limitation of numbers

The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that



there is no significant demand for the services of hackney carriages in the area which is unmet.

Blackpool Council does limit the number of hackney carriages to 256 together with 44 horse drawn (landaus). The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the findings of which are available on request

The Council has no power to limit or otherwise restrict the number of private hire vehicles.

That is a long-winded way of stating that an unmet demand survey is carried out as per regulations.

**Accessible vehicles.** With an ageing population, there is an increasing need for wheelchair and other forms of accessible vehicles. The authority does however recognise that some customers prefer to travel in a saloon vehicle. It does appear that there are insufficient numbers of wheelchair accessible vehicles and drivers medically fit to load wheelchair passengers accordingly the authority wishes to explore options to increase the number of accessible vehicles available to the public.

This is a topic of discussion that is vital, even more important for the trade to be deeply involved in this, the reason for this is that moving forward, with the push for hybrid and electric vehicles around the corner, there will be very limited vehicles available.

The reason for this is that the location of the batteries in vehicles will create “no drill zones” in the vehicle flooring, which means vehicles will not be able to be converted, additionally, due to the weight of the batteries, the vehicles will already be on the limit for the maximum axle weights, meaning again that vehicles will not be able to take the additional weight of conversion factors and wheel chairs, this is going to become a huge problem nationally in the very near future.

\*The Public Protection Sub Committee retains the right to increase the number of tests to three per year in respect of vehicles under the age of 14 years due to maintenance issues.

The committee need to be reminded of section 50 of the LGMPA 1976, which stipulates that a licensed vehicle may NOT be subjected to any more than 3 vehicle inspections within any rolling 12-month period. (DL)

Insisting on three scheduled tests effectively removes the scope for ad-hoc tests as permitted by section 50 in the event of concerns regarding vehicle condition being raised, given the absolute maximum of 3 permitted. The Council should be mindful of this and require only two scheduled tests per year to allow for a third, unscheduled one if required. (ST)

## 7.4 Signage

Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for minibuses, transits, people carrier type vehicles and those with built in roof signs should carry illuminated roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word “taxi” on the front and rear of the vehicle. In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word “taxi” or “hackney”

The word “cab” is missing here since that is also a word which may not be displayed on any private hire vehicle as it implies that the vehicle is a Hackney Carriage.

## 7.12 CCTV

CCTV in vehicles can have a number of benefits:

- Deterring and preventing crime
- Reducing the fear of crime
- Assisting police investigation of incidents
- Assisting insurance companies investigating

The licensing authority does not intend to mandate the installation of CCTV. Licence holders may

however fit their vehicle with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.

The CCTV system must:

Be of a make, type and design approved by the Council.

Will not be changed in any way from its original design, be free of damage and maintained in working condition.

The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.

The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access.

Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations.

Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller

So many issues here, what does this policy assume an "appropriate CCTV system to be?

Since data must be stored away from public access, this rules out dashcams (which is a good thing, since they are not "appropriate" or fit for purpose)

What about the audio regulations?

What is "approved by the council" and are the council trained on this subject in order to make such approvals?

When the condition states "whilst the vehicle is in use" this is in breach of ICO regulations relating to "right to a private life" this section should include the wording "being used for licensed purposes"

Since the data can only be accessed by the council or police, this suggests the council is the data controller (as it would be if the requirement was mandatory) but then undermines that role by stating "unless the vehicle license holder or the licensed driver is registered" this is very ambiguous and uncertain.

This whole section needs a complete overhaul.

The Regulator's Code was brought into force in 2014 which states that the Council **should**:

**It states “must” not “should.” Compliance is not optional.**

- Carry out their activities in a way that supports those they regulate to comply and
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure that their approach to their regulatory activities is transparent

Regarding the engagement, section 2.1 states “the regulator must actively engage with those they regulate, and those that represent them.

## **9.2 Disciplinary Hearings**

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual’s fitness to hold a licence and take such action as is appropriate in the circumstances.

The whole element of “as a result of an allegation having been made against them” seems to be missing here, with an assumption made that an offence has definitely been committed! Many allegations are false, unfounded, and unwarranted, so there is an assumption of guilt made here, the committee hearing is the opportunity for the accused to put forward his or her version of events, and for the committee to consider the matter accordingly, otherwise referred to as the right to a fair hearing under ECHR Article Six.

## **Appendix A - Taxi and PHV Licensing Criminal Convictions’ Policy.**

## 9. Motoring convictions

- Hackney carriage and private hire drivers are professional drivers charged with the responsibility of public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- Any motoring conviction while a licensed driver demonstrates that the licence holder does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence may not necessitate the revocation of a licence providing the authority considers that the holder remains a fit and proper person

we are grateful for the recognition that driving offences can often occur unintentionally, we hope that this pragmatic and supportive stance is carried through to the decision-making levels. (DL)

Licensed drivers should not face discrimination in this regard through the proposal of a more draconian policy which would mean a driver losing their driver's licence upon accruing fewer points on their DVLA licence than a lorry or bus driver would and for a longer duration. (Bus and lorry drivers face losing their licences for one year upon accruing 12 points.)

The licensing authority would need to demonstrate that a licensed driver with, say, seven or more points would pose a greater risk to public safety than a bus or lorry driver with the same number of points. This would be extraordinarily difficult given that the public safety burden is surely greater when driving a bus carrying up to 73 passengers or a lorry up to 44 tonnes in weight.

The closer contact a licensed HC/PH driver may have with members of the public, given that minor endorsable motoring convictions do not show on a DBS check, is irrelevant.

## 10. Drink Driving/driving under the influence of drugs

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

Please insert “f” to make “case of driving under the influence”

## **11. Using a hand held device whilst driving**

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

Now this one is a little more contentious, since we are aware of the recent change to the legislation on this subject, and more aware of the misinformation being spread about as to what this change actually means.

Many seem to think that this means not touching a securely mounted device at all, which is simply not the case, the term is “hand-held” which simply put means, if it is not “held” in the drivers’ “hand” then it is not an offence at all, in much the same way as changing gears, since whilst changing gears, the gear stick is “hand-held”

In real terms, the change in legislation only actually rolled out the use of such devices, since prior to the change, it was only an offence to make or receive a call using such “hand-held devices”, the change in real terms, simply adds any activity, such as taking pictures, or using the internet for example, which were previously not classed as being an offence.

With this in mind, we feel it is vital that each case is assessed on its own merits, with far more detail being sought about the incident before any rash decisions are made, this requirement is necessary simply because in many cases, a driver may be convicted by the roadside by way of fixed penalty notice issued by an over zealous police officer, and may have not actually been “hand held” at all.

Licensed HC/PH drivers should only face revocation of their licence on the second such conviction in line with bus and lorry drivers. Again, proportionality

and potential discriminatory approaches are issues here which send out the wrong message to the public and undermine their perception of us. (ST)

## 14. Cautions

- Admission of guilt is required before a caution can be Every case will be considered on its own merits including the details and nature of the offence. Cautions must be declared on the application form. Existing drivers should notify the Licensing Service within 7 days of a caution being accepted.

That's very clear and simple, much appreciated.

## Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football / rugby kits, track suits, beach wear ).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the
- Drivers not having either the top or bottom half of their bodies suitably **clothed**
- The wearing of hoods or other clothing that obscures the driver's vision or their identity

Clothed? Surely this means “**covered**”? although the rest of the code is quite flexible compared to some we have seen

The above lists are not exhaustive and Authorised **Officers of the Council will assess whether standards of dress are acceptable or not.** In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

With the greatest of respect, that leaves this wide open to interpretation and abuse, personal opinions cannot come into it at all, it is either within the policy, or it is not. (DL)

Licensing authorities are duty-bound to exercise discretion when enforcing licensing policy. Each individual case is to be considered on its own merits; discretion cannot be fettered by policy (ST)

### **Appendix E - Code of Conduct when working with vulnerable passengers**

A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger.

This may be a child, elderly person, and someone with learning difficulties for example. It can include someone who is vulnerable due to an excessive level of intoxication.

The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:

**Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws**

Surely this applies to all passengers, not just vulnerable ones, as it is, as stated, in the licensing conditions. (DL)

Passengers cannot be required to carry photo ID! (ST)

The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures however they should check that they are in place.

**When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person.**

See reference to licensing conditions/ bylaws above, the photo id must be worn and visible, there is no justification to go above and beyond this requirement. (DL)

This requirement is set out in Section 54 (2) of the 1976 Act. Badges are to be worn in a manner as to be plainly and distinctly visible, but this does not mean that the badge needs to be seen by passengers travelling in the vehicle. The ID only needs to be visible by passengers approaching the vehicle. An ID badge can therefore be attached to a lanyard or be clipped to the front of an outer garment (shirt, jumper or jacket).



If badges are expressly required to be visible while passengers are travelling within the vehicle this could lead to data protection/privacy issues if, for example, passengers take photos of the ID during the journey and share them on social media.

Armbands would therefore be inappropriate unlike for security personnel at venues who tend to wear uniforms, given that this would restrict what a driver could wear like a short-sleeved shirt in warm weather. (ST).

**If necessary** you should obtain a record of the carer's contact details if there is no chaperone.

Not sure how this would ever be necessary, this assumes there is a carer? Which is far from being the case in most scenarios, besides which, this would be the burden on the carer, or possibly, the operator, not the driver. (DL)

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.

This would be an operator burden, and one would assume that information for example would be "sorry but we have nothing available."

For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption **granted by the Council**.

A medical exemption means just that, they are medically exempt, should the council fail to provide confirmation of the same, this would not render the driver anything less than being "medically exempt"

**Always ask** if a vulnerable person needs help do not assume

Suggest adjustment here, instead of "ask" maybe use "assess," for example, when collected a vulnerable person with no legs or arms, "asking" if assistance is needed would make the driver look rather ridiculous and silly. (DL)

Respect for the dignity of travelling passengers with disabilities is paramount. Drivers should not provide assistance which requires physical contact without the agreement of the passenger. Drivers should therefore ask or wait to be asked, before providing such assistance, common sense notwithstanding. (ST)

Drivers should remain professional **at all times** and should not:

Correct, at all times, not just when providing transport to vulnerable passengers. (DL)

"...at all times when acting in accordance with the driver's licence..." (ST)

Touch a vulnerable person inappropriately

Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)

Behave in a way that may make a vulnerable passenger feel intimidated or threatened

Attempt to misuse personal details obtained via the business about a vulnerable person.

A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

**If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)**

**If you are concerned about someone else's conduct you should report your concerns to the Council's**

**licensing department 01253 478343, the police on 101 or Crimestoppers 0800 555111**

Does this only apply to vulnerable passengers? Or does this actually form part of the safeguarding course for all passengers?

This entire section seems to be a little discriminatory, surely all drivers and operators should behave in such a manner for all passengers.

Keeping a log would, in itself, place an onerous and unnecessary burden upon drivers. Assessing whether a passenger is vulnerable or not is also burdensome and difficult to determine. Vulnerability isn't always immediately obvious given that it is actually a rather nebulous term. Like disability, it is sometimes hidden, for example, if a passenger has mental health issues like anxiety which is usually not obvious to any outsider.

All passengers should therefore be afforded respect and dignity, which, of course, works both ways... (ST)

## Appendix F - Vehicle Specification

### Roof signs

Hackney carriage vehicle, other than minibuses, transits, people carriers and those with built in roof signs, **must be** fitted with **an illuminated external sign** on the roof of the vehicle showing the word "taxi" to the front of the vehicle. The sign facing the rear of the vehicle must also display the word "taxi" and may also display the company name and telephone number.

The roof sign and lettering must be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign **must be centrally mounted** on the vehicle roof and adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps or clamps. Magnetic or suction fittings alone are not considered suitable as a sole method of fixing.

**Where the signs are illuminated**, the roof light must be extinguished when the fare meter is in use.

This entire section could benefit from a re-write, one part states "must be illuminated" where another part suggests "where it is illuminated" which is it? It must be, or where it is?

Must be centrally mounted, is not always possible for vehicles with a panoramic, or aluminium roof.

Not sure why magnetic mountings are not considered to be a secure mounting, or how it is suitable to suggest drilling a hole into a roof of a vehicle in order to satisfy such a licensing desire. (DL)

Such "licensing desire" definitely fails the 'reasonably necessary' test as outlined in section 47 of the 1976 Act. This section is the provision for licensing authorities to attach conditions to the licensing of Hackney Carriage vehicles. The same section also establishes the right of appeal against onerous conditions failing the above 'reasonably necessary' test.

Furthermore, the Regulators' Code 2014 requires all licensing policy to be evidence based. The requirement for the roof sign to be bolted, clamped or strapped instead of attached by magnetic mounts would require extraordinary evidence indeed that it is unsuitable, given that such practice of using magnetic mounts is widespread across the country. Magnetic mounting is more than adequately secure in use, but it does allow the driver or proprietor to remove the sign, perhaps when the vehicle is parked to prevent vandalism or theft (unfortunately, licensed vehicles are often targeted in this way) or

otherwise when the vehicle is being used for social and domestic purposes. The driver may wish to make it clear to the travelling public that the vehicle, whilst still licensed as a Hackney Carriage is currently not available, just as a bus, whilst it is still a bus, is not available because the sign is displaying the message "not in service" rather than a route number and destination.

Many licensing authorities have inaccurately interpreted the meaning of *Yates v Gates* 1970, preferring instead to repeat the 'Chinese whisper,' "once a taxi; always a taxi."

The above case law determines that the driver of a Hackney Carriage must hold a licence issued by the relevant authority to do so, regardless of how the vehicle is being used.

It also states that the licensing status is not altered by switching the illuminated roof sign on or off. Therefore, it would not be reasonable for licensing authorities to require the roof sign to be permanently fixed as the licensing status of the vehicle would be unaffected by the absence of such sign. It would be reasonable for them to require the sign to be attached to the roof (anywhere it is plainly visible to members of the public) when the vehicle is being used for hire and reward. Otherwise allowing the removal of the sign acts in the interests of public safety by reducing the risk of vandalism or the vehicle being 'flagged down' when unavailable for hire and reward.

Permanent fixing, especially through the use of bolts, is likely to cause structural damage, void the corrosion warranty and significantly reduce the resale value of the vehicle. Surely the Council would wish to facilitate the replacement of licensed vehicles in a timely manner by making it more affordable to do so.

Such a licensing condition not only fails the 'reasonably necessary' test set out in Section 47 but clearly verges on vindictiveness.

(I successfully appealed a similar condition in the Crown Court in 2015 - ST)

## **Appendix G – Exceptional Quality Policy**

This entire section does not read as anything exceptional at all, in fact it goes below normal standards, an MOT fail, is a failure, not a fault, not sure why seats cannot be upgraded to have leather coverings? (DL)

The 'reasonably necessary' test is the caveat attached to the Provisions in sections 47 and 48 of the 1976 Act. Licensing authorities ignore this test at their peril, given the right of appeal (also outlined in the above sections). Appeal cases against potentially onerous conditions in the courts (from Magistrates' Court upwards) are essentially won and lost on this test, especially as it is further underscored by the requirement for evidence-based policy as outlined in the Regulators' Code 2014.

Regulatory authorities need a firm grasp on the conceptual difference between 'subjectively desirable [on their part]' and 'reasonably necessary' as determined in primary legislation. (ST)

---

**From:** Anthony Greenwood  
**Sent:** 06 September 2022 19:44  
**To:** Licensing  
**Subject:** PROPOSED DRAFT POLICY

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MR.

ANTHONY GREENWOOD

, AS A LICENSED HACKNEY PROPRIETOR OF A SMALL FLEET OF LONDON TAXIS, AND A GARAGE OWNER FOR 24 YEARS, I HAVE TO EXPRESS MY LACK OF COMPREHENSION, AND SURPRISE AT, AT LEAST ONE OF THE PROPOSALS BEING PUT FORWARD. YOUR PLAN TO SCRAP THE 14 YEAR EXCEPTIONAL QUALITY RULE MUST SURELY BE A STEP BACKWARDS FOR BLACKPOOL? FROM WHAT I AM LED TO BELIEVE, (TO SPEAK HYPOTHETICALLY), A BEAUTIFUL, ONE - OWNER, PURPOSE BUILT TAXI, WHICH HAS SPENT ITS FIRST 14 YEARS, (THEY ARE BUILT LAST 20) POTTERING STEADILY AROUND THE STREETS OF ENGLAND'S CAPITAL CITY, CARRYING LORDS AND LADIES, MP'S ETC, TO AND FROM THEIR DESTINATION, WILL NOT BE ALLOWED INTO BLACKPOOL? ALSO, I UNDERSTAND THAT A TAXI OF ANY AGE WILL BE ALLOWED TO CONTINUE WORKING IN THE TOWN, DESPITE ONLY BEING SUBJECTED TO ONE "PROPER" TEST EVERY 12 MONTHS AT LAYTON DEPOT, SURELY THIS IDEA CAN ONLY LEAD TO AN ABUSE OF THE SYSTEM? AN ORDINARY CAR MOT CAN HARDLY BE CALLED A THOROUGH EXAMINATION OF A PUBLIC SERVICE VEHICLE, ALSO, ONE CAN ONLY WONDER WHAT KIND OF STATE THE BODYWORK, AND INTERIORS OF THESE VEHICLES WILL GET INTO, IF ONLY SEEN AT LAYTON ONCE A YEAR. THIS PLAN WILL ALSO FORCE TAXI OWNERS TO SOURCE THEIR REPLACEMENT TAXIS FROM CITIES THAT ARE KNOWN FOR KEEPING COMPARATIVELY ROUGH VEHICLES, EG; GLASGOW, LIVERPOOL, JUST SO THEY CAN GET INSIDE THE 14 YEAR "CUT OFF POINT", THIS HAS BEEN TRIED IN THE PAST, THE VEHICLES MAY BE CHEAPER, BUT THEY DON'T COME CLOSE TO A CAB FROM LONDON.

I AM WELL AWARE THAT A DEMOCRATIC VOTE WILL BE TAKEN TO DECIDE THE PROPOSALS IN THIS DRAFT POLICY, BUT I HOPE THAT MY VIEWPOINT WILL BE GIVEN SOME CONSIDERATION, AS THE SAYING GOES, "IF IT AIN'T BROKE, DON'T FIX IT"  
YOURS SINCERELY

ANTHONY GREENWOOD.

---

**From:** Anthony Greenwood  
**Sent:** 12 September 2022 21:40  
**To:** Licensing  
**Subject:** DRAFT PROPOSAL #2

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MR. ANTHONY  
GREENWOOD

DEAR SIR/MADAM,

IF I MAY MAKE A SMALL ADDITION TO MY INITIAL CORRESPONDENCE:  
, HAD

TO BE TAKEN OUT OF SERVICE, AND NEEDED AMONGST OTHER OPTIONS, TO BE REPLACED WITH ONE OF THE NEW ELECTRIC/ HYBRID TAXIS, , SOME OWNER / OPERATORS ARE GIVEN THE OPPORTUNITY TO "RE PLATE" THEIR VEHICLE, JUST BEFORE IT'S 12TH BIRTHDAY, FOR AN EXTRA YEAR, THUS ENABLING THE TAXI, TO CONTINUE WORKING IN THE CAPIITAL. IN ADDITION TO THIS, UNDER CERTAIN CIRCUMSTANCES, IT IS POSSIBLE FOR SOME OWNER/ DRIVERS, PARTICULARLY THOSE WHO ARE APPROACHING RETIREMENT AGE, TO QUALIFY FOR A FURTHER 12 MONTH EXTENTION, COURTESY OF TFL ( TRANSPORT FOR LONDON).

THESE 14 YEAR OLD TAXIS HAVE PROVED TO HAVE PLAYED A VITAL ROLE IN QUALIFYING FOR BLACKPOOL COUNCIL'S EXCEPTIONAL QUALITY POLICY, NOT ONLY FOR THEIR WHEELCHAIR ACCESSABILITY, BUT ALSO FOR DRIVERS, (PARTICULARLY NIGHT DRIVERS, WHO ARE BECOMING INCREASINGLY DIFFICULT TO REPLACE.)

I CAN ONLY URGE THE COUNCIL, IN THE INTEREST OF PUBLIC SAFETY, AND THE CONTINUED HIGH QUALITY OF LICENSED TAXIS WHICH SERVICE BLACKPOOL, TO SERIOUSLY RECONSIDER THE PROPOSAL TO REFUSE TO LICENCE A TAXI OVER 14, HOW CAN A 14 YEAR OLD TAXI FROM LONDON, NOT BE CLASSED AS "FIT FOR PURPOSE", WHEN ONE THAT, IF THE PROPOSED POLICY GOES AHEAD, COULD BE STILL WORKING AT TWENTY? I

I STRONGLY FEEL THAT THIS IS COMPLETELY BAD TIMING, WE ARE JUST EMERGING FROM TWO DISRUPTIVE YEARS OF COVID,AND WE, AS WELL AS THE FARE PAYING CUSTOMERS THAT RIDE IN OUR TAXIS, COULD WELL BE FACING MORE HARDSHIP IN THE COMING MONTHS,

THE COSTS INVOLVED IN RUNNING AND MAINTAINING THESE CABS , THE LAST THING WE NEED NOW IS DISRUPTION TO A WELL RUN PUBLIC TRANSPORT SYSTEM

regards

A. GREENWOOD.

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**From:** allentibble  
**Sent:** 08 September 2022 19:41  
**To:** Licensing  
**Subject:** Hackney Carriage and Private Policy Consultation

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I have seen and fully digested the BLTOA response to the above consultation, which I FULLY AGREE with all its content.

Yours etc.

Allen Tibble  
(Hackney Proprietor)

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**From:** david69norton  
**Sent:** 07 September 2022 16:55  
**To:** Licensing  
**Subject:** DRAFT TAXI POLICY DOCUMENT

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**I have seen BLTOA's response to the proposed document and I fully agree with the points they make**

**David Norton**

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**From:** Jay's Sonic channel  
**Sent:** 06 September 2022 23:40  
**To:** Licensing  
**Subject:** Blota

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Hi I have seen the Blota response and I agree with it,  
Kind regards james bradley

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**From:** Ron Strangwick  
**Sent:** 06 September 2022 18:34  
**To:** Licensing  
**Subject:** Taxi Enforcement protocol

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Dear Sir/ Madam

Having read the comments by Blota regarding the recent Taxi Enforcement Protocol

I find I cannot enlarge on the excellent response by Bill Lewtas at Blota and concur with all that Blota has stated

Kind regards

Ron Strangwick

Sent from my Galaxy

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**From:** steve.hay  
**Sent:** 06 September 2022 18:22  
**To:** Licensing  
**Subject:** Enforcement protocol

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I have seen the BLOTA response and that I agree with it .Thanks Steve Hay

Sent from my Galaxy

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**From:** Tracy Whittingham  
**Sent:** 05 September 2022 23:08  
**To:** Licensing  
**Subject:** Re: Ryan, Sharon

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Now John and I have looked at the draft policy 7.3 the maximum age of vehicles/exceptional quality. Firstly these vehicles are often 14 years when the finish in London depending on when they are licensed and often granted one year extension in addition, which will restrict the supply of these vehicles. We would question why a ex London taxi usually one owner purpose built affordable wheelchair accessible vehicle that is 14 years old could not be put on, some of them are better than ten years old vehicles that have worked other cities. This will inevitably cause hardship to operator's in the trade and impact on the drivers which we are desperately short of and likely to put off newcomers to the trade.

Please take in consideration with the way things are going with the economy the timing for this could not be worse.

John and I were quite happy with the way things were I.e. three council tests for exceptional quality vehicles.

With thanks

John Nicholson, Tracy Whittingham

On 31 Aug 2022, at 18:41, Tracy Whittingham wrote:  
Begin forwarded message:

**From:** Tracy Whittingham  
**Date:** 31 August 2022 at 18:40:10 BST  
**To:** Licencing <[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)>  
**Subject:** Ryan, Sharon

Can someone explain to Johnny Nick and I about the changes to the exceptional quality policy. We can't comment on the policy changes until we have clarification as we have heard rumours that there is going to be an age limit and that will affect the amount of affordable wheelchair accessible vehicles . The policy as is enables wheelchair accessible vehicles to be

purchased at a affordable price.  
Regards

Tracy Whittingham and John Nicholson

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**From:** Tony Gledhill  
**Sent:** 05 September 2022 13:21  
**To:** Licensing  
**Subject:** Draft Licensing Policy - Response Points

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Good afternoon licensing,

Ref: New Draft Licensing Policy Consultation Response:

1. The 1 MOT & 1 Pit Test plan is excellent, and the MOTs must be taken at any garage of the owners choice.
2. On street enforcement operations must be professionalised and the procedures detailed within the new licensing policy, explaining all action from start to finish, giving examples of what can be rectified by the driver there and then and what requires further action etc. A simple check sheet with names and comments from both parties, then signed by both parties and a copy to the driver.
3. CVMU vehicle examination check list. The CVMU requires a detailed check list when carrying out the test, explaining what is a fail and what is a fault, etc etc. Currently the procedure is driven by subjectivity due to the generalised check sheet with no details explaining what constitutes a fail or a pass.
4. 5 year ban for mobile phone use. This penalty is draconian, the penalty was added to the DFT Child Exploitation document that's been recently published as guidance for LA's, its out of context within a standard licensing policy. If the council had credible data showing the PH & Taxi trade are having big problems with RTAs due to mobile phone use in Blackpool, then introducing such a penalty would be seen as a credible option within Blackpool, but there is no such problem to fix in the first place.

Regards  
Tony Gledhill

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**From:** Adam Shiers  
**Sent:** 04 September 2022 21:28  
**To:** Licensing  
**Subject:** Hackney Carraige and private hire licensing policy

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To whom it may concern.

After having a read through the latest proposals. There are a couple of things at least that give me cause for concern.

First the five year suspension for mobile phone use. Now I'm not condoning it and it definately should be punishable which it already is. But is this not too harsh ? Is this across the board with all council employees ?

Point no 2 is the age limit of vehicles. Whilst I appreciate it that we have to move forward regarding emissions ect. How will this address this. Surely a vehicle regardless of age that passes your "exceptional conditions" test is fit for purpose ?

I've personally never had a problem using the council testing station in over 30 years as a licence holder. I think it would be more detrimental to go down the MOT anywhere route. I have full confidence that when my vehicle is tested at Layton it's fit for purpose. In the current climate with a recession looming and money tight forcing a age limit seems unnecessary. I can only see this being detrimental to the trade...as in more people moving to saloon type vehicles as much cheaper to buy and run. Ive personally allways had purpose built/wheelchair accessible vehicles. But can see this changing if forced to buy unaffordable vehicle As someone who drives myself I know the lifespan of a taxi here in Blackpool. The abuse and disrespect of a evening can take it's toll on them, regardless of age

I hope you'll consider what I think and appreciate your time.

Adam Shiers

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**From:** Stephen Moore  
**Sent:** 24 August 2022 09:32  
**To:** Licensing  
**Subject:** Consultation Draft Hackney Carriage and Private Hire Licensing Policy

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May I firstly thank the Council for affording me the opportunity to be part of the consultation process on the above Draft (Stephen Moore Hackney Badge Holder)

I am concerned that the Policy in its aims and objectives sets out the *principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety* but does not include its obligation to those it seeks to regulate

For your consideration to be read with the Draft:

## **2 AIMS AND OBJECTIVES**

At para 1 to read “*The principal purpose of hackney carriage and private hire licensing is to protect the public, and promote public safety through good practice of those it regulates*”

## **3 GATHERING AND SHARING OF INFORMATION**

### **COMPLAINTS AGAINST LICENCE HOLDERS**

The removal of the word “*robust*” to be replaced with the words “*fair and responsible*”

## **5 DELEGATION**

in regards the use of either the Chairman or Vice Chairman in cases of immediate revocation the person used does not sit on the appeals process as this would blur “*... a clear distinction between the investigator and decision*” with reference to the requirement found in **4 DECISION MAKING**

## **6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Regarding the **Fit and Proper Persons Test** the Council is totally accurate to use the obiter it refers to. However, I suggest, this would be abandoned with the introduction of 50/50 approach to new applicants. Either the applicant has or has not met the balance of probability and at 50% has and should be given the benefit of the doubt prescribed by law

No suspension of the requirement of a NVQ as part of CUSTOMER SERVICE TRAINING as this would go totally against the *principle purpose to protect the public and promote public safety*

## **8 OPERATORS**

Para 1 to read “... *who holds a private hire driver’s licence **and such a person has passed the Council’s three tests of knowledge, customer service and safe guarding***”. Otherwise. the *principal purpose to protect* (above) has not been met

## **APPENDIX A**

### **11 USING A HAND HELD DEVICE WHILST DRIVING**

I suggest an applicant would be treated to harsh if the minimum of 5 years approach was adopted. The Council uses a fitness for purpose test and should not bind its discretion

The 5 year approach it can be argued deters otherwise suitable would be licence holders at a time of shortage

## **APPENDIX B PRIVATE HIRE DRIVER’S LICENCE CONDITIONS**

A further point could be added that taxi ranks are exclusive to hackney carriages only

## **APPENDIX E CODE OF CONDUCT....**

It is suggested that where a person is so “intoxicated” through suspected alcohol, drug or both use carriage can be refused. If carried and the person becomes abusive, violent or unsafe to be alighted at the safe place and not to be considered vulnerable

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With regards

Stephen Moore

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**From:** BLTOA Committee  
**Sent:** 15 August 2022 12:28  
**To:** (Cllr) Lynn Williams; John Blackledge  
**Cc:** (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing  
**Subject:** New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice  
**Attachments:** BLTOA. Licensing Policy Consultation Letter Aug 2022.pdf

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Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James  
Chairman of BLTOA  
For BLTOA Members

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Lynn Williams – Blackpool  
Council Leader

John Blackledge –  
Director of Blackpool  
Council

Date: 15/08/2022

### **Taxi & PH Draft Policy Consultation Outcomes**

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

#### **Credibility and Transparency Failures**

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.

2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

### **Draft Taxi & PH Policy**

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

Confidential

2

No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?  
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

## **Summary**

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis

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**From:** Anne Powell on behalf of John Blackledge  
**Sent:** 24 August 2022 09:30  
**To:** BLTOA  
**Cc:** (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing; (Cllr) Lynn Williams  
**Subject:** RE: New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice  
**Attachments:** Statutory & Best Practice Guidance for taxi and PHV licensing authorities.pdf

Dear Mr James and Mr Cutler

Thank you for your correspondence of 15<sup>th</sup> August 2022 regarding Taxi and PH Draft Policy Consultation outcomes.

Firstly, I am disappointed that you feel the engagement myself and colleagues have had with BLTOA in particular over the last 12 months has effectively been disregarded in relation to the policy review.

Unfortunately my response is out of sync in terms of the points you raise, however I do not accept that the text within the policy is intentionally deceptive with the example being given of the vehicle inspections. The draft policy is silent as to whom will undertake these inspections. It is accepted that the report to PPC for the meeting in June 2022 does suggest that both the pit test and MOT will be undertaken at CVMU. This was a misunderstanding on behalf of the author of the report who believed at the time that this had been agreed with the trade. In any event the whole purpose of the report to PPC was to obtain approval for consultation on the policy document. No firm decisions were made at the meeting. Our current thinking on this subject if it assists, is that the annual pit test should be undertaken at CVMU, however the trade should be free to obtain an MOT from any garage that are able to offer the same. These garages are regulated by the DVSA and therefore would risk approval if they are found to be issuing pass certificates to unsuitable vehicles.

It is accepted that the enforcement protocol and pit test check lists are overdue and every effort will be made to share the same with you as soon as possible.

The five-year ban for mobile phones was raised by Mr James and Mr Lewtas recently and they were informed that the convictions policy had been revised in accordance with the statutory taxi and private hire standards issued by the Department for Transport. The standards are attached and the relevant section is highlighted in yellow on page 36. If the trade believe that this is too onerous then they need to respond accordingly to the consultation.

In terms of fees, you are aware that we are undertaking a root and branch review. Fees sit outside the policy and as you know I am clear that we need to consider our accounting and allocation processes and procedures. Legal and Finance have been considering case law and we are in dialogue with a number of other authorities in terms of making this process as robust as possible.

In relation to school transport, again this is not related to policy. The previous tender for taxi contracts was conducted in 2018 and followed a legally compliant procurement process under Public Contract Regulations, 2015. As you are aware we have reviewed the previous arrangements and introduced a new dynamic process/system, enabling providers to seek entry onto the framework throughout its life. We hope that this approach will ultimately result in a wider audience of the trade providing services and better value for money.

I hope this helps and although you may not believe this to be the case, the Cabinet Member for Enforcement, Public Safety, Highways and Transport, the Chair of Public Protection Sub-Committee, myself and colleagues have listened to various views, concerns and issues you have raised over a period of time, and we are collectively committed to trying to make appropriate changes for the good of all.

Regards  
John

John Blackledge  
Director of Community & Environmental Services

Blackpool Council | Number One Bickerstaffe Square | Blackpool | FY1 1NA (FY1 3AZ for Sat Nav)  
Web: [www.blackpool.gov.uk](http://www.blackpool.gov.uk)

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**From:** BLTOA Committee

**Sent:** 15 August 2022 12:28

**To:** (Cllr) Lynn Williams <[Lynn.Williams@blackpool.gov.uk](mailto:Lynn.Williams@blackpool.gov.uk)>; John Blackledge <[john.blackledge@blackpool.gov.uk](mailto:john.blackledge@blackpool.gov.uk)>

**Cc:** (Cllr) Amy Cross <[Amy.Cross@blackpool.gov.uk](mailto:Amy.Cross@blackpool.gov.uk)>; (Cllr) Kathryn Benson <[kathryn.benson@blackpool.gov.uk](mailto:kathryn.benson@blackpool.gov.uk)>; (Cllr) Neal Brookes <[neal.brookes@blackpool.gov.uk](mailto:neal.brookes@blackpool.gov.uk)>; (Cllr) Paula Burdess <[paula.burdess@blackpool.gov.uk](mailto:paula.burdess@blackpool.gov.uk)>; (Cllr) Gillian Campbell <[Gillian.Campbell@blackpool.gov.uk](mailto:Gillian.Campbell@blackpool.gov.uk)>; (Cllr) Kim Critchley <[Kim.Critchley@blackpool.gov.uk](mailto:Kim.Critchley@blackpool.gov.uk)>; (Cllr) Jim Hobson <[Jim.Hobson@blackpool.gov.uk](mailto:Jim.Hobson@blackpool.gov.uk)>; (Cllr) Ivan Taylor <[Ivan.Taylor@blackpool.gov.uk](mailto:Ivan.Taylor@blackpool.gov.uk)>; (Cllr) Jane Hugo <[Jane.Hugo@blackpool.gov.uk](mailto:Jane.Hugo@blackpool.gov.uk)>; (Cllr) Adrian Hutton <[Adrian.Hutton@blackpool.gov.uk](mailto:Adrian.Hutton@blackpool.gov.uk)>; (Cllr) Allan Matthews <[Allan.Matthews@blackpool.gov.uk](mailto:Allan.Matthews@blackpool.gov.uk)>; (Cllr) Mark Smith <[Mark.Smith@blackpool.gov.uk](mailto:Mark.Smith@blackpool.gov.uk)>; Licensing <[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)>

**Subject:** New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice

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Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James  
Chairman of BLTOA  
For BLTOA Members



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**From:** robert thornley  
**Sent:** 18 August 2022 10:17  
**To:** Licensing  
**Subject:** Taxi policy

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Dear sir

I would like to express my views on certain aspects of the proposed taxi policy.

Firstly M.O.T.s my understanding was any M.O.T. approved garage would be able to carry out the test after all they are appointed by the appropriate body and therefore able to carry out the test to the legal requirements. The very least i would have expected is a number of garages designated by the council which would give me freedom of choice.

In addition licencing enforcement should have a written check list so operators and officers are working from the same page.

Fit and proper person guidelines should be laid down so that all can operate in the best interest of the public without worrying that something may change without warning.

I do not condone the use of mobile phones whilst driving it is dangerous but a five year ban from holding a badge is in my view excessive the punishment from the law of the land should be sufficient. Is this proposal for all employees of the council or just the taxi trade and if convicted whilst driving a private vehicle would a taxi driver lose his or her badge.

Robert Thornley

Licensed taxi operator. [utlook for Android](#)

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**From:** TheBulldogs and Mini hits Coc  
**Sent:** 17 August 2022 10:45  
**To:** Licensing

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**New Taxi & PH Licensing Policy Out for Consultation  
Ends 05 September 2022**

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Po Response**



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**From:** Khaled Ahmed  
**Sent:** 13 August 2022 19:50  
**To:** Licensing  
**Subject:** Licensing Policy Response

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New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022 The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?
9. How car we take card payment without using mobile device or card machine? How can we accept without tapping on the phone? If we can't use the phone than we cannot take the card payment or accept bookings. Who want to get band 5 for taking card payment or accepting phone while stopped point. We want the answer from you.

Kind regards  
Khaled

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**From:** JEANETTE WHITE  
**Sent:** 11 August 2022 14:56  
**To:** Licensing  
**Subject:** Licensing policy

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Good afternoon,

I would like to point out some problems/ disagreements with the policy.

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT. The manner in which the vehicle testing system has been written, is intentionally misleading, totally lacking in transparency as the minutes from the last PPC meeting state the CVMU will conduct the MOTs.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.

The enforcement side of licensing requires professionalising, 1950 operating procedures are not fit for todays society, the trade are subject to 40+ pages of what they can and cannot do but enforcement have no policy or procedures they must follow.

5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.

6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Bin collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years? This is outrageous!

Many thanks

Jeanette burton

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**From:** andy dawson  
**Sent:** 10 August 2022 15:05  
**To:** Licensing  
**Subject:** Licensing policy response

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To whom it may concern

After reading threw the recent licensing policy. There are a few points that needs to be addressed.

Test rescheme 1 cvmu compliance test and 1 mot a year. Why can't the mot be done at a garage of our choice.

PPC can change policy for any vehicle they deem fit needs removing.

4 faults is to harsh should be at least 6 on initial test. No current check list.

Licencing enforcement officer written procedures must be in a policy. A set format must be documented.

Pit testing procedures must be included within the policy as currently subjective.

The draft policy just allows council to add anything to the agenda at any given time.

Five year ban is outrageous and needs removing.

Wheelchair accessible vehicles should be give a 30% on annual license fees. We have very high running costs but give people opportunity to move around with ease. While meeting government agenda for disability access.

Is there going to be and type of support scene or grants. For those of us with wheelchair accessible vehicles. As to upgrade to new and more economical vehicle is 3 times more expensive. Then these current hybrid and electric cars used as taxis.

Many thanks

Andrew Dawson

Sent from my HUAWEI P30 on Three.

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**From:** Ian Dacre  
**Sent:** 09 August 2022 14:24  
**To:** Licensing  
**Subject:** Draft Hackney Carriage and Private Hire Licensing Policy

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Dear Sir/Madam

Having reviewed your draft policy I have a few comments that I would like you to address within the policy update.

Firstly,

A 5 year ban for using a mobile phone once convicted is way too excessive in my opinion. While I understand that the act of using a phone in any vehicle is illegal under certain situations, there are times as a cab driver that you may need to look up a hotel or a street name etc. You may be programming a sat nav and you may forget to turn off the engine whilst parked at the side of the road to do these things. Sometimes you have to think quickly and may possibly get caught out. It's a mistake, not an attempt to break the law. 5 years is way too much when you consider the investment some of us have in these Cabs.

Secondly,

Can there be some clarification on the use of ANY MOT station to get your mot's done. If we are restricted to CVMU it may as well be another PIT test and a lot more expensive. We should have a choice of our own MOT station. Whilst on this subject I would like to see a procedural and itemised checklist written within the policy for PITs' tests for clarification.

Thirdly,

Exceptional quality policy is way too harsh. I have found some of the PIT tests I have attended, to be subjective at least. More at the discretion of the tester than a set of guidelines as mentioned above. Therefore in line with BLTOA, I would like to see the initial set of 4 faults increased to 6 and 7 thereafter.

I sincerely hope you will consider these arguments in your final draft and look forward to seeing the results

Kind Regards

Ian M Dacre

(HD9161) and operator of plates 641 and 643

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**From:** Sam Cockcroft  
**Sent:** 07 August 2022 11:18  
**To:** Licensing  
**Subject:** Licensing Policy

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Dear Sir, I wish to raise a few points regarding the upcoming changes/revisions in the Licensing Policies for Hackneys and Private hires in Blackpool.

1. The knowledge test for new licence applicants has become out of date and redundant with the advancements made in Satellite Navigation systems. These systems are now integrated into the work distribution devices for all companies.
2. There needs to be a more defined level of what a fit and proper person is. There are drivers of Private hires operating in Blackpool that have NOT had an enhanced DBS check.
3. A 5 year ban for certain driving convictions is biased against Taxi/Private Hire drivers. The same severe ban does not exist for other drivers working on public transport vehicles or Council employees driving on Council business. Or Emergency service vehicles.
4. The Government Agenda for Inclusivity and Disability access needs to be encouraged within the Taxi trade by offering a 30% discount on the annual vehicle licensing fee.
5. Compliance testing procedures, including the Exceptional Quality Policy test need to be standardised with use of a check sheet, similar to that used in an MOT test.

I look forward to receiving your comments on these matters.

Yours faithfully,

Simon Cockcroft

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**From:** Lisa Ashton  
**Sent:** 05 August 2022 11:47  
**To:** Lisa Ashton  
**Subject:** Message from KM\_C458  
**Attachments:** SKM\_C45822080511470.pdf

RESPONSE RECEIVED FROM MR BLAKEY

## New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022

-5 AUG 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response **today** to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
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5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: Licensing Policy Response

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**From:** S Hughes  
**Sent:** 03 August 2022 14:16  
**To:** Licensing  
**Subject:** Taxi Policy

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To whom it may concern,

In regards to the hackney and private hire taxi policy

- I don't think that a 5 year ban is fair at all for holding a mobile phone whilst i agree that it is irresponsible to do this and should be punished but 5 years and to lose your income is unfair. Would this also apply to bus drivers, council workers and even the police?
- Would we be able to use an independent M.O.T. garage for our M.O.T's because if we had to use the Layton depot there would not really be a change to the current procedure.
- Is there any plans to issue any grants for people wanting to invest in a purpose built electric taxis?
- Is there any plans to increase rapid charging points in Blackpool? There are currently only 2 to use for the public which are at Lidl Devonshire Road and Toby Carvery Preston New Road if you want people to invest in electric vehicles they need to a lot more charging points

Regards,

Simon Hughes

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**From:** John B  
**Sent:** 03 August 2022 11:51  
**To:** Licensing  
**Subject:** Licensing Policy Response  
**Attachments:** 20220803\_114037.jpg

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John Brophy plate number 600

After reading points suggested by BLTOA i would like to propose to add them to the new licensing policy  
Thanks John

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**From:** ryan parker  
**Sent:** 02 August 2022 09:53  
**To:** Licensing  
**Subject:** Taxi & ph licensing policy response

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# New Taxi & PH Licensing Policy Out for Consultation

## Ends 05 September 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) email subject line: **Licensing Policy Response**



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**From:** Adele White  
**Sent:** 31 July 2022 22:51  
**To:** Licensing  
**Subject:** Response to new policy

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Hello,

I find your new draft very good, it provided more clarity on what used to be a mystery to some of us- especially the pit tests.

What I feel some of us need assistance with is regulation of companies.

Some drivers are fined, discriminated against, pulled off air. Screamed at whilst pregnant. Fined for all night cover two weeks after giving birth. Threatened by directors via txt message. This is a most unkind and discriminatory playing field. Fined for attending a graduation and not being logged on. The list is exhaustive.

It is intimidating, toxic and bullying behaviour.

This is currently un-regulated and if it was proper employment these drivers would have grounds for tribunals. But as it stands it's legal for them to be treated in such a manner.

Any help in this department/company sanctions would be most appreciated.

Please help give us a voice.

Maybe do a survey? It would certainly be very interesting to see the results.

Regards (on behalf of a lot of people who won't speak up)

Adele White

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**From:** Aaron Wainwright  
**Sent:** 31 July 2022 22:38  
**To:** Licensing  
**Subject:** New taxi & ph licencing policy

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Dear Sir/Madam,

I am writing to you concerning the proposal to remove licences from taxi drivers for a one off occasion of using a mobile phone whilst driving.

Whilst I most certainly do not condone the use of mobile phones at any point when driving, a one off mistake, which does not cause harm to anyone, should not mean the driver is automatically banned, their licence removed for five years and the lose of their livelihoods.

You are willing to take someones livelihood away yet the police would not do that. The general public will receive points on their licence and a large fine, yet your department will take away the careers of drivers for a mistake that has not necessarily caused any harm to anyone.

People do make the occasional mistakes, there are instances when taxi drivers need to use their phones to accept a job, but as professional drivers they are capable of still giving their upmost attention to the road. Repeat offenders are, of course, a different matter and should be treated accordingly.

I beg you to reconsider your proposal and take into account other factors rather than destroy the lives of one off offenders.

Yours sincerely,  
Aaron Wainwright

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**From:** steven  
**Sent:** 30 July 2022 10:41  
**To:** Licensing  
**Subject:** hackney carriage and private hire licensing policy

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Regarding proposal to have 1 pit test and 1 mot or 2 mots for vehicles over 14 years .I agree with this but I would like mots to be carried out at mot testing station of my choice and not just with CVMU .Costs are exculating, phv are licensing there vehicles in alternative authority's because of costs you must do something to stop this trend it is not good for blackpool taxi trade , if you allow us to get a mot of are choice it will go a long way to resolve this problem.

Yours sincerely S.m.richardson

Sent from the Connect for Hotmail app

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## Appendix 5b

### PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Blackpool Council



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# Hackney Carriage and Private Hire Licensing Policy 2022

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## 1. Introduction

Blackpool Council is responsible for the regulation of the hackney carriage and private hire trades within the Borough of Blackpool.

When developing this policy the following have been taken into consideration:

- ✓ The aims and objectives of this policy (see below)
- ✓ Current legislation
- ✓ The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
- ✓ Regulators Code 2014
- ✓ The Statutory Taxi and Private Hire Standards

This policy sets out application requirement and standards that must be met by the hackney carriage and private hire trade licensed by Blackpool Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however, where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

## 2. Aims and objectives of the licensing policy

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council’s aim is to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the public.

Blackpool Council will carry out this licensing function with a view to promoting the following:

- ✓ The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- ✓ The safety and health of the public and drivers
- ✓ Vehicle safety, comfort and access
- ✓ Encouraging environmental sustainability

The Council aims to ensure that the hackney carriage and private hire services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

# Hackney Carriage and Private Hire Licensing Policy 2022

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This policy will take effect on XX/XX/2022 for a maximum period of five years however, interim reviews will take place if necessary and the performance of the licensing authority will be reviewed annually.

## **3. Gathering and sharing of information**

The Council will gather available information when making a decision whether to grant a licence and to meet the on-going obligation to ensure that licence holders remain suitable to hold a licence.

### **3.1. The Disclosure and Barring Service (DBS)**

The DBS provides access to criminal record information. They also maintain lists of individuals barred from working in regulated activity with children, adults or both. Enhanced DBS certificates provides an individual's live and spent convictions together with any additional information the chief officer of police believes to be relevant and ought to be disclosed.

More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

### **3.2. The Police**

Common Law Police Disclosure enables the police to disclose information to the licensing authority concerning a driver where there may be a public protection risk. As information is disclosed at arrest or charge rather than conviction, the authority is able to take mitigating action at the earliest opportunity.

### **3.3. Sharing information with other licensing authorities**

Blackpool Council uses the NR3 database of refusals and applications

- i) to check whether applicants have had applications/licences refused or revoked;
- ii) To share information with other authorities where applications have been refused or licences revoked

### **3.4. Multi-agency safeguarding (MASH)**

Multi-agency safeguarding hubs promote better information sharing between agencies including the Police and Social Services to improve the safeguarding response for children and the



# Hackney Carriage and Private Hire Licensing Policy 2022

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vulnerable. The details of all new applicants are provided to the Child Protection Licensing officer who will make checks with the MASH to ensure that relevant information is exchanged with the licensing authority.

## 3.5. Feedback concerning licence holders

Complaints about licence holders can be a valuable source of information and intelligence. It may be possible to identify patterns of behaviour, which casts doubt on an individual's fitness to hold a licence. For this reason, the licensing authority will ensure that they have a robust system for recording complaints. Equally, compliments also provide a picture of a licence holder's behaviour and the public are encouraged to share positive experiences, which may be used to inform licensing decisions.

## 3.6. Overseas convictions

A DBS certificate may not provide a complete picture of an individual who has spent periods living or working abroad. Where an applicant has been abroad for an extended period (six months or more), they will be required to provide criminal record information or a certificate of good character.

## 4. Decision making

### 4.1. The Regulatory Structure

Under the Council's Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine applications, contraventions, suspensions and revocations.

The Public Protection Sub-Committee meets approximately every four weeks to consider matters relating to hackney carriage and private hire licensing.

- Each case will be determined on its own merits
- The elected members making the decision will not be involved in day-to-day operational matters resulting in a clear distinction between the investigator and decision maker.



# Hackney Carriage and Private Hire Licensing Policy 2022

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## 5. Delegations

To enable efficient administration the Trading Standards and Licensing Manager has delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

In cases where a serious matter comes to the attention of the licensing service which may require an immediate revocation, the following procedure will apply: The driver will be invited to a formal interview to discuss the area of concern with the Trading Standards and Licensing Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:

- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
- ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
- iii) That no action be taken at present, this does not preclude further investigation of the issue.

Where the licence is revoked, the Public Protection Sub-Committee will be advised of the circumstances of the case at their next scheduled meeting.

Hackney carriage/private vehicle licensed may be suspended by the Trading Standards and Licensing Manager if it cannot be established that the vehicle is suitably insured.

## 6. Hackney Carriage and Private Hire Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed it is expected that a driver shall remain a fit and proper person throughout the duration of the licence.

### 6.1. Fit and Proper Person Test

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

# Hackney Carriage and Private Hire Licensing Policy 2022

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Whilst there is no definition of a fit and proper person decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

**“Without prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?” If on the balance of probabilities the answer is no the individual should not hold a licence.**

During the application process, the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.

Factors taken into account when reaching a decision include:

- ✓ Criminality (whether the applicant has any criminal convictions or cautions)
- ✓ Driving licence – length held and penalty points endorsed
- ✓ Right to work in the UK
- ✓ Medical Fitness
- ✓ General conduct/standards of behaviour
- ✓ Conduct of the applicant during the application process
- ✓ Previous licensing history
- ✓ Knowledge of Blackpool and other matters such as the Highway code and taxi policy and laws

This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as the Police, Safeguarding Boards and other licensing authorities as appropriate.

All decisions on an applicant’s suitability will be evidence based and made on the balance of probabilities. As safeguarding the public is paramount, an applicant will not be given the benefit of the doubt meaning if the decision maker is only 50/50 as to whether the applicant is fit and proper, they should not hold a licence.

## 6.2. Making an application

It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- ✓ That the applicant has the right to live and work in the country

# Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- ✓ A certificate of their current medical fitness to Group 2 standard
- ✓ That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
- ✓ That the applicant has a minimum of three years post-qualification driving experience (or if not, successful completion of an driving test with a Council approved examiner)

Applications will not be considered until the following has been established:

- ✓ That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for
- ✓ That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- ✓ That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)
- ✓ (For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair
- ✓ That the applicant has sufficient knowledge of the Borough and other issues such as legislation relating to hackney carriage and private hire vehicles (for example the requirement to carry assistance dogs) as may be prescribed by the Council

## 6.3. Application form

Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as both hackney carriage and private hire drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Care should be taken when completing the form as failure to make full and accurate disclosure can in itself result in refusal of the application.

## 6.4. Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of

# Hackney Carriage and Private Hire Licensing Policy 2022

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live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s licensing unit however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed in relation to both the child and adult workforce employment position (this is specified on the certificate).

The DBS send the certificate to the applicant direct the applicant is required to produce the original certificate to the Licensing Service to progress the application.

A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.

## [DBS Update Service](#)

Subscription to the DBS update service allows the authority to check the status of the certificate online removing the need for new certificates. As part of its on-going duty to protect the public, the licensing authority will check the status of DBS certificates for its licensed drivers every six months. Licence holders are encouraged to subscribe to the update service as once subscribed, the DBS certificate is transferrable and lasts for life as long as there is no change because an offence is committed provided the subscription is maintained. If a licence holder does not wish to subscribe to the service, they will be required to obtain a new DBS certificate every six months which is more expensive than subscribing to the update service.

## **6.5. Applicants with periods of residency outside the UK**

If a new applicant has spent three continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period before an application can be made.

## **6.6. Relevance of Convictions and Cautions.**

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits having regard to its policy on convictions and cautions, Appendix A.

## **6.7. Medical Assessment**

The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:

# Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ They carry members of the public who expect a safe journey
- ✓ They are on the road longer than most car drivers
- ✓ They have to assist disabled passengers and handle luggage

For this reason, we consider the Group 2 standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers.

Applicants are required to undergo a medical assessment on first application, on reaching 45 years of age then every 5 years thereafter until the age of 65 when annual examinations will be required. Holders of current PSV and/or HGV licences where the holder is able to produce proof of a current medical examination will not be required to undergo further assessment.

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

Licence holders must advise the licensing service of any deterioration or other change in their health that may affect their driving capabilities – this includes, but is not restricted to the list of conditions, which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Sub-Committee will review the medical evidence and make a final decision.

No licence shall be issued until medical clearance (if required) has been established.

## 6.8. Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition, which is aggravated by exposure to dogs, may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.

## 6.9. Knowledge of the Borough

Applicants for a new licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- ✓ A basic level of English language

# Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ Child/Adult safeguarding awareness
- ✓ Disability awareness
- ✓ Road Safety
- ✓ Basic Vehicle Maintenance
- ✓ Customer care/customer awareness
- ✓ Local knowledge
- ✓ Taxi/private hire regulations and policy

If an applicant fails four successive knowledge tests their application will be rejected and a period of twelve months must elapse before a new application is permitted. Applicants who cannot demonstrate a basic level of English Language will be provided with information on relevant courses that can bring them to the required standard.

A fee is payable for each test taken and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee. Failure to attend the test without prior notification is considered a failure.

Applicants previously licensed by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

## 6.10. Customer Service Training

The licensing authority has suspended the requirement to undertake the NVQ. It is the intention of the licensing authority to develop a suitable training package. Once available; new applicants will be required to undertake this training before being licensed.

## 6.11. Safeguarding Children and the Vulnerable

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason, the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

## Hackney Carriage and Private Hire Licensing Policy 2022

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Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Lancashire Police.

Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked.

All existing licensed drivers are required to attend refresher training periodically (usually every three years).

### 6.12. Right of driver to work in the UK

The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):

- ✓ A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland)
- ✓ Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- ✓ Full UK birth/adoption certificate
- ✓ An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- ✓ A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

# Hackney Carriage and Private Hire Licensing Policy 2022

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## 6.13. Standards expected of a licensed driver

### 6.14. Licence Conditions

The Council may attach such conditions to a private hire driver's licence, as it considers reasonably necessary. The standard conditions can be found at Appendix B. Conditions may not be attached to a hackney carriage driver's licence; however, they are required to abide by the Hackney Carriage Byelaws.

### 6.15. General Conduct

The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix C should be read in conjunction with the other statutory and policy requirements set out in this document.

### 6.16. Dress Code

The authority recognises that both the hackney carriage and private hire trade play an important part in portraying a positive image of Blackpool.

Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix D. It is a condition of licence that drivers adhere to this policy.

## 7 Hackney Carriage and Private Hire Vehicles

### 7.1 Limitation of numbers

The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that there is no significant demand for the services of hackney carriages in the area which is unmet.

Blackpool Council does limit the number of hackney carriages to 256 together with 44 horse drawn (landaus). The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the



# Hackney Carriage and Private Hire Licensing Policy 2022

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findings of which are available on request.

The Council has no power to limit or otherwise restrict the number of private hire vehicles.

## 7.2 Vehicle Specification

The Council has a series of specifications, which a vehicle will need to comply with if it is to be licensed. These specifications can be found at Appendix E.

Not all types of vehicles are suitable to be licensed as hackney carriage or private hire vehicles. The Council maintains a list of approved vehicles. If an applicant wishes to licence a vehicle that does not appear on the list, advice should be sought from the licensing enforcement team which is responsible for maintaining the list. In the event of a dispute over the suitability of a vehicle the final decision rests with the Public Protection Sub-Committee.

**Accessible vehicles.** With an ageing population, there is an increasing need for wheelchair and other forms of accessible vehicles. The authority does however recognise that some customers prefer to travel in a saloon vehicle. It does appear that there are insufficient numbers of wheelchair accessible vehicles and drivers medically fit to load wheelchair passengers accordingly the authority wishes to explore options to increase the number of accessible vehicles available to the public.

## 7.3 Maximum age of vehicles

The licensing authority will not licence a vehicle that is aged 14 years or over at the time of first licensing.

Existing licensed vehicles may continue to be licensed beyond 14 years of age if they satisfy the exceptional quality policy.

Blackpool Council is committed to net zero carbon emissions by 2030 and the sale of combustion engines in the UK is to cease in the same year. Whilst these vehicles will remain on the roads for some time thereafter, there is the need to plan for the changes ahead. Moving the licensed fleet to cleaner more sustainable vehicles will take some time, but the licensing authority intends to start the discussions with the trade to ensure a smooth transition. Vehicle Testing

Vehicles are tested in accordance with the table below. Certificates of compliance are issued to vehicles who meet the required standard.

# Hackney Carriage and Private Hire Licensing Policy 2022

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Below 14 years of age*	One annual pit test and one MOT per year
Over 14 years of age	One annual pit test and two MOTs per year

\* The Public Protection Sub Committee retains the right to increase the number of tests to three per year in respect of vehicles under the age of 14 years due to maintenance issues.

The annual pit test will take place at the Council's testing centre as part of the vehicle licence renewal process. MOTs may be undertaken at a garage of the vehicle proprietor's choosing but in the case of vehicles under 14 years of age, the MOT must be undertaken around six months from the annual pit inspection. In the case of vehicles over 14 years, four and eight months after the annual pit inspection.

## 7.4 Signage

Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for mini buses, transits, people carrier type vehicles and those with built in roof signs should carry illuminated roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word "taxi" on the front and rear of the vehicle. In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word "taxi" or "hackney".

Private hire vehicles must display the following signage on both the rear passenger doors of each Private Hire saloon vehicle and on both passenger access doors for all other types of Private Hire vehicles to include the Blackpool Council logo and the wording "licensed private hire vehicle not insured unless pre-booked" in a size and font to be specified by the Council'. These signs can be purchased from the licensing service.

## 7.5 Application Process

The Council will consider all applications for vehicle licences on their own merits. A valid application will consist of:

- ✓ Vehicle application form;
- ✓ Fee;
- ✓ Basic DBS disclosure if the applicant does not hold a current hackney carriage/private hire driver's licence;

# Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ The original vehicle registration document (V5), certificate of registration for the vehicle or a bill of sale. Licences will not be renewed unless the full V5 document has been produced to the Council;
- ✓ Certificate of compliance from the Council's testing station;
- ✓ Valid policy of insurance.

## 7.6 Grant and renewal of licences

Vehicle licences will be issued for a period of 12 months.

## 7.7 Change of Vehicle

Historically, the licensing service have permitted vehicle licence holders who wish or need to change their vehicle to do a vehicle change to enjoy the benefit of the unexpired portion of the licence. The only charge for this was for the vehicle plates/disc.

The proposal is that this practice will cease and from the date this policy comes into force licence holders wishing to change vehicles must apply for a new vehicle licence. This decision has been taken due to the number of these applications now being received and the fact that it is the correct approach lawfully. Refunds for complete months outstanding on the existing licence will be given.

## 7.8 Conditions

The Council may attach such conditions, as it considers reasonably necessary to the grant of a hackney carriage or private hire vehicle licence.

The following condition is attached to all hackney carriage licences:

- ✓ Any hackney carriage operating to different tariffs must display a statement of fares which shall be fitted and maintained in such a position as to be clearly visible at all times to the hirer.

The standard conditions attached to a private hire vehicle licence can be found at Appendix G.

## 7.9 Accidents

If at any time a licensed vehicle is involved in an accident, however minor, an accident report form must be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing service may agree to the report being filed outside of that time limit).

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The vehicle must be presented for inspection at the Council's testing station as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing service. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.

If the vehicle is so damaged that it cannot be driven, the licensing service must be informed of this fact. In such cases, the vehicle proprietor is advised to take photographic evidence of the vehicle's condition to clearly illustrate the reason why the vehicle cannot be driven or be presented for examination.

## 7.10 Meters

All hackney carriages must be fitted with an approved meter. Private hire vehicles may be fitted with a meter but this is not a requirement of licensing. If a private hire vehicle is fitted with a meter it should not display the words "for hire" unless this wording cannot be viewed from outside of the vehicle

## 7.11 Fares

The Council sets the maximum rates that may be charged by hackney carriage vehicles. Private Hire Vehicles may set their own fare structure.

## 7.12 CCTV

CCTV in vehicles can have a number of benefits:

- Deterring and preventing crime;
- Reducing the fear of crime;
- Assisting police investigation of incidents;
- Assisting insurance companies investigating accidents.

The licensing authority does not intend to mandate the installation of CCTV. Licence holders may however fit their vehicle with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is being used for licensed purposes.

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## 8 Operators

### 8.1 Requirement for a licence

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority.

Applications for operator licences must be made on the form provided by the Council together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence. In the case of a company, the Council must be satisfied that all company directors/secretary are fit and proper.

On the spot bookings - where a private hire vehicle is approached on the street by a potential customer, in the Council's view, the booking would only be lawful if it is made by the potential customer contacting the operator themselves. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer.

### 8.2 Fitness and propriety

In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:

- Criminal record including convictions, cautions, warnings and reprimands;
- Demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct;
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc.)

If the application is received from a person not already licensed as a driver by Blackpool Council, the applicant will be required to produce a Basic Disclosure from the Disclosure and Barring Service. They will also be required to undertake the Council's Safeguarding Awareness Training.

### 8.3 Insurance

Before an application is granted, the applicant must produce evidence that they have taken out

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appropriate public liability insurance.

## 8.4 Conditions

Conditions are attached to an operator's licence. The standard conditions can be found at Appendix H.

## 8.5 Address of Operator

The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.

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

## 9 Compliance and Enforcement

### 9.1 Enforcement

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

The Regulator's Code was brought into force in 2014 which states that the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow.
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure that their approach to their regulatory activities is transparent.

Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.

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The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.

## 9.2 Disciplinary Hearings

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, alleged failure to comply with any part of this policy, or any other alleged conduct, which the licensing service believes may impact on their fitness to be a licence holder. The Sub-Committee will consider evidence available and if substantiated, the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

### Warnings

These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.

### Suspensions

Vehicles can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.

Drivers can be suspended under section 61 Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect in certain circumstances.

### Revocations

Both vehicle and drivers licences may be revoked by the Sub-Committee. If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.

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## Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

### Introduction

The Licensing Authority has adopted the policy of convictions set out in the Department for Transport Statutory and Best Practice Guidance.

Each case will be dealt with on its own merits and applicants/licence holders will be entitled to a fair, impartial consideration of their case.

Where a period is given below, this should be taken to be the minimum period when considering whether a licence should be granted or renewed.

#### 1. Crime Resulting in Death

Where an applicant or licence holder 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 licenced.

#### 2. Exploitation

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

#### 3. Offences involving violence against the person

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



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## **4. Possession of a weapon**

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

## **5. Sexual Offences**

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

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

## **6. Dishonesty**

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

## **7. Drugs**

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

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

## **8. Discrimination**

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

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## 9. Motoring convictions

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

- 9.1 Any motoring conviction while a licensed driver demonstrates that the licence holder does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence may not necessitate the revocation of a licence providing the authority considers that the holder remains a fit and proper person.

## 10. Drink Driving/driving under the influence of drugs

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

## 11. Using a hand held device whilst driving

The DFT Taxi and Private Hire Standards recommend that where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Whilst those convicted of such an offence should have been found to be holding the device in their hand, there is concern within the trade that convictions may arise from the use of secured PDA devices to accept jobs. When considering an individual with such a conviction, the Sub-Committee will consider each case on its individual merits and would wish to hear more detail concerning the specific offence before making a decision.

It is important that drivers remain in control of their vehicle whilst using a secured PDA device.

## 12. Outstanding charges or summonses

- 12.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

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- 12.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **13. Non-conviction information**

- 13.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information/complaints the credibility of both the witness/complainant and the licence holder will be taken into account. Consideration will be given to whether complaints received demonstrate a pattern of conduct which causes concern.
- 13.2 If an applicant/licence holder has been arrested or charged but not convicted of a serious offence which suggests that they could be a danger to the public consideration should be given to refusing the application. Such offences will include violent and/or sexual offences or allegations of driving a vehicle under the influence of alcohol or drugs.
- 13.3 Licence holders will be referred to the Public Protection Sub-Committee where it is clear that their behaviour is not influenced by verbal or written warnings administered by Licensing Enforcement Officers.
- 13.4 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **14. Cautions**

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. Cautions must be declared on the application form. Existing drivers should notify the Licensing Service within 7 days of a caution being

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accepted.

## 15. Licences issued by other licensing authorities

- 15.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 15.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## 16. Summary

- 16.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 16.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 16.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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## Appendix B - Private Hire Driver's Licence Conditions

- a. In the event of the licence holder being convicted of an offence of whatever kind during the currency of the licence, he shall forthwith notify the Council in writing of the conviction, giving such particulars of the time and place of the conviction, the nature of the charge and the penalty imposed, together with such further information concerning the offence as the Council may require.
- b. The licence holder, whilst acting as driver of a private hire vehicle, which is hired, shall not permit or suffer any person to be carried in or upon such vehicle during such hire without the express consent of the person hiring the same.
- c. The licence holder, whilst acting as driver of a private hire vehicle shall not by any means encourage people to hire the vehicle.
- d. The licence holder, whilst acting as driver of a private hire vehicle, shall be clean and respectable in his dress and person, shall behave in an orderly manner, shall conduct himself with civility and propriety towards every person hiring or being conveyed in the vehicle, shall take all reasonable precautions to ensure the safety of the persons conveyed in or entering or alighting from the vehicle and shall comply with every reasonable requirement of any person hiring or being conveyed in the vehicle.
- e. The licence holder who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- f. The licence holder shall not convey in a private hire vehicle any greater number of persons than the number of persons specified in the licence granted by the Council in respect of the vehicle.
- g. The licence holder, whilst acting as the driver of a private hire vehicle shall when requested by any person hiring the vehicle:
  - ✓ Convey a reasonable quantity of luggage;
  - ✓ Afford reasonable assistance in loading and unloading;
  - ✓ Afford reasonable assistance in removing any luggage to or from the entrance of any house, station or place at which he may take up or set down such person.
- h. The licence holder when acting as the driver of a private hire vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein and carry it as soon as possible and in any event within 48 hours to the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

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## Appendix C - Code of Conduct for Licence Holders

This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- ✓ Complying with the Code of Conduct;
- ✓ Complying with all the conditions of their licence, the Hackney Carriage and Private Hire Policy and where applicable the hackney carriage byelaws;
- ✓ Behaving in a civil, orderly and responsible manner at all times.

Licence holders shall:

- ✓ Maintain their vehicles in a safe and satisfactory condition at all times;
- ✓ Keep their vehicles clean and suitable for hire to the public at all times;
- ✓ Attend punctually when undertaking a pre-booked hiring;
- ✓ Assist, where necessary, passengers into and out of vehicles;
- ✓ Offer passengers reasonable assistance with luggage.

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

- ✓ Not sound the vehicle horn illegally;
- ✓ Keep the volume of radio/music to a minimum;
- ✓ Switch off the engine if required to wait.

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

- ✓ Rank in an orderly manner and proceed along the rank in order, moving along promptly;
- ✓ Remain in or near to the vehicle.

At private hire offices a licence holder shall:

- ✓ Not undertake servicing or repairs of vehicles;
- ✓ Not allow their radio/music to cause disturbance to residents;

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- ✓ Take whatever action is necessary to avoid disturbance to residents which might arise from the conduct of their business.

Licensed drivers shall

- ✓ Pay attention to personal hygiene and dress so as to present a professional image to the public;
- ✓ Be polite and helpful to passengers;
- ✓ Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief;
- ✓ Drive with care and due consideration for other road users and pedestrians;
- ✓ Obey all traffic order and directions at all times;
- ✓ Not consume alcohol.

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## Appendix D - Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Blackpool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

### Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a **minimum** standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

### Footwear

Footwear for all drivers shall fit around the heel of the foot.

### Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc.).
- (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (e) Drivers not having either the top or bottom half of their bodies suitably covered.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity.



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## Appendix E - Vehicle Specification

### 1. General

All licensed vehicles shall comply with the requirements set out below as appropriate for the type of vehicle (hackney carriage or private hire). This is in addition to the requirements of road traffic legislation.

All vehicles shall have an appropriate “type approval” which is either:

- ✓ European whole vehicle type approval;
- ✓ British national type approval;
- ✓ British single vehicle approval.

It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

All vehicles should be capable of carrying not less than four passengers, be right and drive.

The maximum permitted length is 18 feet and the maximum permitted weight is 3500kg.

Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

All vehicles should at all times be maintained in a sound and roadworthy condition and serviced according to the manufacturer’s recommendations.

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the licensing service. It is unlikely that anything not of the manufacturer’s specification other than vehicle colour will be authorised.

### 2. Doors

All saloons, estates and purpose built vehicles shall have at least four side-opening doors which may be opened from the inside and the outside. Transits, minibuses and people carrier type vehicles shall have at least three doors not including the tailgate or rear doors.

### 3. Interior Dimensions

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**Height inside:** there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

**Knee space:** there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## 4. Seats

Access to every passenger seat must be unobstructed and easily accessible to passengers without the need for more than one passenger to move. Minibuses and MPVs that are unable to comply with this requirement may still be approved at the discretion of the authority.

Passenger seats must be at least 16 inches wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 34 inches headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

In relation to the carriage of child passengers under three years of age in the front seat, an appropriate child restraint must be worn. If a child restraint is not available children under three must travel in the rear and may be unrestrained. Children of three years and over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged twelve years or more, or over 135cm tall, may travel in the front but must wear a seat belt.

## 5. Seat Belts

All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

## 6. Signage

### 6.1 Hackney carriage

A vehicle licensed as a hackney carriage must display at all times licence plates supplied by the authority. These plates must be securely fixed to the front and rear of the vehicle. The vehicle must also display in the top left hand corner of the windscreen a licence disc on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

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## 6.2 Roof signs

Hackney carriage vehicle, other than minibuses, transits, people carriers and those with built in roof signs, must be fitted with an illuminated external sign on the roof of the vehicle showing the word “taxi” to the front of the vehicle. The sign facing the rear of the vehicle must also display the word “taxi” and may also display the company name and telephone number. The roof sign and lettering must be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign must be centrally mounted on the vehicle roof and adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps or clamps. Magnetic or suction fittings alone are not considered suitable as a sole method of fixing.

Where the signs are illuminated, the roof light must be extinguished when the fare meter is in use.

Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign shall have the word “Taxi” in letters of between 25cm and 30cm in height displayed on the front and rear of the vehicle so they can be clearly identified as a hackney carriage.

A sign must also be affixed to the vehicle indicating that smoking is not permitted in the vehicle.

## 6.3 Private Hire Vehicle

A private hire vehicle licence contains the following condition – “that all Private Hire operators must place signs on both the rear passenger doors of each Private Hire saloon vehicle and on both passenger access doors for all other types of Private Hire vehicles to include the Blackpool Council logo and the wording "licensed private hire vehicle not insured unless pre-booked" in a size and font to be specified by the Council’. These signs can be obtained from the licensing service.

The only other signage permitted on the exterior of the vehicle is self-adhesive signage on the front passenger and driver doors displaying the company name, logo and telephone number, or any combination. This signage must be approved by the Licensing Service.

A private hire vehicle must also display in the top left hand corner of the windscreen a licence disc on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

A sign must be affixed to the vehicle indicating that smoking is not permitted in the vehicle.

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## 7. Advertising

### 7.1 Hackney Carriage Vehicles

Advertising that has received approval from the Licensing Service is permitted on hackney carriage vehicles.

The following types of advertising will not be approved:

- ✓ Advertising of a sexual nature;
- ✓ Advertising promoting alcohol;
- ✓ The advertising of cigarettes and other forms of tobacco products including as e-cigarettes;
- ✓ Advertising promoting gambling or forms of gambling.

### 7.2 Private Hire Vehicle

Advertising of businesses or products is not permitted on a private hire vehicle other than the details of the operator of the vehicle – see signage above.

## 8. Meters

### 8.1 Hackney Carriage Vehicle

A calendar-controlled taximeter must be fitted in the headlining of all purpose built hackney carriages. In all other hackney carriages the meter must be fitted in a position where it can be clearly seen by passengers. The taximeter must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

### 8.2 Private Hire Vehicles

There is no requirement for private hire vehicles to be fitted with a taximeter. Those that are fitted with meters must have them tested and approved by the Authority.

## 9. Trailers

Trailers may only be used with the prior approval of the Authority and are subject to the following requirements:

- ✓ Trailers can only be used in connection with private hire bookings and cannot be used

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for plying for hire on a rank;

- ✓ The trailer must at all times comply with all requirement of the Road Traffic legislation in particular the Road Vehicles (Construction and Use) Regulations 1986;
- ✓ The vehicle insurance must include cover for towing a trailer;
- ✓ Trailers must not be let unattended anywhere on the highway;
- ✓ The speed restrictions applicable to trailers must be observed at all times;
- ✓ A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

✓

## 10. Disability Access

The design of a hackney carriage built or adapted for disabled passengers should ensure that any wheelchair is loaded from the side of the vehicle rather than the rear. The exception being when hydraulic lifting platforms are fitted to a vehicle.

Where a vehicle is used for the carriage of passengers in a wheelchair the following conditions shall apply:

- ✓ Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- ✓ Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- ✓ A suitable restraint must be available for the occupant of the wheelchair;
- ✓ Access ramps or lifts to a vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper;
- ✓ Ramps and lifts must be securely stored in a vehicle before it may move off

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. Any such equipment must be maintained in good working order and be available for use at all times.

Where a vehicle is designed or adapted to carry a wheelchair, the vehicle licence holder shall ensure that the driver (unless exempt from loading wheelchairs on medical grounds) has received sufficient training to safely load and convey passengers using wheelchairs.

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## 11. Vehicles powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to the licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice and that the vehicle is therefore considered safe.

If an LPG conversion involves the installation of a fuel tank in the vehicle boot space (and possible relocation of the spare wheel) it is a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle.

## 12. Tinted Windows

Any window tint must comply with relevant UK legislation.

## 13. Changes

Notification of any changes affecting this vehicle licence must be made to the Licensing Service within 14 day of the change.

When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Service in writing before such change takes place.

## 14. Unauthorised Use

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold the relevant licence issued by Blackpool Council.

## 15. Accident Reporting

If any licensed vehicle is involved in an accident this must be reported to the Licensing Service as soon as possible and in any event within 72 hours.

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Where, following an accident or damage to a vehicle, it is the intention of the licence holder to continue to use the vehicle, the vehicle must be inspected (at the owner/operator's expense) to determine its fitness for continued use.

A vehicle, which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle provided:

- ✓ The damage/defect has been reported;
- ✓ Application is made in the usual way for a change of vehicle;
- ✓ The replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
- ✓ The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

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## Appendix F – Exceptional Quality Policy

Vehicles must meet minimum emissions standards with reference to the year of manufacture.

1. The vehicle must pass the initial pit test – vehicles with four or fewer faults (excluding consumables – see guidance notes) will be permitted to undertake the necessary repairs and submit for a re-test; vehicles with five or more faults will fail and will not be permitted a re-test; and
2. The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with five or fewer defects as detailed below will be permitted to undertake necessary repairs and submit for a re-test. Vehicles with six or more defects will fail, and will not be permitted a re-test.

Exterior:

- ✓ All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels;
- ✓ All paintwork must be in good condition when the vehicle is viewed in normal light conditions;
- ✓ All wheel trims to be fitted according to the manufacturer's specification and all matched;
- ✓ Door or wing mirrors to be in good condition. 2 wing mirrors and an interior mirror are required;
- ✓ Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Hinging rear number plates must be maintained so that the number plate is visible at all times;
- ✓ Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted;
- ✓ Mud flaps, if fitted should be maintained;
- ✓ No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour;
- ✓ Radiator grills should be secure and the original specification;
- ✓ Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted;
- ✓ All door locks and boot locks fitted to be in working order;
- ✓ All doors should be easily opened and in good working order;
- ✓ All door handles should be properly fitted easily operated and of original specification;
- ✓ A spare wheel which conforms to legal requirements must be carried and securely fitted along with the relevant jack and wheel brace;
- ✓ All tyres to conform to legal requirements;



# Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ All road wheels to be clean and free from significant marks or damage;
- ✓ Vehicle to have a current MOT certificate or certificate of compliance;
- ✓ Evidence of servicing and maintenance over the last twelve months must be produced.

## Interior:

- ✓ All seats to be manufacturer's original design, should match, be securely fitted with no holes or tears;
- ✓ All seat belts should be clean, in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim;
- ✓ All panels should be clean and match original trim;
- ✓ Fitted carpets should be of original specification, securely fitted with no rips or holes;
- ✓ All instruments and accessories should be fitted securely, match trim and be in good working order;
- ✓ Headlining to be clean with no holes or tears (unless repaired );
- ✓ All windows to operate correctly and easily;
- ✓ Brake, clutch and accelerator pedal rubbers to be fitted and in good condition;
- ✓ The inside of the vehicle should be free from any trailing or loose wires;
- ✓ The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification;
- ✓ If a hatchback, the boot cover must be original with both lifting straps fitted. A cargo guard should be fitted in estate vehicles;
- ✓ Gear lever gaiters, if fitted, should be in good condition;
- ✓ All lights should be in working order with appropriate covers securely fitted;
- ✓ Window locks, handles where provided by the manufacturer to be in working order;
- ✓ Heated rear screen to be in proper working order;
- ✓ Ramps, if fitted must be in good working order.

## Guidance notes

**MOT items** – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example a leaking brake cylinder and a bald tyre are **2 faults**.

**Interior and exterior faults** – as a general rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example – holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

**Fixing** – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

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**Poor Workmanship** – repairs should be carried out to a high standard. Defects resulting from poor preparation or poor application of a paint finish are likely to result in the vehicle not reaching the required standard. Such defects may include runs, dust in the paint, orbital sander marks, poor paint coverage and overspray.

**Gloss Finish** – Paintwork should have a gloss finish over the whole vehicle. Where the paintwork has begun to fade due to age and the effects of ultraviolet degradation over large areas of the vehicle, where it cannot be returned to an acceptable gloss level by the use of cutting compounds refinishing may be required.

**Replacement panels** – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that:

- ✓ The repairs have been carried out to a high standard
- ✓ The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- ✓ The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between panels should be uniform and similar to those between original panels.

**Appeals** – Where a proprietor is aggrieved by the decision of a vehicle tester concerning the standard of the vehicle, the initial appeal shall be to the mechanics supervisor. In the event that the proprietor remains aggrieved, a further appeal will lie to the Trading Standards and Licensing Manager.

Further details of the appeals process are available on request.

**Definition of consumables** – The following items will not be counted as faults, but should be rectified as soon as reasonably practicable:

- ✓ Light bulbs not working;
- ✓ No fire extinguisher;
- ✓ No fare card on display;
- ✓ Absence of vehicle signage;
- ✓ A missing licence plate;
- ✓ Taxi meter not operating correctly

# Hackney Carriage and Private Hire Licensing Policy 2022

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## Appendix G - Private Hire Vehicle Licence Conditions

- a. This licence shall remain the property of Blackpool Council.
- b. At all times during the period of this licence there shall be in force in relation to the use of the vehicle as a private hire vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- c. The proprietor shall notify the Council in writing of any change in his address during the period of this licence within 7 days of such change taking place.
- d. Vehicles with Dual fuel or “after market” liquid petroleum gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. For vehicles that have an LPG system fitted during the currency of a private hire vehicle licence, they must inform the Licensing Service in writing and produce the above certification within 7 days.
- e. No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council.
- f. Where the vehicle is fitted with a meter, information shall be displayed where it can be viewed by the customer and in a format that can be easily understood detailing how the fare shown on the meter is calculated or it should contain a statement that the fares charged are less than the Council maximum rate.
- g. Any damage to the vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers shall be reported to the Council as soon as reasonably practicable and in any event within 72 hours of the occurrence of the damage.
- h. The licence disc shall be securely affixed to the near side upper interior of the front windscreen so that the particulars are clearly visible to persons outside the vehicle.
- i. The licence disc shall remain the property of the Council at all times and shall be returned to the Council in the event of the surrender, suspension or revocation of the licence.
- j. The proprietor shall report to the Police and to the Council the loss or damage to the licence disc as soon as the loss or damage becomes known.
- k. A licence in respect of which the fee has been paid either in part or in full by a cheque or credit/debit card shall be of no effect in the event that of that payment being subsequently dishonoured.

# Hackney Carriage and Private Hire Licensing Policy 2022

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## Appendix H - Private Hire Operator's Conditions

Records, which must be kept by operators, under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively for a period of 2 years. If records are kept in computerised format these should be kept for a period of two years (unless an alternative period has been agreed with the Council in writing) and should be made available to an authorised officer of the Council on request

Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- ✓ the date of the booking;
- ✓ the name of the hirer;
- ✓ the time of pick-up;
- ✓ the address of the point of pick-up;
- ✓ the time at which a driver was allocated to the booking;
- ✓ the plate number (or other identification) of the vehicle allocated.

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- ✓ Type, Make, Model, Colour and Engine Size of Vehicles;
- ✓ the year when the vehicle was first licensed for private hire;
- ✓ vehicle Registration Numbers;
- ✓ the number of seats for passengers;
- ✓ Owners;
- ✓ a copy of a current insurance certificate;
- ✓ whether a meter is fitted;
- ✓ Private Hire Vehicle Licence number;
- ✓ A copy of the Private Hire Vehicle licence.

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- ✓ details as to the drivers of the vehicles, and their call signs;

## Hackney Carriage and Private Hire Licensing Policy 2022

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- ✓ details of when any new driver begins service;
- ✓ details of when any driver's service ceases;
- ✓ details of any change of address of any driver in service;
- ✓ if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information;
- ✓ expiry dates of driver's badges and vehicle licences;
- ✓ a copy of the Private Hire drivers licence;
- ✓ a copy of the DVLA licence.

All records must be maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

The operator shall notify the Authority in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

The operator shall, within 7 days of conviction, notify the Licensing Service in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty.

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member:</b>	Councillor Mark Smith, Executive Member for Business, Enterprise and Job Creation
<b>Date of Meeting</b>	5 December 2022

## BLACKPOOL AIRPORT ENTERPRISE ZONE: ANNUAL REVIEW

### 1.0 Purpose of the report:

- 1.1 This report sets out the further progress on the delivery of the Enterprise Zone and related activity at Blackpool Airport since the Executive in February 2022, outlines activity planned for the next fifteen months to the end of financial year 2023/24 and seeks approval to the further investment (as anticipated in February 2022) required to ensure the delivery of the Enterprise Zone economic benefits in a timely manner.

### 2.0 Recommendations:

- 2.1 To note the progress made on the delivery of the Enterprise Zone Masterplan to date.
- 2.2 To note the higher levels of risk associated with the overall whole life expenditure and income forecasts, given the increasingly volatile nature of the economy and uncertainty over the long term format of business rates.
- 2.3 To approve the forecast expenditure budget to the end of financial year 2023/24 of £44.20m, increasing the total approved cumulative expenditure by £14.48m from £29.72m to £44.20m, plus associated costs of Prudential Borrowing, as set out in section 6.11
- 2.4 To note:
- a) the total estimated cumulative expenditure from April 2016 to end of March 2023 of £23.06m; the whole life expenditure forecast to the end of the Enterprise Zone in 2041 of £79.75m at present values, which with the current anticipated prudential borrowing costs currently totals £84.36m, and the estimated forecast whole life income of £71.93m as set out in paragraph 6.11.
  - b) These figures will inevitably change in the future and the Council will only commit resources essential to the delivery of the Enterprise Zone within the anticipated income forecast notwithstanding the projections above, will keep

progress under close scrutiny and will continue to report annually to the Executive.

- 2.5 To note the increase in the commitment to provide match funding for the Towns Fund project from £10.5m by an additional £5.90m to £16.40m which is contained within the approval sought in recommendation 2.3.
- 2.6 To approve the delegation to Director of Communications and Regeneration, after consultation with the Leader of the Council, to authorise expenditure on individual schemes and property acquisitions within the Enterprise Zone and inter-related airport holdings of Blackpool Airport Properties Ltd (BAPL).

### 3.0 **Reasons for recommendations:**

- 3.1 The Enterprise Zone is essentially an enabling project which seeks to provide the sites highways and utilities infrastructure to support development of commercial property by third party developers and on occasion, by the Council acting as developer ( as with the Multi-plot development). It is this third party development which secures the economic diversification, employment and business rates growth that are the overarching objectives of the Enterprise Zone. By its very nature the infrastructure has to be provided in advance of securing commercial property development and occupying business – so there is an inherent risk that the secondary development objectives are not met or are delayed. The Delivery Plan provides the best current estimate in respect of costs and income potential to offset the enabling costs, and these estimates will vary throughout the lifetime of the project. If the enabling infrastructure is not provided for any reason then the built development and economic benefits cannot be delivered.

The impacts of the Covid pandemic and the uncertainties surrounding Brexit and more recently the conflict in Ukraine and the energy, cost of living and financial markets crises continue to have varying degrees of impact upon the progress of the Enterprise Zone project, in particular disrupting some income streams which continues to make future forecasting and planning of Enterprise Zone investment difficult.

The impact of inflation contingency and delay in provision of accurate costs estimates by third parties has moved the current iteration of the Enterprise Zone delivery plan from a position where, over its lifetime, it was broadly achieving a break even position of costs against income excluding costs of prudential borrowing, to forecast now a potentially significant cash deficit of c £7.82m. This, however, represents a worst case scenario over the remaining 18 year life of the Enterprise Zone. With the forecasts subject to almost constant change, the Enterprise Zone is kept under constant review in terms of cost predictions and likely demand / income to ensure it can adapt and respond swiftly, particularly to delay expenditure and to progress in a series of smaller delivery phases if appropriate.



In February, it was estimated that spend in the current financial year to 31<sup>st</sup> March 2023 would equate to circa £15,478,000. The delivery of a number of forecast high expenditure works has been delayed, including the provision of a new Aircraft Control System for the airport – where a decision in principle on requirements is not now expected until the new year. Similarly, there have been delays in obtaining budget quotations from ENWL for the provision of the new Primary Sub-station, which means substantial spend will be delayed until financial year 2023/24. The programme for the Towns Fund Highway project has also slipped, again reducing anticipated spend. The revised expenditure forecast for the year to 31 March 2023 is now reduced to £10.18m. Expenditure originally planned for the current year has been moved forward to financial year 2023/24 and in turn some expenditure originally forecast for next year has been moved to financial year 2024/25. Further review of expenditure and resultant income will continue to better forecast likely levels of expenditure.

Whilst there exists the possibility of delaying or accelerating expenditure on elements of the enabling infrastructure to match changed circumstances – particularly new requirements for employment generating accommodation, there are some items where significant upfront expenditure has to be committed in the immediate future to ensure that the Enterprise Zone can respond to anticipated future demand, most specifically for provision of electricity sub stations which can have a lead time of 3-4 years, and have to be paid for in advance. Such infrastructure is essential if the Enterprise Zone - Phase 2 is to be able to realise the goals of securing data centres, sustainable energy solar farms and battery storage facilities. There is every hope that such up front capital expenditure will be recouped from the sought after investment but, out of prudence, allowance is not currently made for such income until this is certain. Without the commitment to provide the necessary enabling infrastructure there would be no prospect of securing this future investment

Nevertheless, even at this level, set against the anticipated new employment generated by the Enterprise Zone of 5,000 jobs, this represents a modest cost per job in the region of £2,947 when viewed against the currently forecast £14.73m cash deficit including prudential borrowing costs. Nationally job creation costs may now be expected in the region of £15-20,000+ per head. When measured against gross expenditure on the Enterprise Zone including likely costs of Prudential Borrowing the cost per job at £16,872 still remains within these national parameters

On completion of the Enterprise Zone in 2041, the investment in enabling infrastructure, employment levels, business rates generation and the long term regional economic benefit, substantial ongoing retained assets will have been created. Land and investment properties such as that occupied by Multiply components on Amy Johnson Way, a modern, upgraded sustainable and a fit for purpose airport and a first class sporting facility at Common Edge

Sports Village - which will support a healthier community, in line with the Council's Priority 2 – 'Communities: Creating stronger communities and increasing resilience'

The Enterprise Zone will also have helped provide the means to generate and store sustainable energy and provided a very significant contribution to achieving carbon reduction targets set by the Council for 2030 and 2050, which have been set in response to the Council declaring a climate emergency.

The financial modelling within the Delivery plan has deliberately adopted a pessimistic approach to risk and there is a realistic optimism that a number of factors bulleted below will result in a significant reduction in the currently forecast cash gap. Value engineering will be constantly undertaken to minimise costs and identify additional income generation and there will be opportunity to defer expenditure on some elements of the present masterplan. However, any delays in delivering new buildings within the Enterprise Zone has a direct impact on the total lifetime income that can be generated via business rates growth retention so it is imperative that the Council remains committed to the continued realisation of these massive benefits for the Blackpool economy and its residents. Further modelling is ongoing to seek to break down the anticipated infrastructure expenditure into a series of sub phases with a view to increasing the ability to vary the pace of investment.

In addition to the direct employment opportunities enabled the Enterprise Zone will add in the region of £2bn cumulatively to the gross value added of the Fylde Coast and the investment in Solar Farm and renewable energy will both enable the area to compete in the data/digital industry sector and contribute potentially 50% of Blackpool's ambitious carbon reduction targets as part of the commitment to addressing the Climate Emergency.

In the Mini-Budget of Friday 23 September 2022 the concept of Investment Zones was raised and Blackpool Enterprise Zone was provisionally identified as a beneficiary given its relatively successful track record against other Enterprise Zones to-date. Whilst there was little by way of confirmed benefits from the proposed Investment Zones an expression of interest was submitted to the Department for Levelling Up, Housing and Communities in accordance with bid requirements on 14 October 2022. It now appears that following the Autumn Statement the concept of Investment Zones is unlikely to move forward on the Enterprise Zones and the prospect of extension to the recently expired Enterprise Zone fiscal incentives is also unlikely to be restored.

Mitigation of the current forecast gap includes :-

- There is currently no residual value attributed to the Airport or other retained land and property investment at the end of the Enterprise Zone Project in 2041
- Until the full study of the Solar Farm feasibility has been completed limited income / capital value has been attributed to this.
- No Income has yet been attributed to the proposed Battery Storage facility as this remains an unknown.
- No income has yet been allowed for contributions to the Energy infrastructure from

Battery Storage, Solar Farm and off shore wind farm connections, nor in respect of reduced operating costs for the airport and Enterprise Zone which may enhance land values

- The provision of fully serviced plots at Eastern Gateway and energy and data enabled plots at the Airport Knowledge quarter will yield higher incomes than presently included within the financial model
- The 40% optimum bias reduction in income model should be improved upon with strong pipeline demand
- Cost estimates, particularly for the Towns Fund scheme, include very substantial contingency allowances, with costs reductions likely when tenders and fully costed utilities works become available.
- Further work is to be undertaken to break down the Enterprise Zone into a series of smaller self-contained delivery elements, within the two primary phases, to better assess the value and optimum timing of each element to maximise benefit. Some expenditure remains overarching such as the revenue marketing and delivery team costs which can be flexed to reflect short term requirements.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? **No**

3.3 Is the recommendation in accordance with the Council's approved budget? **Yes**

**4.0 Other alternative options to be considered:**

4.1 Maintain the existing approval for expenditure of up to £29.72m and seek to contain spend by delaying elements of the project, whilst also extending the timeframe for undertaking this expenditure by a further year to the end of financial year 2023/24. However, this is unlikely to be sufficient to complete the whole of the revised Phase 1 and Towns Fund works which will only be completed by 2025/26, and may create difficulty in committing to some elements of the extended Phase 1 works where these might extend beyond financial year 2022/23. In particular it would put the ability to secure the full Towns Fund grant at risk.

4.2 Approve the full £79.75m required to complete all the revised Phase 1 and Phase 2 works. In the light of the ongoing economic turbulence there is a high probability that there will be additional delays and fluctuations in demand, as well as new emerging opportunities such as the data management sector which will require a more flexible and responsive approach, thus it would be inappropriate to make such a large commitment at this stage.

4.3 Limit further activity to provide enabling infrastructure until there is proven demand for specific elements. This would not provide the flexibility to respond to often short lead time requirements from occupiers, and would significantly reduce the potential of the Enterprise Zone to generate income to meet the costs of infrastructure, ability to meet its ambitious targets of 5,000 new jobs, and the potential to generate more than £2bn gross value added

for the economy, and make meaningful contribution to securing carbon reduction targets.

**5.0 Council priority:**

5.1 The relevant Council priority is: “The economy: Maximising growth and opportunity across Blackpool.

**6.0 Background information:**

**6.1 Executive Summary:**

- Blackpool Airport Enterprise Zone is a 25 year project at the heart of efforts to grow and diversify the regional economy, its long lifespan means that it has to be a flexible project able to identify and adapt quickly to ever changing economic influences and opportunities. The Enterprise Zone has been successful to-date supporting 2137 new employment opportunities against a lifetime target of 5000 and presents the unique chance to enable Blackpool to be at the core of the North West’s key digital industry sector, provide substantial levels of sustainable energy and contribute to securing carbon reduction targets whilst also securing a sustainable future for Blackpool Airport.

**Progress since February 2022**

- Good progress has been made with the delivery of the Phase 1 of the Enterprise Zone, with the new £6m Common Edge Leisure facilities on target to be fully complete and operational by March 2023, releasing 10.5Ha of commercial development land. Engagement with interested parties in positive and ongoing.
- The present turbulent economic environment makes it difficult to accurately forecast both expenditure and income generation over the extended lifetime of the Enterprise Zone, a problem exacerbated by a need to rely upon high level cost estimates and a deliberate decision to include large contingency allowances until design work is completed, tenders received and full budget prices provided by statutory undertakers. High levels of optimism bias have also been applied to potential rates and land sale income. As such the consequence is that the present equation of cost against income for the full delivery of the Masterplan indicates a deficit of £7.82m, to which the cost of prudential borrowing has to be added giving an overall forecast shortfall of £14.73m. For the current purposes, therefore, it is proposed to only implement those elements of the Masterplan that can be contained within the forecast income and keep the position under review.
- A range of measures and opportunities to close the gap have been identified and there is a programme of regular review and value engineering. Despite the

economic uncertainty there is an imperative to continue key investment expenditure to meet obligations under the Town Deal and to ensure that long lead power infrastructure can be provided to support anticipated investment in data centres and renewable energy technologies, with delay in progressing infrastructure having the impact of reducing future income generation.

## 6.2 Project overview:

Much of the activity within the last eight months, since the February 2022 Executive has been by way of preparatory works with summary of key highlights of progress set out in paragraph 6.3 below. The next fifteen months are expected to see the translation of the preparatory work undertaken this year into activity on the ground; with the completion of the sports facilities at Common Edge and commencement of new highways and utility infrastructure construction within the Towns Fund project, for which outline planning consent and Secretary of State approval was obtained in November. To support the increased delivery activity, two project managers have been recruited to the Enterprise Zone team, one by way of a fully funded three year secondment from Fylde Council. This increased capacity will enable the team to accommodate the higher workloads and also provide some capacity to support the extensive Growth and Prosperity programme as this also shifts into full delivery mode.

Appendix 6a contains a more detailed commentary on progress in the Enterprise Zone.

## 6.3 Key Project Highlights:

The main highlights of progress since 2020 (further project highlights and milestones are noted in Appendix 6a):

- Completion of new Common Edge grass sports pitches which came into full use in October 2021
- Planning Consent obtained from Blackpool and Fylde Councils for a new sports pavilion and changing facilities at Common Edge. Detailed design commissioned for new 3G pitch and floodlit rugby pitch at Common Edge.
- Grant application submitted to Football Foundation securing £250,000 of grant funding for changing facilities, approved in December 2021
- Practical completion of a 40,000 sq ft new build commercial development for Multiply at Amy Johnson Way in August 2021. Lease to Multiply completed 13th December 2021 and fully occupied and operational from March 2022
- Business case prepared and approved by Town Deal Board and the Council's Executive (under delegation) and DLUHC for £7.5m of funding for highway works, including Eastern Gateway access road, Common Edge upgrade and two new access points from Amy Johnson Way to Blackpool Airport
- Concluded negotiations and completed purchase of house and stable at 2 School Road (to enable highway junction improvements at School Lane/Common Edge Road) and completed the acquisition of 2.74 acres of land from Zonex Limited (to allow development of Airport East).

- Detailed design commissioned for new highways at Common Edge Eastern Gateway access and airport access. Wilde Consulting appointed
- Secured Outline planning consent from Blackpool Council, Fylde Council and Secretary of State approval for development of Highways at Common Edge and Eastern Gateway.
- Successful transition of CAA operational licences from Regional and City Airports to Blackpool Airport Operations Ltd, with effect from 1 November 2021

#### 6.4 Enquiries, Jobs and Investment:

Momentum in attracting new business and employment and investment has been maintained despite the continuing adverse economic climate with the present position set out in Table 1, which represents good progress against the whole life targets established for the Enterprise Zone of 180 new businesses, 5000 jobs, £300m of private sector Investment and £2.08bn gross value added. Quantifying the levels of private sector investment is complicated as many businesses are reluctant to share sensitive commercial information, but approaching £50m is anticipated to have been secured to date.

<b>TABLE 1: Outputs : April 2016 to November 2022</b>		<b>Lifetime Target by 2041</b>
Total new jobs (including safeguarded relocated and construction FTE)	<b>2137</b>	<b>5000</b>
New Companies located on site	<b>133</b>	<b>180</b>
Live enquiries received (last 12 months) for new property or land on the Eastern Gateway, Innovation Quarter and Blackpool Airport	<b>25</b>	<b>n/a</b>
Total completed new developments	<b>10</b>	<b>n/a</b>
Completed refurbishments and extensions	<b>6</b>	<b>n/a</b>

As with any large scale business park development with a core of established private sector controlled accommodation, there is also an inevitable churn within the Enterprise Zone business community, with some job losses having occurred most notably within smaller businesses occupying easy in/easy out accommodation at Flexspace and Business First, although such accommodation is usually swiftly re-occupied. Overall the level of employment attrition as a result of Covid-19 and the subsequent period of economic turmoil has been relatively small. There have been some bigger employers taking space most notably Lancashire Constabulary who have 100 staff in occupation at Indemnity House and MyOplo/Tandem Challenger Bank have increased their headcount at Viscount House to c250.

The Enterprise Zone retains the capability of achieving or exceeding the 5,000 jobs target over its lifetime, although the gross value added potential may have reduced slightly from the originally forecast cumulative £2.1bn as a result of delays in bringing

new development on stream, but will still be close to £2.0bn and may still exceed this if successful in securing significant investment in the data sector.

6.5 Marketing and Enquiries:

The approved Enterprise Zone Marketing Strategy continues to be implemented with strong links to the inward investment activity led by the Growth and Prosperity team under the “Blackpool Makes it Work” business campaign, also working closely with the Department for International Trade, the LEP and Marketing Lancashire to promote the Lancashire Enterprise Zones brand for the four Lancashire Enterprise Zones. Further details on the marketing to date and strategy is located within Appendix 6a

6.6 Blackpool Airport

The Enterprise Zone team has continued to provide extensive support to the Blackpool Airport management team in the face of some significant operational challenges, and in particular took a prominent role in supporting six months of intensive activity to secure the transfer of CAA operating licences for the Aerodrome and Air Traffic Control Services, from the outgoing contractor Regional and City Airports to Blackpool Airport Operations Ltd (BAOL); a task that was successfully concluded on 1 November 2021. Support will continue particularly in respect of marketing and property management support. Further details are outlined in Appendix 6a.

6.7 Blackpool Airport Enterprise Zone – Towns Fund ( Phase one)

This project looks to create a new entry and exit point for traffic into the Blackpool Airport Enterprise Zone (Eastern Gateway access road), connection Common Edge Road to Amy Johnson Way. The new road’s route through the east of the Enterprise Zone will also open up 10.5 hectares of previously inaccessible development land for the creation of serviced development plots, plus a small 30 unit residential development site, thereby addressing the current lack of new development space within the EZ to accommodate businesses looking to locate and grow there. Further details on the Towns Fund process are provided in Appendix 6a.

6.8 Proposed Acquisitions:

Within the next 2 years it will be necessary to acquire additional leasehold and freehold interests in property within the Enterprise Zone. A small parcel of leasehold land is to be acquired from AFC Blackpool, this is agreed in principle subject to final agreement of heads of terms. The objective in securing additional property interests will be to enable delivery of key infrastructure, including the new airport access, and to bring forward existing serviced sites for development where there has been a reluctance by private sector owners to do so in a timely fashion.

In the medium term (within 5 years) there may be a need or an opportunity to purchase additional property interests within Blackpool Business park or where occupied on long lease by aviation tenants at the airport to assist relocation. High

level costs estimates have been included within the financial cost model for such opportunity purchases.

Where property acquired is presently used by operational tenants at the airport, better quality alternative accommodation will ultimately be provided closer to the airport's main operational runway. Whilst negotiations are ongoing it is necessary that details remain confidential.

6.9 Consultation:

Over much of 2022 consultation with the local community and key airport stakeholders has been undertaken via newsletter and in smaller discussion groups with key stakeholders for the Towns Fund Highway scheme. A further public engagement event is to be held on the 19 December 2022 to inform local community and business of the works planned over the following 12 months. Further details are located within Appendix 6a.

6.10 Revised Delivery Plan:

In line with the revised Masterplan for the Enterprise Zone, and the availability of additional information to support more accurate development cost estimates and timing of activities, the Delivery Plan model has also been updated to reflect the anticipated timing of expenditure and income over the life of the Enterprise Zone, and in particular the period to the end of the next full financial year 2023/24.

Expenditure is broadly separated into two phases – the first, where works are underway, this encompasses the relocation of the Common Edge Sports facilities and the Towns Fund supported Highway works outlined above and some long lead advanced works for phase two. The second phase relates to provision of new aviation infrastructure to release land for commercial development and the development of the Knowledge Quarter which will include provision for data centres and sustainable power generation and storage.

Some overarching expenditure relates to both phases of development including the costs of the delivery team, consultancy support and the marketing of the Enterprise Zone

£25.97m of expenditure is planned for the next 16 months to the end of financial year 2023/24 (to bring the total forecast spend on top of the £18.23m to date to £44.20m) includes key property acquisitions, construction of changing rooms, car park and 3G pitch at Common Edge, progressing of the Eastern Gateway Access road and Common Edge highway works, a new junction at Amy Johnson Way, utility diversions and off site reinforcement, provision of a sub-stations at the airport, advance payment for the primary sub-station and the construction of two additional points of access to the airport estate to facilitate the construction of two new private aircraft hangars, together with associated consultancy, staff and marketing costs, and a related



contingency allowance.

There has been an increase in the forecast overall project expenditure as a result of material costs increases and progression of detailed design. The revised Delivery Plan model (Appendix 6c – exempt from publication) estimates a required expenditure of £79.75m to complete both Common Edge and airport phases over the period to 2041 with the bulk of infrastructure expenditure incurred over the next ten years. There will be a significant gearing up of spend in the period to March 2024 with the next stage of activity as detailed above. The estimates are based on current prices with contingency allowances made for risk and inflationary pressures on materials costs. Costs are based on pre-tender estimates of detailed designs and for this reason we have maintained a general contingency. The cost of prudential borrowing would be additional to these estimates. The Towns Fund grant will also generate £7.5m of income in this period.

Of particular note, the costs of utilities infrastructure has risen significantly since the February 2022 report. Originally the costs were high level estimates but costs are now based on initial design and budget estimates from the statutory undertakers and still include an element of future proofing, with more accurate budget figures received from ENWL and United Utilities having now been included. As per the Delivery Plan (Appendix 3), we have built in a breakdown of the different utilities costs to monitor these as they are confirmed. The initial primary substation, which was to be located on the Eastern Gateway, has been replaced with a series of on-plot smaller substations. An additional primary substation, with a higher capacity, has been proposed for Airport West/P2 car park and will future proof the anticipated electricity requirement to support development, specifically from the data/digital sector, and will also be crucial to ensuring the development of the proposed solar farm and battery storage facilities which require access to the network for export of power.

It is anticipated that a significant portion of these additional capital costs will be recovered from the providers of the Solar farm and Battery Storage, and via the higher land values achievable for specialist data use. Out of prudence these additional incomes have not yet been built into the financial model, whilst contributions are negotiated.

It is difficult to isolate all specific costs for each of the two masterplan development phases with many areas of cost overlapping, particularly relating to the delivery and marketing activity, consultancy fees and some property acquisition and off-site costs including utility reinforcement. As detailed design work progresses it becomes a simpler task to break down the provision of Enterprise Zone infrastructure costs and analyse this against overall income and benefits.

Table 2 below illustrates the variations in the key expenditure components between the approved delivery plan from December 2020 and the revised forecasts:

<b>TABLE 2 : COMPARISON OF PHASE 1 EXPENDITURE FORECASTS</b>		
<b>Description</b>	<b>Approved Delivery plan from December 2020</b>	<b>Revised forecast to Mar 2027</b>
Infrastructure	£5.73M	£0.00 M
Employment Land/Town Deal Highway	£0.00M	£ 29.48 M**
Knowledge Quarter	£0.00M	£2.15 M
Airport	£0.00M	£12.78 M
Sports Development/Local Facilities/Future Residential	£0.00M	£5.99 M
Direct Development	£4.11M	£ 0.00 M
Consultancy/fees	£1.1M	£ 1.91 M
EZ Delivery	£1.59M	£ 3.36 M
Other costs	£5.54M	£ 0.95 M
Land Acquisition costs	£10.55M*	£ 11.53 M ***
Contingency 5%	£1.1M	£ 2.78 M
<b>GRAND TOTAL COSTS</b>	<b>£29.72M</b>	<b>£ 70.5 M</b>
<p>*Included provision for Squires Gate Industrial Estate purchase</p> <p>** Now includes extra costs for Common Edge Highway and primary sub-station brought forward from Phase 2 which are in excess of £8m, and also reflects increased cost estimates as a result of greater knowledge of ground conditions, design progression and the tendered cost of enhanced replacement sporting facilities at Common Edge to satisfy Sport England requirements. The timescale has also been extended by 4 years.</p> <p>*** includes brought forward acquisition of property for Phase 2 Airport</p>		

Total expenditure on the Enterprise Zon project from April 2016 to end of October 2022 stands at £18.23m inclusive of the costs of acquiring Blackpool Airport in 2017 with forecast spend to the end of the current financial year at £23.06m. This figure is lower than originally forecast for the period to end of March 2023 as a result of the expenditure delays outlined above. However, with the progression of the road contracts from the beginning of financial year 2023/24, expenditure is anticipated to move closer to the initial profiles.

A series of graphs at Appendix 6d (exempt from publication) illustrate the current expenditure forecast compared to the projected spend envisaged in February 2022 showing how this has lagged slightly behind forecast. The graphs also similarly

illustrate the anticipated shift in the forecast receipt of income and the years when expenditure exceeds income, there will be a continued requirement for prudential borrowing.

The approved January 2021 Delivery Plan estimated a total income generated from retained business rates growth, land sales and grants of £74.25m. This has decreased with the revised draft Delivery Plan now anticipating a total Enterprise Zone lifetime income from retained business rates growth, likely land disposals, rentals and grant including £7.5m of Towns Fund of some £71.93m. This estimated income includes a deduction of 40% to reflect optimism bias reduction of forecast income to reflect the probability that income generated from retained business rates and land sales/rental will be lower than the full potential or delayed due to:

- weaker demand
- delays in delivery and occupation of new premises
- potential requirements to subsidise the Enterprise Zone rates baseline income where this could be impacted by voids, bad debts and successful rating appeals

The Optimism Bias income reduction percentage used in February 2022 was set at 40% and has been maintained to reflect increased economic uncertainty.

A more detailed summary of the forecast expenditure to progress the two Enterprise Zone delivery phases approved in February 2022 (Common Edge and Airport) are illustrated in the Table 3 below. The forecast, combined expenditure to progress Phases one and two to the end of financial year 2022/23 is £31.32m as set out in Table 3 below:

TABLE 3	2022/23				2023/24			GRAND TOTALS
	phase 1	phase 2	Total		phase 1	phase 2	Total	
Employment Land/Town Deal Highway	£4,095,314	£	-	£4,095,314	£10,887,224	£	£10,887,214	£14,982,537
Knowledge Quarter	£10,000		£	£10,000	£1,589,100	£	£1,589,100	£1,599,100
Airport	£485,085		£	£485,085	£4,605,000	£	£4,605,000	£5,090,085
Sports Development/Local Facilities/Future Residential	£2,258,842		£	£2,258,842	£1,637,910	£	£1,637,910	£3,896,753
Direct Development	£		£	£	£	£	£	£
Consultancy / Fees	£165,000	£	-	£165,000	£201,000	£	£201,000	£366,000
EZ Delivery	£530,500	£	-	£530,500	£520,394	£	£520,394	£1,050,894
Other Costs	£180,780	£	-	£180,780	£313,750	£	£313,750	£494,530
Land Acquisition Costs	£2,113,027		£	£2,113,027	£375,500	£	£375,500	£2,488,527
Contingency costs	£341,927		£	£341,927	£1,006,494	£	£1,006,494	£1,348,421
GRAND TOTAL COSTS	£10,180,476			£10,180,476	£21,136,372	£0	£21,136,372	£31,316,848

Some project elements included within the above total will continue to require

expenditure into financial year 2023/24 and possibly beyond, particularly the Highways/Towns Fund project, utility provision and works at the airport. A detailed business case will be produced for each specific element of project works and expenditure will only be committed beyond financial year 2023/24 where there is a clear and compelling case for doing so to complete delivery and deliver outputs and outcomes.

#### 6.11 Prudential Borrowing:

As reported in December 2020, the early income streams generated by the Enterprise Zone are likely to be insufficient to meet the costs of investment required to provide enabling infrastructure, and it will be necessary to undertake prudential borrowing. It has been agreed that prudential borrowing for the Enterprise Zone will be applied at a discounted rate during the development phase of the scheme and that this will be on the basis of interest until the end of March 2025, with capital repayments commencing in the 10th year of the Enterprise Zone and being recovered over the following 25 years, which will extend beyond the life of the Enterprise Zone.

The Enterprise Zone Model, attached at Appendices 6c and 6d (exempt) demonstrates the Enterprise Zones ability to repay the Prudential Borrowing incurred over the life of the scheme. Included in the model are capital receipts, other incomes, such as rents, and business rates which can be used to repay the borrowing.

The current capital cost of the Enterprise Zone is £79.75m, excluding the cost of Prudential Borrowing. The full cost of the Enterprise Zone including the estimated costs of prudential borrowing is £84.36m. The cost of prudential borrowing is the amount of interest charged on the borrowing. As interest rates change, this total cost is also subject to change and will be kept under yearly review with the rest of the costs of the Enterprise Zone.

Currently, the model demonstrates that the Enterprise Zone would have a cash shortfall of £14.73m. In other words, there would be £14.73m worth of Prudential Borrowing costs, both principle and interest, over the life of the scheme that the Enterprise Zone does not recover in the incomes mentioned above and which would have to be funded from elsewhere. By today's prices, referred to in the model as NPV, this cost is £12.47m. Changes to the pooled rate may alter this figure

Benefits that do not produce a cash-flow or other direct cash receipt are not factored into the Net Present Value model as they could not be used to contribute to the repayment of Prudential Borrowing. For example, any residual value of Blackpool Airport including planned new investment and sports facilities has not been included as the value within the airport could not be used to repay Prudential Borrowing unless it were sold.

6.12 Management of Risk:

In light of the expected the economic volatility and the difficulty this presents in accurately forecasting expenditure and particularly income, performance against the Delivery Plan will continue to be closely monitored on a monthly basis by the Enterprise Zone Delivery Team and Finance Team and reviewed by the bi-monthly Project Board. Full revisions of the Delivery Plan will continue to be reported annually.

In addition to maintaining and regularly reviewing the Project Risk Register, regular bi-monthly meetings of the Enterprise Zone and Airport Project Board are held to review progress, tackle issues and make decisions and recommendations to the Chief Executive in accordance with the delegation agreed in July 2018. There is also a regular monthly review with the Finance Team who have now identified a dedicated officer to work on monitoring progress and the financial implications.

Until the next review which is proposed takes place at the end of financial year 2022/23, the Delivery Plan will continue to be monitored and the financial modelling fully updated on a monthly basis allowing the flexibility to slow the pace of expenditure where this is warranted by delays in income needed to support prudential borrowing, and ensure the timely delivery of enabling infrastructure to match changing demand, and also to enable rapidly emerging opportunities to be captured, with further recommendations presented to Executive where circumstances warrant a change to activity. The Enterprise Zone Enterprise Zone risk register which is shared with the Blackpool, Fylde and Wyre Economic Prosperity Board and LEP Enterprise Zone Governance sub Committee will also be updated on a monthly basis.

6.13 Does the information submitted include any exempt information? Yes

Appendices 6c and 6d are not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would not be served by publishing information at this stage as this information would undermine the Council's position in future negotiations and could risk the parts of the scheme not being able to proceed.

**7.0 List of Appendices:**

- 7.1 Appendix 6a: Further Background Information – Enterprise Zone/Airport  
Appendix 6b: Approved Masterplan - phases  
Appendix 6c: Revised Delivery Plan (exempt)  
Appendix 6d: Comparative expenditure and income graphs (exempt)

## 8.0 Financial considerations:

- 8.1 The table below indicates the actual costs and income incurred on the scheme to date along with a forecast to 31 March 2023 and for the entirety of the scheme. They do not include the costs of prudential borrowing which will be necessary in the early stages of the scheme to facilitate development at the Enterprise Zone.

	<b>ACTUALS to <u>31 March</u> <u>2021</u></b>	<b>FORECAST to <u>31 March</u> <u>2023</u></b>	<b>TOTAL <u>SCHEME COST to 31</u> <u>March 2041</u></b>
	<b><u>£ M</u></b>	<b><u>£ M</u></b>	<b><u>£ M</u></b>
<b>COSTS</b>	<b>9.9</b>	<b>23.06</b>	<b>79.74</b>
<b>INCOME</b>	<b>0.8</b>	<b>6.1</b>	<b>71.93</b>

The financial position of the scheme and its performance will continue to be monitored and an annual update will be provided to Executive.

For clarity the spend approved does not directly result in the income stream projected and is predicated on circa £300m of private sector investment once the infrastructure and other works have been completed. To date it is estimated conservatively that some £50- 60m private sector investment has been secured in new premises and capital spend on plant and machinery.

## 9.0 Legal considerations:

- 9.1 None directly arising from this report.

## 10.0 Risk management considerations:

- 10.1 The primary areas of risk are associated with cost and income, with many elements including the present Energy and cost of living crisis, residual impacts of Brexit, the lasting impacts of Covid-19 and changes to the taxation system out of the control of the Council as accountable body. A full risk register is maintained on a monthly basis.

### 10.2 Costs:

Until elements of the project are designed and full site investigation and planning requirements are known, there is a significant risk that costs may increase against initial estimates, we can already see this impact in terms of increased estimates for highway costs as additional site investigation data becomes available. There is also a risk post-Brexit and during the Covid-19 recovery period that there will be cost inflation in the construction sector if there are shortages of materials or labour. Wherever appropriate, detailed value engineering exercises will be undertaken to

reduce cost without impact on quality. All major cost elements within the Delivery Plan contain an appropriate level of contingency and there is also a whole scheme contingency allowance included.

10.3 Income:

The impact on income from the cumulative effects of Ukraine, Energy costm Brexit, Covid-19 and the natural fluctuation in market demand over the long lifespan of a project of the complexity and length of the Enterprise Zone, makes it particularly difficult to forecast the timing and quantum of income as we move further into the future.

In particular over the 2020/21 year, the retained rates growth income has had to be deployed to backfill the Enterprise Zone baseline rates income, when collection of business rates within the Enterprise Zone designated boundary from Fylde and Blackpool failed to exceed the baseline threshold established in December 2016. This was a result of voids and delays in establishing rateable values at Squires Gate Industrial Estate, non-payment and default of bad debts across the wider estate. This requirement to backfill the baseline rates income is a potential risk as the retained rates in 2021/22 was possible due to one off COVID reliefs that are not likely to continue into 2022/23 onwards.

There is also a risk that land values on disposal may not be as great as forecast, as construction costs increases outstrip increases in rents and capital values. Similarly the delivery of individual buildings may also be delayed against forecast, which will reduce the quantum of retained business rates income and land sale receipts.

10.4 Business rates:

The potential for a future change in the national business rates system also adds uncertainty whilst the funding of Enterprise Zones is based on retained rates growth, a replacement equivalency formula will need to be negotiated with Government for funding and the outcome of such negotiations cannot be guaranteed. At present the forecasts for income from retained business rates growth reflect a deduction of 40% for optimism bias from potential income, to cover delays and the impact of rates appeals, voids and bad debt. The level of deduction for Optimism Bias has been increased from the figure of 30% utilised in December 2020.

10.5 Planning:

The Common Edge playing fields currently form part of the Blackpool Greenbelt, and as the outcome of the Local Plan Part 2 Examination (which took place in December 2021) will not be confirmed until spring 2023 – when a final consultation phase on Part 2 of the local plan has completed. The planning application approved by the Council on 11 October 2022 had to be referred to the Secretary of State for determination and whilst delays until 2023 were anticipated Secretary of State's approval was received on the 10 November 2022. Some 39 planning conditions will no

need to be met, but a substantial risk to being able to progress has been removed.

**10.6**    Mitigation:

At present there is a strong pipeline of enquiries which is outstripping supply and at the end of the Enterprise Zone term, there will still be significant asset value held by the Council, not least the airport and the Common Edge sports facility. Full reviews of the Masterplan will be undertaken every five years with interim refreshes when appropriate, whilst the Delivery Plan will be monitored annually and adjusted to reflect progress, opportunity and the changing environment.

**11.0**    **Equalities considerations:**

11.1    None directly arising from this report.

**12.0**    **Sustainability, climate change and environmental considerations:**

12.1    None directly arising from this report.

**13.0**    **Internal/external consultation undertaken:**

13.1    Consultations have been undertaken with relevant directorates within the Council including the Growth and Prosperity Board, Finance, Legal Services and Leisure, Blackpool Airport Operations Ltd and operators based at Blackpool Airport.

13.2    Following the further consultation on the Masterplan any significant revisions identified will be presented to Executive for final approval. Subsequent approval consultation on individual elements of the Enterprise Zone will take place through the normal planning application process.

**14.0**    **Background papers:**

14.1    Blackpool Airport Enterprise Zone: Annual Review 7th February 2022 (EX9/2022)

**15.0**    **Key decision information:**

15.1    Is this a key decision? Yes

15.2    If so, Forward Plan reference number: 3/2021

15.3    If a key decision, is the decision required in less than five days? No

15.4    If **yes**, please describe the reason for urgency:



**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 25 November 2022 Date approved:

**20.0 Declarations of interest (if applicable):**

20.1

**21.0 Executive decision:**

21.1

**22.0 Date of Decision:**

22.1

**23.0 Reason(s) for decision:**

23.1

**24.0 Date Decision published:**

24.1

**25.0 Executive Members in attendance:**

25.1

**26.0**    **Call-in:**

26.1

**27.0**    **Notes:**

27.1

#### Appendix 6a:

##### Blackpool Airport Enterprise Zone – Further Background Information

The Enterprise Zone is a 25 year long term project now entering its seventh year of delivery.

There is a masterplan for development, approved in 2018 and substantially refreshed in December 2020, with two main phases of delivery [see Appendix 2]. The first phase focussing on the eastern sector at Common edge including the new Playing fields and highways and is predominantly within the Blackpool boundary. The second phase of activity will focus on Blackpool Airport which is within the Borough of Fylde. There will however be some increased overlap in timing of works across both phases.

On 18th June 2018 the Executive approved a report with seven recommendations including agreement to the EZ delivery and marketing plans and a funding allocation of £28.8m, plus the cost of prudential borrowing to support capital investment and associated revenue costs for an initial three year period to 2020/21, delegating to the Chief Executive in consultation with the Leader authorisation for expenditure on specific projects exceeding officer delegation levels.

On 7th December 2020, the Executive approved a revised two phase masterplan for the Enterprise Zone noting an increase in the whole life cost estimate of £72.4m, which included the cost of the Multi-ply development, and the extended timescale until 2022/23 for delivery of the enhanced Phase One. Integral to the approval was the anticipation that some £7.5m of grant funding would be available to support highways and infrastructure provision at the Enterprise Zone via the Towns Fund.

Approval to expenditure of up to £29.72m plus the cost of associated prudential borrowing for the delivery of phase one of the Enterprise Zone was given in February 2022. The forecasted expenditure to March 2023 and March 2024 has been re-profiled to reflect the expenditure to date which is lower than initially anticipated in the January 2022 forecast, and the planned activity for the completion of phase one at Common Edge, and in particular the works included within the Towns Fund business case.

#### Challenges to Date:

By their very nature and scale the essential enabling and infrastructure works take time to plan and implement, with work continuing on a rolling programme of activity. The pace of delivery in the past 12 months has been slower than ideal, being impacted by a number of factors, many outside the control of the Council, and principally the pandemic, impacts of Brexit, the ongoing conflict in Ukraine and the cost of living/energy crisis.

The speed at which planning applications have been able to be progressed in the face of external statutory consultation responses, the difficulties in securing engagement and information from Statutory Undertakers and capacity issues with Lancashire County Highways has also been a major factor. These have resulted in reduced levels of activity and confidence from potential occupiers and private sector developers on whom most of the eventual outputs will depend. Significantly, there was also a seven month delay

in securing planning consent for the new changing facilities at Common Edge as a result of problems in securing Sport England approval and removal of their objection, and the planning application for the new highways under the Towns fund project, has been faced with unanticipated obstacles which have now been largely resolved .

Costs of construction have also increased substantially and there are now few immediate opportunities for new development until the crucial enabling infrastructure has been put in place.

The higher gross spend now forecast to the end of FY 23/24 reflects the higher costs of materials, a better understanding of detailed works required as design has been progressed, for example, the quotes for a new primary substation and cable diversions essential to support the data sector which have increased by 25%, and the acceleration of some works to form part of the Towns Fund project which has to be completed by 2025/26. The expenditure forecasts also include some key infrastructure and enabling works at the airport, particularly an allowance for the replacement of the aircraft control tower and new aircraft parking aprons and taxiways.

#### Achievements to Date:

There has also been some major progress to date, including completion of the Multi-ply new build development (with the new 25 year lease commencing on 13th December 2021), securing £7.5m of Towns Fund grant, securing a grant of £250,000 from the Football Foundation (towards the costs of the new sports facilities) and the transition of the Airport CAA operational licenses to the Council's wholly owned company, Blackpool Airport Operations Ltd.

In excess of 2137 jobs have been facilitated at the Enterprise Zone since April 2016 and there remains a healthy pipeline of enquiries. Despite intensive lobbying efforts working with the support of Lancashire LEP and the National LEP network, there has to date been no progress in obtaining an extension of Enterprise Zone fiscal benefits, with the rates relief scheme having expired on 31st March 2022 and the Enhanced Capital Allowances expiring in November 2023. The rates relief incentive has been extensively taken up by new occupiers and has been instrumental in the large reduction in the void occupancy rates at the Enterprise Zone, and supporting activity pre-Covid by speculative private sector developers. Blackpool was one of the top ten performing Enterprise Zones nationally in terms of the benefit extracted from the EZ Rates relief incentive.

#### Project Highlights:

The main highlights of progress in the past 12 months include:

- Completion of new Common Edge grass sports pitches which came into full use in October 2021
- Planning Consent obtained from Blackpool and Fylde Councils for a new sports pavilion and changing facilities at Common Edge
- Grant application submitted to Football Foundation securing £250,000 of grant funding for changing facilities, approved in December 2021

- Practical completion of 40,000 sq ft Multiply facility at Amy Johnson Way in August 2021. Lease to Multiply completed 13th December 2021 and fully occupied and operational from March 2022
- Business case prepared and approved by Town Deal Board and the Council's Executive (under delegation) and DLUHC for £7.5m of funding for highway works, including Eastern Gateway access road, Common Edge upgrade and two new access points from Amy Johnson Way to Blackpool Airport
- Completed surrender and renewal lease negotiations with South Shore Cricket and Squash Club, to enable both new changing facilities and new highways to be constructed
- Concluded negotiations and completed purchase of house and stable at 2 School Road, to enable highway junction improvements at School Lane/Common Edge Road
- Detailed design commissioned for new highways at Common Edge Eastern Gateway access and airport access. Wilde Consulting appointed
- Detailed design commissioned for new 3G pitch and floodlit rugby pitch at Common Edge
- Common Edge. The contract for this project has been awarded, with a commencement of works in September 2022 and completion in March 2023.
- Completion of the acquisition of two parcels of long leasehold land from Zonex to enable the construction of access to airport east and the future development of two phases of new aircraft hangars
- Consultants appointed to progress feasibility study for 25MW Solar PV development at Blackpool Airport
- Identified and progressed commercial developer interest in provision of battery storage facility to compliment efficient use of Solar and wind energy
- Commenced negotiation for provision of direct 'green' power supply from new offshore wind farm licenses
- Progressed masterplan/design for provision of new aviation hangars at Blackpool Airport, with planning applications anticipated for Q1 2023.
- Supported BAOL in considering options for future Air Traffic Control provision
- Supported BAOL and BAPL in progressing a series of property transactions to increase revenues
- Appointed Engineering consultants WSP in July 2022 to support development at EZ and Airport
- Appointed manager to lead successful transition of Airport CAA Licences
- Successful transition of CAA operational licences from Regional and City Airports to Blackpool Airport Operations Ltd, with effect from 1st November 2021
- Continued refurbishment of Squires Gate Industrial Estate by owners Euro Properties, with property now substantially let. Identified a pipeline of further occupier-driven development projects for the EZ and airport, with particularly strong interest in the data management and advanced engineering sectors.

- Ongoing operational commercial and marketing support for Blackpool Airport to support approved business plan
- Maintained marketing activity to support Blackpool Airport and sister EZ at Hillhouse Technology Enterprise Zone in collaboration with LEP and Marketing Lancashire to promote the Lancashire Enterprise Zones branding for international marketing.
- Supported the rebranding of the LEP controlled Lancashire Enterprise Zones and the appointment of international marketing agents Colliers to promote Lancashire's four Enterprise Zones to the global market
- Provided regular newsletters to subscribing Enterprise Zone business community highlighting progress, opportunities and more recently communication of Covid-19 business support and financial assistance updates
- Continued regular progress reporting to DLUHC, Lancashire LEP Enterprise Zone Governance Sub Committee and Blackpool Fylde and Wyre Economic Prosperity Board in accordance with approved Enterprise Zone governance regime
- Recruited two project managers to support the delivery of new physical infrastructure and commercial development at the Enterprise Zone and airport and replaced the Project and Communications Manager post (who left the organisation in August)

#### Future Proposals:

As anticipated in the February 2022 report, the gross spend to March 2024 now encompasses both additional inflationary costs and contingencies identified within the Towns Fund project and expenditure which has to be brought forward to facilitate the development of phase two at the Airport including new primary sub-stations which have a three year plus lead time and will be needed to support the targeted data centre sector and crucially a range of green energy infrastructure, to create the USP which along with the Transatlantic cable will attract digital industries to the Fylde coast. In addition this will make a very substantial contribution (perhaps in excess of 50%) to Blackpool meeting its 2030 Net Zero target.

The forecast gross spend to March 2024 will now requires an additional investment of £14.48m (bringing the total to £44.20m) to allow the delivery of the forecast programme to the end of FY 23/24.

This increased approval will enable the delivery of:

- The planned construction of the Eastern Gateway road under the Town Deal Most of the associated Utilities, which are designed to be future proofed, and extra costs associated with the Town Deal scheme
- The completion of the relocation of the sports facilities- including new changing rooms, sports pitches, 3G pitch and a new rugby pitch
- Completion of Division Lane West and car park

- Beginning of the offsite/highways works
- Pre-ordering of long lead in items such as a Primary substation (payment upfront and 3- 4 years delivery)
- Progression of studies and planning applications for delivery of Solar Farm, Battery Storage and new aircraft hangars
- A new aircraft control system at the airport and updated /safeguarded Navigation aids
- The planning, site assembly and feasibility of a new Fuel Farm and Fire station at Blackpool Airport
- New Airport fencing
- Security/CCTV/Fencing at the Airport to comply with national regulation
- The provision of temporary offices at the airport to facilitate early development of a data centre

#### Marketing and Enquiries

The approved Enterprise Zone Marketing Strategy continues to be implemented with strong links to the inward investment activity led by the Growth and Prosperity team under the “Blackpool Makes it Work” business campaign, also working closely with the Department for International Trade, the LEP and Marketing Lancashire to promote the Lancashire Enterprise Zones brand for the four Lancashire Enterprise Zones.

The branding for Lancashire Enterprise Zones has recently been refreshed and will be applied to the new EZ signage and revised and updated web sites and brochures. The Lancashire LEP have also appointed international property agents Colliers, to assist in promoting the four Enterprise Zones to an international commercial audience.

Ability to undertake the full range of activities over the past eighteen months has been restricted by pandemic related restrictions but opportunities are now being identified for wider engagement with key target sectors and participation in trade and regeneration events is being planned for 2022/3, with a successful first Blackpool Makes it Work stand at REiF UK in Leeds in May - a major UK property conference attracting 4,500 property and investment specialists.

The recent Innovation Catalyst lead by Lancaster University has confirmed the real opportunity for the Enterprise Zone to position as a leader in the transition to a low carbon economy, with the potential to introduce hydrogen and electrical refuelling capacity for next generation aircraft as part of the reconfiguration, and the capacity to host very significant renewable energy generation and storage capacity. The availability of sustainable energy, coupled to the locations data connectivity makes the Enterprise Zone an ideal location for investment from the data storage and digital industries – with several strong enquiries for development of data centres and a technology

demonstrator, within the knowledge quarter on the site of the older airport operational infrastructure. Whilst data centres will not support large numbers of jobs their impact across the Fylde coast will be substantial in enabling many new industries, the introduction of Artificial intelligence and robotic processes in manufacturing and opening up prospects to develop the area as both a financial hub and a national centre for E-sports and gaming.

To secure investment from these fast growing sectors the delivery of this potential it will be necessary to provide some enabling infrastructure in the form of a large Primary sub-station, which would be on a three to four year delivery timescale and also need paying for at time of order. Whilst the costs may be in the region of £4-6m dependent upon the final size of the facility-it is reasonable to expect that a substantial portion of the capital can be recovered from the developers of individual scheme

The most advanced of the data enquiries is for a data demonstrator project, which in addition to a 4Mw capacity data centre, would incorporate a research facility for Lancaster University and tech business incubator accommodation. The Data facility will be looking to demonstrate the introduction of new liquid cooling technology that could reduce power consumption by more than 40%. A detailed feasibility study for the project is underway and if viable will be the subject of a further report to Executive.

#### Blackpool Airport

The Enterprise Zone team has continued to provide extensive support to the Blackpool Airport management team in the face of some significant operational challenges, and in particular took a prominent role in supporting six months of intensive activity to secure the transfer of CAA operating licenses for the Aerodrome and Air Traffic Control Services, from the outgoing contractor Regional and City Airports to Blackpool Airport Operations Ltd (BAOL); a task that was successfully concluded on 1st November 2021.

Support will continue particularly in respect of marketing, property management support, occupier liaison and commercial activity as required by the Managing Director and management team at BAOL and until the various land transfers between BAPL and the Council have been finalised.

A number of aviation related opportunities have been identified and subject to planning consents being obtained from Fylde Council, it is anticipated that two new private hangar developments will be progressed within the next 12 months with further significant opportunities under consideration.

Implementation of the second phase of the EZ masterplan at the airport, will necessitate the provision of new operational infrastructure, initially new aircraft control facilities (a new tower or an onsite digital control facility) and subsequently the fire station, airport offices and fuel farm. Land may also need to be transferred from the airport property company, Blackpool Airport Property Limited, to the Council to enable future commercial development, and further reports will be presented for consideration in due course. Some land presently owned under the Council's title may also transfer to the Airport companies. The refreshed Delivery Plan estimates for whole life expenditure include an allowance for a contribution to the costs of new operational



infrastructure at the airport, as this releases land for commercial development.

#### Blackpool Airport Enterprise Zone – Towns Fund ( Phase one)

This project which is partway through delivery looks to create a new entry and exit point for traffic into the Blackpool Airport EZ to the east of the designated area, (Eastern Gateway access road) negating the business park's current status as a cul-de-sac and reducing travel times and standing traffic, particularly at peak vehicle flow times. The new road's route through the east of the EZ will also open up 10.5 hectares of previously inaccessible development land for the creation of serviced development plots, plus a small 30 unit residential development site, thereby addressing the current lack of new development space within the EZ to accommodate businesses looking to locate and grow there.

The phase one Towns Fund scheme will be delivered by Blackpool Council as scheme promoter and accountable body, with the Council's Enterprise Zone team leading on project delivery, supported by the Council's Highways team. External consulting engineers Wilde, have been appointed to prepare the detailed designs for the roads and their work will be substantially completed in Q4 2022 to enable phased delivery of the road construction. Subject to securing planning consents it is anticipated that construction work will commence in Q2 2023 and take circa 12 months to complete – with some elements able to become operational within the next 12 months

Formal approval to the Towns Fund grant was received from DLUHC on 10th December 2021 with £1,117,748 claimed in financial year 2021/22. The outline planning application for the new highways was submitted in March 2022 with provisional approval granted by Blackpool Council on 11th October and Fylde Council on 2nd November. Secretary of State approval being received on the 10<sup>th</sup> November.

A separate application to be made to Fylde Council for two small access points to Blackpool Airport from Amy Johnson Way, and will be progressed when detailed design work is completed in the first quarter of 2023

Expenditure on the Towns Fund project now includes £16.40m of Council match funding, which is reflected in the business plan, to be incurred between April 2021 and March 2026. The detailed construction programme, costs and expenditure profiles are in the process of being developed, with the cost forecasts for the Highway works utilised being based on high level estimates until completion of detailed design and in turn measured pre-tender costs estimates. Until detailed design is completed and key site investigation data is available precise pre-tender estimates cannot be made – therefore the cost included at this point prudently makes very significant allowance for unknown risk and material price inflation that is believed to have peaked in the past three months in addition to standard contingencies.

There has also been an additional purchase of the Glasdon land, necessary for the delivery of the scheme, which was not included within the original Towns Fund business case which has contributed to this increased match funding, although this plot was always included in the overall EZ financial model.

As a result of these estimated cost increases the current revised total Towns Fund estimate is now £23.90m, with the Towns Fund grant remaining fixed at £7.5m the additional potential cost of £5.90m needs to be absorbed in the project match funding. This requires Executive approval set out in recommendation 2.5 and formally reported to DHLUC with the revised funding profile.

#### Consultation

Over much of 2022 consultation with the local community and key airport stakeholders has been undertaken via newsletter and in smaller discussion groups with key stakeholders for the Towns Fund Highway scheme. A further public engagement event is to be held on the 19th December to inform local community and business of the works planned over the following 12 months, as the highway works will lead to some unavoidable traffic congestion on Common Edge and Queensway. A business focused event to be held at Blackpool & the Fylde Lancashire Energy HQ is also in the planning stage. Regular contact is maintained with airport tenants- via the airport management team and they will be formally consulted on proposals for new development once the Board at BAOL have signified their agreement in principle to detailed proposals. There has also been regular communication with key public sector stakeholders including Lancashire County Council, Fylde Council, the Environment Agency, Electricity North West and United Utilities, particularly to identify activity to support resolution of wider drainage concerns.

#### Common Edge Sport Facilities: (phase one )

Work commenced on the new changing facilities pavilion at Common Edge in September 2021 after approval had been given by the Football Foundation who are to provide £250,000 of grant support toward the project. Construction work is nearing final completion, and once service connections have been made and systems tested the building will be handed over in December.

The design has been modified during construction to include provision of air source heat pumps to enhance the buildings low carbon credentials and considerable work has been carried out with local charities to provide new wildlife habitats around the area. Resurfacing of Division Lane West has been completed.

The building will be opened for full use once the highway improvement works at Division Lane have been completed, with work on the junction improvements scheduled to commence on the 9th January. The planning consent for the changing pavilion only permitting work on the junction improvement to begin once the building itself was complete. Timing of the junction modification works being dependent upon LCC Highways granting possession of the Highway.

Detailed design work for the 3G floodlight pitch and for the associated floodlight rugby pitch was completed in June, with the contract tendered and an award made to Carrick Construction who commenced work on 26th September, with a targeted completion for the end of March 2023 for the 3G facility, the Rugby pitch will take a little longer to be playable and alternative Rugby provision will be maintained on the old Common Edge

pitches in the interim. On completion the new sports facilities at Common Edge will provide state of the art £6m facility which will provide lasting health and wellbeing benefits to the wider community in addition to providing an attractive entrance to the Enterprise zone.

Existing changing facilities at Jepson Way will continue in use for the new sports pitches until the new changing facility is complete and commissioned, and will then be demolished in the new year. Some of the original Common Edge pitches may continue in use until Spring 2023 to provide additional capacity, until the land is needed for works in connection with the new Eastern Gateway access.

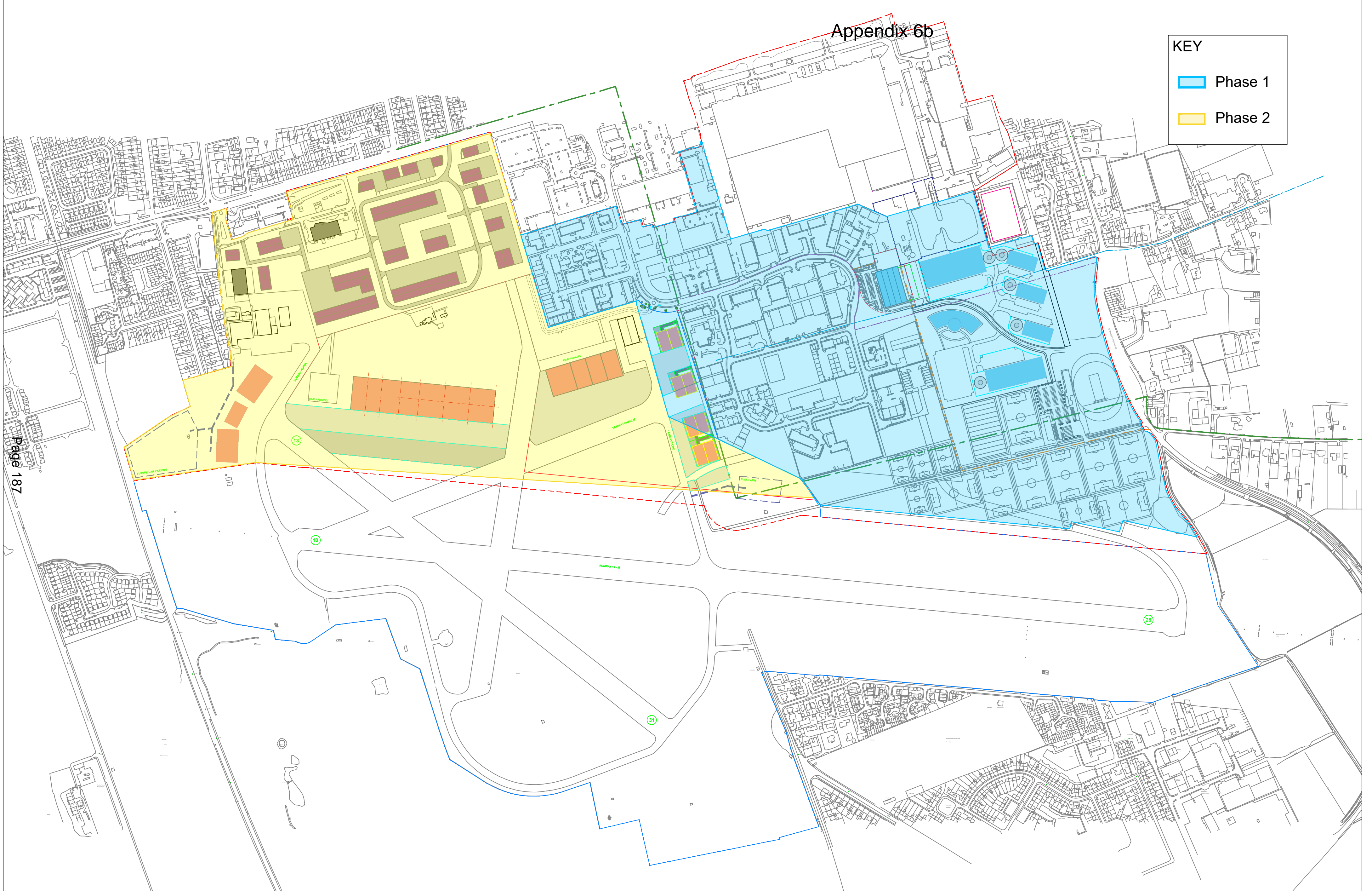
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KEY

Phase 1

Phase 2





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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member :</b>	Councillor Mark Smith, Cabinet Member for Business, Enterprise and Job Creation
<b>Date of Meeting:</b>	5 December 2022

## BLACKPOOL TOWN DEAL: UPDATE

### 1.0 Purpose of the report:

- 1.1 To provide an update on progress with the delivery of the Town Deal Programme.

### 2.0 Recommendation:

- 2.1 To note the progress with Blackpool's Town Deal Programme.

### 3.0 Reasons for recommendation:

- 3.1 Following the submission of Blackpool's Town Investment Plan in 2020 and the subsequent offer of Town Deal funding and approved business cases for the 7 schemes agreed with Government require that the Town Deal Board and the Council, as Accountable Body, oversee the Town Deal programme and its progress.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### 4.0 Other alternative options to be considered:

- 4.1 The development of the Town Investment Plan (TIP) and its respective 7 schemes were subject of extensive engagement, review of options and consideration before being agreed.

### 5.0 Council priority:

- 5.1 Both Council priorities are supported namely "The economy: Maximising growth and opportunity across Blackpool" and "Communities Creating stronger communities and increasing resilience".

## 6.0 Background information

### 6.1 Town Deal Board and Town Investment Plan

The £3.6 billion Towns Fund was launched in November 2019 to enable towns to address growth constraints through Town Deals. 101 towns were initially invited to bid with the aim, “to unleash the full economic potential of 101 places and level up communities throughout the country”. The objective of the Towns Fund is to “drive the economic regeneration of towns to deliver long-term economic and productivity growth”.

As part of the invitation to the lead Council, a Town Deal Board incorporating public, private and community membership and an independent private sector Chair was required to be established as an advisory board to the Council.

The Blackpool Town Deal Board was established in February 2020, chaired by Paul Smith of Business in the Community (BITC), and its role has been to:

- Develop and agree an evidenced-based Town Investment Plan (TIP)
- Develop a clear programme of interventions
- Coordinate resources and influence stakeholders
- Oversee the development of Green Book Business cases within a locally determined assurance framework including independent appraisal

The Town Deal Board has now held 19 meetings with its membership and papers including the outcomes of a major community engagement exercise published on the Council’s website: [Blackpool town deal agendas and minutes](#). It is supported in its work by the Town Deal Investment Panel which scrutinizes the detail of the programme.

### 6.2 Progress

A detailed update report was provided at the November 2020 Executive meeting when approval was given to the signing of the Heads of Terms (HoT) and to:

*“delegate to the Chief Executive the authority, after consultation with the Leader of the Council, to agree:*

- *the allocation of the resources between the 7 approved schemes, and,*
  - *the business plans for the projects identified in the Heads of Terms for submission to Ministry of Housing, Communities and Local Government after they have been through the preparation and assessment processes outlined in paragraphs 6.3 and 6.4 in line with the Heads of Terms at Appendix 2a and the Towns Fund Further Guidance including seeking agreement of the Town Deal Board.*
- for the Executive to be kept informed of progress on the Town Deal”*

A further update was given to the March 2021 and December 2021 Executive meetings.



### 6.3 Business Case Development Process

In November 2020 the Council Executive and Town Deal Board accepted an offer of £39.5m over financial years 2021/22 to 2025/26 for seven projects, with an additional £1m coming from accelerated funding in July 2020 to acquire the former Devonshire Road hospital site as a proposed location for the replacement Courts building.

In line with the grant funding requirements, the Council needed to develop business cases and submit Summary Documents to the Department for Levelling-Up, Housing and Communities (DLUHC) by 17 November 2021. On the 10th December 2021, confirmation was received that 5 projects had been approved with the remaining two approved on 2 March 2022.

	<b>Funding Allocation (rounded)</b>
Multiversity Land Acquisition	£9.0m
Blackpool Airport Enterprise Zone	£7.5m
Blackpool Central Courts Relocation	£7m
Revoe Community Sports Village	£6.5m
The Edge (Stanley Buildings)	£4.5m
Illuminations	£4.5m
Blackpool Youth Hub	£0.5m
<b>TOTAL</b>	<b>£39.5m</b>

### Project and Programme Delivery

#### 6.4

The programme is now in the delivery phase with all schemes required to provide quarterly claims returns, which are overseen by the Council's Programme Management Office (PMO) and Finance teams.

- All required claims and returns to the Department of Levelling Up, Housing and Communities (DLUHC) have been submitted to time and no outstanding issues reported
- All 7 Town Deal schemes are now in progress (the 7<sup>th</sup>, The Platform (Youth Hub) commenced as a Town Deal project on the 1 October 2022 having commenced with Community Renewal Funding).
- Project Delivery - activity and planning is well underway but some schemes are behind schedule and hence an Amber RAG rating (see Department for Levelling Up, Housing and Communities, definitions at end of the Appendix 7a) been given to the overall programme, although it is anticipated that all the schemes will catch up.
- Programme Spend - Whilst project activity is well underway on all schemes, there is a programme level underspend against the original (and very much out of date) September 2021 profile hence there is a Red RAG Rating. However, re-profiling is normal for a programme of this scale, the position is retrievable, no resources are at risk and a re-profile of annual spend is acceptable to Department for Levelling Up,

Housing and Communities in principle.

- Table 1 below, based on the latest forecast project spend to end March 2023, shows a total forecast programme spend of £12,500,951 is outlined against an allowance of £17.1m.

**Table 1. Current expenditure and reforecast position versus approved budget figures.**

Project	Approved Total Town Deal funding	Approved spend (1 Oct 2020 to 31 Mar 2023)	Total actual spend to date (30 Sep 2022)	Variance between approved spend to end Mar 23 and spend to date	Reforecast amount still to be spent by end Mar 23	Variance between likely and approved spend at end Mar 23
Blackpool Airport Enterprise Zone	£7,500,000	£3,045,000	£1,232,822.41	£1,812,177.59	£1,993,121.00	£180,943.41
The Youth Hub/ 'The Platform'	£500,000	£327,418	£0.00	£327,418.00	£156,880.00	£170,538.00
Revoe Community Sports Village	£6,545,818	£1,628,194	£420,743.19	£1,207,450.81	£532,365.26	£675,085.55
The Edge*	£4,500,000	£3,513,434	£391,428.85	£3,122,005.15	£784,928.81	£2,337,076.34
The Illuminations	£4,500,000	£2,454,000	£1,370,358.82	£1,083,641.18	£1,440,611.51	£356,970.33
Multiversity (Land Acquisition)**	£9,000,000	£6,060,000	£40,531.00	£6,019,469.00	£2,062,060.01	£3,957,408.99
Blackpool Central Courts Relocation	£6,954,182	£74,089	£67,281.21	£6,807.79	£3,626.25	£3,181.54
<b>Totals</b>	<b>£39,500,000</b>	<b>£17,102,135</b>	<b>£3,523,165.52</b>	<b>£13,578,969.48</b>	<b>£8,977,785.17</b>	<b>£4,601,184.31</b>

\*The Edge scheme is undergoing value engineering exercise following a tender exercise. This will require a reprofile of expenditure.

\*\*Multiversity – A report went to the Council Executive on the 5th September regarding property acquisition. Progress will now accelerate but the overall spend profile this year has been affected and is undergoing a reprofile.

The programme performance position is the subject of regular reports to Department for Levelling Up, Housing and Communities and the required annual spend reprofile will be picked up in the next submission, required by 16 December 2022). The only known risk to underspend at this early stage is the Government's "up front" payment schedule to the Council could be revised to better reflect actual annual expenditure, but this is not expected to have any impact on the totals to be received, just the timing.

## 6.5 Reasons for Variations in Spend profile

The reasons for the programme underspending versus the originally profiled budget (from September 2021) is due to a combination of issues including:

- Meeting original short Town Deal business case development and appraisal deadlines, has with hindsight led to some delivery timetables being recognised as over ambitious. This has been heightened given the current volatility in economic circumstances
- Inflation is having a wide and lasting impact with tendering challenging: some procurements have had to be re-tendered due to excessive/non-responses
- Post Covid-19, the availability of some materials has been adversely affected
- Some schemes have not commenced as early as expected due to
  - Delayed government approvals (e.g. Multiversity to March 2022)
  - The need for further extensive partner discussions (e.g. Revue Community Sports Village with Blackpool FC)

## 6.6 Towns Fund reporting

Blackpool Council is the designated accountable body for the delivery of the Towns Fund programme with the oversight from the Town Deal Board. The Council must comply with Department for Levelling Up, Housing and Communities mandatory financial and monitoring and evaluation requirements. Payment of grant is dependent upon the receipt of satisfactory interim reports, which often require to be signed-off by the Director of Resources as the Council's Section 151 Officer.

The Council received a response from the Department for Levelling Up, Housing and Communities Assurance and Compliance Team on 30 September 2022 regarding the 'Assurance review process for Town Deals first line of defence outcome' undertaken earlier this year. This required the Council's Section 151 Officer to return the assurance review form, statement of grant usage and a governance assurance statement. The Department for Levelling Up, Housing and Communities Assurance and Compliance Team confirmed they had reviewed our documents and informed the Council they had not identified any issues. Blackpool has therefore not been selected for a second line of defence 'deep dive' review on a risk or sample basis, meaning this phase of the assurance cycle is concluded.

The latest Department for Levelling Up, Housing and Communities monitoring report request was received 25 October 2022, with a return deadline of 16 December 2022. The required forms are similar to those received previously (but are not the same) and require the Council's Director of Resources as Section 151 Officer sign-off and Town Deal Board Chair for one section.

A further request was received on the 27 October 2022 requiring completion and submission of a private sector funding template with return due by Monday 14 November 2022, again with Section 151 officer sign off required. This template aims to collect additional information

from Towns regarding private sector funding, to identify where there might be shortfalls between amounts required and amounts secured so far. This is deemed an exploratory exercise to understand if there are opportunities for Department for Levelling Up, Housing and Communities to work with Councils in closing any gaps. This was completed and submitted on the 3 November 2022.

On the 7 November 2022 Department for Levelling Up, Housing and Communities provided a further note entitled “Towns Fund: Supplementary Guidance on the role of Town Deal Boards in the delivery phase”.

This provided further guidance for Town Deal Boards on expectations as programmes move forward in the delivery phase. It sets out Department for Levelling Up, Housing and Communities’s expectations regarding the Board’s specific role in performance reviews, Project Adjustment Requests and assurance activity, as well as reiterating its key strategic and consultative role. Checks will be carried out annually on publicly available records to review whether the Town Deal Board is working in line with the governance and information provision requirements set out in the original prospectus and all subsequent guidance. The PMO have reviewed the guidance and are confident all requirements are being met. This was shared with the Town Deal Board at its 18 November 2022 meeting.

## 6.7

### Inflation

All the project managers are conscious of the potential for inflation to affect our ability to deliver parts of the programme as a result of cost increases so various mitigation measures are being considered. Options, however, are limited as several schemes are not yet fully designed or tendered and many suppliers and contractors are now stepping away from providing any sort of price guarantee.

It is known that Government will not increase Towns Fund allocations (and expect the original outcomes set out in the business plans to be achieved). We have become aware that some other authorities have asked to keep all their programme allocation whilst dropping one or more of the original constituent projects but we have not heard if such requests have yet been approved.

There are no plans to consider any scheme removal from the Blackpool programme at this stage, so mitigations within our programme will, necessarily, be focused on value engineering and limited to acceptable changes in materials specification or design modifications that do not change the project results. Beyond this other options that would be addressed, if required, include phasing or sourcing additional funds from other sources. These inflationary pressures are compounded by the need to consider the Council’s net zero commitment ambitions for projects which may result in cost increases.

The Town Deal Investment Panel considered this matter at its August 2022 meeting and agreed to monitor any significant variations in the schemes to ensure they remained as true to the original objectives as possible whilst working within the budgetary constraints.

## 6.8 Engagement Activity

Extensive engagement was undertaken at the Town Investment Plan (TIP) development stage as a pre-requisite of the submission. The Town Investment Plan development stage (February – July 2020) involved substantial engagement activity undertaken by a dedicated research and consultation team within the Council working with local partners from the private and voluntary sectors (the Town Deal Engagement Team), supported by independent companies, Locality and Commonplace. This activity helped to determine the Town Investment Plan and its proposed projects and a Stakeholder Engagement Plan was created to ensure that the principles were maintained into delivery. This exercise proved extremely popular with over 6,500 individuals engaged, generating 2,162 contributions from 1,127 respondents receiving over 1,000 comments.

A second engagement exercise was launched via the Commonplace website on 21 February 2022, building on the previous thematic engagement with specific details of the projects being developed. See <https://blackpooltownsfund.commonplace.is/>.

Under this engagement activity, people were asked specifically to provide their views on the seven schemes rather than broad themes. The site was open for comments until 22 March 2021.

Whilst the former exercise gathered comments on a thematic basis, the subsequent work presents a specific overview of the discrete projects being developed seeking detailed observations and comments from Blackpool residents, visitors and workers. This was part of the intended trend for Town Deal engagement activity to become increasingly specific to the projects and gather practical input to be used in constructing the business plan, final design and future development of the schemes.

An overview of activity shows that when the site closed, it had received 2,587 visitors, just under half the number of the first Commonplace exercise. 399 visitors responded to questions, and 350 chose to make detailed comments. 139 of these subsequently signed up for further updates on the project. All the findings of the Commonplace exercise were fed into the business planning processes.

An “Engagement week” was held 6–11 December 2021, where Council Infusion research staff, field workers, and staff from the Community Safety team set up a pop-up shop in Blackpool Houndshell Shopping Centre. They engaged with residents and visitors about the Town Deal projects and the Community Safety survey.

Across the week over 3,000 interactions took place. From short conversations to filling in a survey and some case studies. Around 1,500 promotional leaflets were distributed to residents showcasing information on the topics with a link to online surveys.

With some projects being at early stage, there has had to be a period of reflection to

determine when it is appropriate to undertake further engagement and when. This is now under review with new engagement activity proposed for 2023.

Ongoing use of the following is being considered:

- People's Panel - over 400 people signed up for future project updates and further engagement. The Panel is being developed with regular communication and newsletters, and as people become more familiar with the projects in the Plan, more detailed engagement will be carried out using social media, online surveys, focus groups and face-to-face discussions (lockdown-permitting).
- Stakeholder Panel - using a map of local community assets developed by Locality, a Stakeholder Panel has been developed to supplement the current governance arrangements. Open to all organisations in the town, it will operate on a similar basis to the People's Panel but with engagement balanced towards open discussions to ensure that the voice of all stakeholders are heard, and to ensure continued development of our productive relationships. It will link to existing networks and arrangements in place across the private and voluntary sectors, building on existing relationships to ensure a constant influx of diverse views.

The Engagement Team are reviewing these processes quarterly and adapt to the evolving demands of the projects, considering the extent to which all parts of the stakeholder community have engaged, and regular reports are given to the Town Deal Board.

## 6.9 Management and Governance Arrangements

The management, governance and delivery of Blackpool's Town Deal Programme will require the ongoing oversight provided by the Town Deal Board and its sub group the Town Deal Investment Panel. As the accountable body, Blackpool Council retain overall responsibility for the delivery of the programme with reports to the Executive and decisions being made under the Executive's delegation arrangements. The Council Growth & Prosperity Board and Corporate Leadership Team provide ongoing governance oversight.

An internal Town Deal Project Board (TDPB) continues to sit monthly. The TDPB oversees the work of the individual Town Deal Project Teams and reports through the Programme Monitoring Office (PMO) to the Growth and Prosperity Programme Board (G&PB) and then to the Town Deal Investment Panel (TDIP) and Town Deal Board and ultimately to the Executive.

Project management and delivery support continues to be provided by the Council in conjunction with any partner agencies led by the Programme Management Office (PMO) function. A 2% "top slice" of the Town Deal programme (£790,000) has been allocated to support programme management staffing and other costs throughout the 4-year programme life.

6.10 Does the information submitted include any exempt information?

No

## **7.0 List of Appendices:**

Appendix 7a – Summary of the 7 Town Deal projects and activity to date

## **8.0 Financial considerations:**

- 8.1 Without Towns Fund funding approval many of the schemes would not be pursued. Where any co-funding is required, this has already been determined and agreed as part of the preparation of the relevant business case.

## **9.0 Legal considerations:**

- 9.1 The Council has the power pursuant to section 1 of the Localism Act 2011, and section 111 of the Local Government Act 1972 to enter into the non-legally binding heads of terms relating to the £39.5 million Town Deal proposed by the Department of Levelling Up, Homes and Communities.
- 9.2 Regarding the Land Acquisition for Multiversity Project, a Memorandum of Understanding between Blackpool and The Fylde College and Blackpool Council is in place, which outlines the working arrangements and key areas of responsibility to deliver the Multiversity Campus once the Town Deal funding is confirmed. The key principles that are set out in the Memorandum of Understanding will provide the confidence that both parties are fully committed to bringing the project forward in accordance with the agreed programme.
- 9.3 The Blackpool Central Courts Relocation scheme also led to a Memorandum of Understanding / Collaboration Agreement being signed in January 2022 between His Majesty's Courts and Tribunals Service and Blackpool Council to outline their working arrangements and key areas of responsibility to deliver the His Majesty's Courts and Tribunals Service decant and new build development.
- 9.4 Similarly, the Revoe Community Sports Village scheme will require a MoU/Collaboration agreement with Blackpool Football Club to clarify the respective roles in taking forward the implementation of the project.
- 9.5 The delivery of each of the individual projects requires the need to satisfy conditions precedent and Council approvals. Each project needs to rely on the appropriate powers, and ensure the completion of the appropriate procedural requirements (e.g. consultation, Public Sector Equality Duty, Subsidy Control and procurement compliance) which are part of the legal documents to be signed as part of the Council's accountable body assurance role. At the time of this report, 3 Service Level Agreements (SLA's) are fully signed and 4 are out for signature. It is anticipated a Grant Funding Agreement and Service Level Agreements will be required for the Revoe Community Sports Village and Blackpool Central Courts Relocation will require a separate Grant Funding Agreement with His Majesty's Courts and Tribunals Service.

**10.0 Risk management considerations:**

- 10.1 With all major schemes there are risks, and each scheme has a risk assessment developed and allocated to it. A programme level risk register has also been created.

**11.0 Equalities considerations:**

- 11.1 There are no equalities issues with the programme outlined. Where any development requires new build or redesign e.g. Multiversity or The Edge, full inequalities and accessibility requirements will be taken into account at the design stage.
- 11.2 Town Deal required a Public Sector Equalities Duty to be provided for each project and a programme level Public Sector Equalities Duty submitted in November 2021. This activity was supported by the Councils' Equalities and Diversity Manager and they remain engaged with all projects both directly and through the Town Deal Project Board.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 Clearly, where construction is involved there will be carbon usage issues. Reducing the impact of climate change and ensuring sustainability is however being taken into account at various design stages of projects. The low carbon and sustainability team within the Corporate Strategy and Delivery Department sit on each Town Deal project delivery group, providing valuable input. This team has developed a carbon calculator toolkit which is at an early stage of implementation, but is anticipated to have a positive impact on scheme development.

**13.0 Internal/external consultation undertaken:**

- 13.1 Extensive consultation is ongoing through regular Town Deal Board and Town Deal Investment Panel meetings and individual project delivery teams and boards. Please also note section 6.8 above.

**14.0 Background papers:**

- 14.1
- a) Town Deal Heads of Terms report to 16 November 2020 Executive (EX48/2020)
  - b) Town Deal report to Executive March 2021(EX16/2021)
  - c) Town Deal report to Executive December 2021 (EX63/2021)
  - d) Town Deal Board papers are available on the Town Deal section of the Council's website [Blackpool town deal agendas and minutes.](#)



**15.0 Key decision information:**

15.1 Is this a key decision? No

15.2 If so, Forward Plan reference number:

15.3 If a key decision, is the decision required in less than five days? N/A

15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: N/A Date approved: N/A

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Summary of Discussion:**

19.1

**20.0 Executive decision:**

20.1

**21.0 Date of Decision:**

21.1

**22.0 Reason(s) for decision:**

22.1

**23.0     Date Decision published:**

23.1

**24.0     Alternative Options Considered and Rejected:**

24.1

**25.0     Executive Members in attendance:**

25.1

**26.0     Call-in:**

26.1

**27.0     Notes:**

27.1

## Appendix 7a – SUMMARY OF 7 TOWN DEAL PROJECTS PROGRESS (2022/23 Q2)

### 1) BLACKPOOL ILLUMINATIONS REJUVENATION

The overall aim of the project is to rejuvenate the Blackpool Illuminations as a means to attract an increasing number of visitors to the town in the autumn and winter period, and extending the traditional Illuminations season by two months, from the current September to November season until January.

This is being undertaken by designing and creating a number of new centrepiece attractions over a five-year period and improving the lighting infrastructure and provision of essential equipment needed to deliver the illuminations in an efficient and sustainable manner. This project supports the famous Blackpool illuminations through modernisation and innovation. This £13.2m scheme, with £4.5m of Town Deal monies is being delivered by Blackpool Council as scheme promoter and accountable body with the Blackpool Illuminations Department leading on project delivery.

#### FINANCIAL POSITION AT END SEPTEMBER 2023

APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTEMBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£4,500,000	£2,453,853	£1,370,359

#### PROJECT ACTIVITY

- Four large scale features introduced into the display 2022 display
- A further two large scale features to be introduced to 2022 display in November.
- 21 large scale cross road features delivered by 2<sup>nd</sup> September for 2022
- All feature upgrades completed for September 2<sup>nd</sup> 2022
- Odyssey illumination on promenade.
- Working with artists Chila Kumari Singh Burman and also a Canadian artist regarding the 2023 illuminations display
- Infrastructure upgrade to restart January 2022
- Technical rehearsals re projectors and interaction displays starting w/c 31<sup>st</sup> October

## OUTPUTS/OUTCOMES ACHIEVED TO SEPTEMBER 23

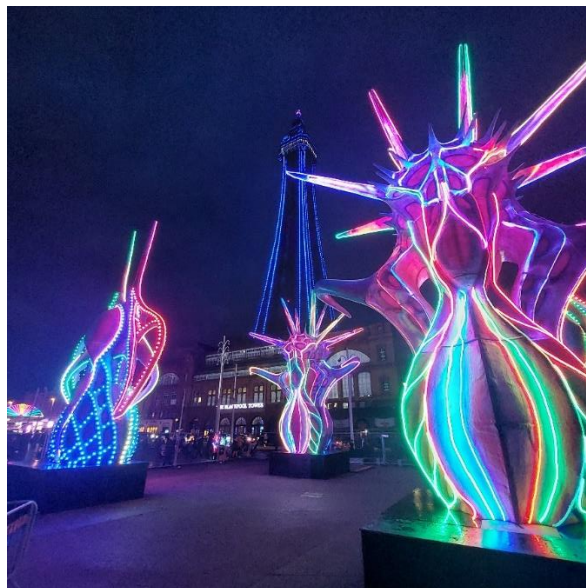
Output and Outcome Targets by scheme end	Achieved (Y/N)
£ spent directly on project delivery (either local authority (£4500000)	N (£1,370,359)
£ co-funding spent on project delivery (private and public) (£8750000)	N (£3,214,234)
£ co-funding committed (private and public (£8750000)	Y
No of temporary FT jobs supported during project implementation (4)	N (2 currently)
No of full-time equivalent (FTE) permanent jobs created (4)	N
Number of artists supported in developing new skills (5)	N (3 currently)
Facilitate additional 1.75 million additional visitors (1750000)	N

## PROJECT RAG RATING *(see DHLUC RAG rating at end of this Annex)*

RAG Rating Delivery	RAG Rating Spend	RAG Rating Risks
2	3	2

## LATEST PROJECT IMAGES

### Odyssey Feature





**New robot arm**



## 2) BLACKPOOL AIRPORT ENTERPRISE ZONE

This project aims to support business and jobs growth within the Blackpool Airport Enterprise Zone through the creation of new highways and associated infrastructure that will aid in the mitigation of a number of existing barriers to development. Firstly, this project looks to create a new entry and exit point for traffic into the Blackpool Airport Enterprise Zone to the east of the designated area, negating the business park's current status as a cul-de-sac and reducing travel times and standing traffic, particularly at peak vehicle flow times. Secondly, its route through the east of the Enterprise Zone will also open up 10.5 hectares of previously inaccessible development land for the creation of serviced plots, therefore managing the current lack of new development space within the Enterprise Zone to accommodate businesses looking to locate and grow there. This £18m scheme, with £7.5m of Towns Fund monies, will be delivered by Blackpool Council as scheme promoter and accountable body, with the Council's Enterprise Zone team leading on project delivery.

### FINANCIAL POSITION AT END SEPTEMBER 2023

APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTEMBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£4,500,000	£3,045,000	£1,232,822

### PROJECT ACTIVITY UPDATE

- Division Lane West (Sports Village development) upgrade and resurfacing complete
- Sport Centre and 194 space Car Park completed. Utilities expected to complete connection and testing in November 2022.
- Geotechnical consultants engaged. Ground investigation re-scoped. Ready for Ground investigation tender in October.
- Work will begin on the Division Lane Junction with Common Edge Lane in January 2023 – public event to be held in December 2022 to engage with local residents.
- Design package for Division Lane West (Highways - Area F) complete and ready for tender.
- RSA 2 for Division Lane West (Area F) approved.
- Engagement with United Utilities to adopt the sustainable drainage elements underway (Section 104 agreement).
- Outline planning consent secured 11.10.2022. Awaiting decision re green belt from secretary of state
- Delivery Plan to be presented at the December Executive meeting to agree additional borrowing requirements

## OUTPUTS/OUTCOMES ACHIEVED TO DATE

Output and Outcome Targets by scheme end	Achieved (Y/N)
£ spent directly on project delivery (£7,500,000)	N (£1,232,822)
£ co-funding spent on project delivery (£10500000)	N (£633,122.89)
£ co-funding committed (private and public £10500000)	Y
Total length of new cycle ways      Transport (0.6km)	N
Total length of new pedestrian paths (0.7km)	N
Total length of newly built roads      (0.6km)	N
Total length of pedestrian paths improved (0.3km)	N
Total length of resurfaced/improved road (1.8km)	N
No. of trees planted (15)	N
Amount of public realm improved (105000 m2)	N
# of additional enterprises with broadband access =>30mbps (Minimum 12)	N
# of additional residential units with broadband access =>30mbps (minimum 37)	N

## PROJECT RAG RATING *(see DHLUC RAG rating at end of this Annex)*

RAG Rating Delivery	RAG Rating Spend	RAG Rating Risks
4	3	4



## LATEST SCHEME IMAGES

*Image 1 Sports Pavilion 90% complete.*



*Image 2 Division Lane West pre upgrade*



*Image 3 Division Lane West upgrade*





*Image 1 Division Lane West Access road upgrade to Sports Pavilion near to completion (with retained trees).*



*Image 2 Access road to Sports Pavilion 2.*



*Image 3 Car Park before upgrade.*



*Image 4 New car park featuring Sustainable drainage.*



*Image 9 New footpath / cycleway at Division Lane West (under construction)*

### **3) THE EDGE**

The core aim of the project is to expand the quality and range of flexible managed workspace within Blackpool town centre to accommodate the needs of new and growing small businesses; complemented by tailored business advice for growth-ambitious small businesses. Stanley Buildings was identified as the suitable building within the town centre to achieve this aim. Local authority owned and ideally located given its proximity to several flagship regeneration projects, local amenities and transport networks.

The Edge is the name given to the proposed expanded managed workspace aiming to knit together large parts of the upper floors of the building to create a vibrant business hub providing a choice of offices, meeting rooms, co-working and breakout space. Council co-investment will ensure the renovation of the wider Stanley Buildings, including ground floor shopfronts and repurposed adjacent building.

The Edge aims to :-

- a) Create a destination small business hub, enabling innovative and high growth businesses to expand; accessing bespoke support on their business growth journey;
- b) Address market failure by meeting unfulfilled demand for affordable serviced office space for small businesses within the town centre;
- c) Facilitate the creation of skilled job opportunities in growing business sectors, ensuring businesses have key facilities such as full fibre infrastructure, as well as business networks and know how on which to thrive;
- d) Strengthen business support provision - ensure it is demand-driven and relevant to the needs of growth-oriented Blackpool businesses.
- e) Bring sensitive refurbishment and regeneration to a signature 1930's locally listed building

The project is a £6.8m capital scheme (£4.5m of Town Deal; £2.3m Council co-funding to be included within the capital programme) delivered by Blackpool Council as scheme promoter and accountable body.

#### FINANCIAL POSITION AT END SEPTEMBER 2023

APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTMEBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£4,500,000	£3,513,434	£391,429

#### PROJECT ACTIVITY UPDATE

- Contract maximum price for the building work received was significantly more than the budget available. Value engineering activity has been undertaken and has led to an options analysis being compiled. Senior Council officers will review the options in November and determine the next steps.
- Building works not started as originally planned and indefinitely delayed until scheme delivery viability confirmed.

#### OUTPUTS AND OUTCOMES ACHIEVED TO DATE

Output and Outcome Targets by scheme end	Achieved (Y/N)
£ spent directly on project delivery (£4500000)	N (£391,429)
£ co-funding spent on project delivery (£2300000)	N
£ co-funding committed (private and public £2300000)	Y
No. of temporary FT jobs supported during project implementation (33)	N
No. of full-time equivalent (FTE) permanent jobs created through project (230)	N
No. of enterprises receiving non-financial support (150)	N
No. of heritage buildings renovated/restored (1)	N
Number of new non-domestic buildings with green retrofits completed (1)	N
Amount of office space renovated/improved (1200)	N
No. of additional enterprises with broadband access of at least 30mbps(79)	N



**PROJECT RAG RATING** *(see DHLUC RAG rating at end of this Annex)*

RAG Rating Delivery	RAG Rating Spend	RAG Rating Risks
4	5	5

**LATEST SCHEME IMAGES**

**Proposed Before and After Scheme Visual**



**Before and after tile repair trial 1**



### Before and after tile repair trial 2 (after exposing steelwork)



### Mosaic Tiles Condition



## 4) BLACKPOOL CENTRAL COURTS RELOCATION

This project aims to support the development of Blackpool Central, a £300m private sector investment in Blackpool's visitor economy, by accelerating site assembly. At present, the development of the full site proposed for Blackpool Central is inhibited by the presence of in-use County and Magistrates Courts and a former Police HQ, which occupy a prominent and large area within the wider site boundary. In order to realise its full potential, HMCTS services need to be relocated, and the current tired facilities demolished, along with the former Police HQ, with subsequent land treatment works being undertaken to leave a cleared and clean site. The investment of £6.95m in this project will both support the relocation of HMCTS services from the current site on Chapel Street to a new site at Devonshire Road, close to the town centre, and allow for the demolition of the existing Courts and former Police HQ buildings, as well as treatment of the site. The creation of a major mixed leisure, hospitality and food and beverage development, with associated infrastructure, on the Blackpool Central site will be a major driver in Blackpool achieving its goal of becoming a year-round visitor destination. If the current Courts and former Police HQ site could not be cleared, the development potential of the site would be significantly reduced, meaning the development

would have less of an economic impact and a reduced transformative effect on the local area.

The rationale for the project is based on market failures and equity. The private sector would be unable or unwilling to undertake the proposed development without public sector intervention, and significant employment benefits might not be realised without this intervention.

#### FINANCIAL POSITION AT END SEPTEMBER 2023

APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTEMBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£6,950,000	£74,809	67,281.21

#### PROJECT ACTIVITY UPDATE

- On Thursday 10<sup>th</sup> November, The Council received confirmation of formal Government approval was announced regarding funding for the delivery of the new courts building (circa £40m) which will be provided to His Majesty's Courts and Tribunal Service. This provided a major step forward in the overall scheme development.
- In anticipation of funding approval, HMCTS had already commenced some early site works including site investigations and various studies of the site (topographical & ecological).

#### OUTPUTS AND OUTCOMES ACHIEVED TO DATE

Output and Outcome Targets by Scheme end	ACHIEVED (YN)
£ spent directly on project delivery (£6,950,000)	N (£67,281)
£ co-funding spent on project delivery (£37,000,000)	£0
No. of temporary FT jobs supported during project implementation (1)	0
No. of full-time equivalent (FTE) permanent jobs created (1)	0
Number of public amenities/facilities created (1)	0
Number of sites cleared (1)	0
Amount of rehabilitated land (8000m2)	

**PROJECT RAG RATING** (see DHLUC RAG rating at end of this Annex)



### RAG Rating Delivery

### RAG Rating Spend

### RAG Rating Risks

2

1

2

### LATEST SCHEME IMAGES

The images below are taken from the Blackpool Central project. This is linked to the Town Deal scheme, as the site of the existing courts is to be redeveloped as part of Phase 3 of the leisure scheme being brought forward by private developers Nikal Ltd. There are no current photos of the existing courts being demolished, as this cannot be undertaken until the new courts facilities have been constructed . Photographs show the construction of the new multi-storey car park on Blackpool Central.



### 5) MULTIVERSITY

The overall vision for the project is to bring forward regeneration proposals through the creation of a new 'Multiversity Campus' in the heart of Blackpool Town Centre. The Multiversity Campus will facilitate the aspirations of Blackpool & the Fylde College (to create a world class University learning environment that will be carbon neutral in operation.

'University Centre Blackpool' will be a unique proposition, providing a cutting-edge response to local, regional, and national priorities delivered by the College. Through a high quality, dedicated and distinctive technical and professional curriculum, co-created with employers and in partnership with Lancaster University, UCB will support high-level skills growth and individual success, now and in the future. With courses focusing on automation, mobility, artificial intelligence, data, population ageing and sustainability, the Multiversity will focus on training, learning and education opportunities for regional businesses to up-skill their workforces. The College's existing University Centre Campus at Park Road in Blackpool is situated away from the town centre amenities and rail network and is as such is disconnected from the core of the Town. The College needs to relocate from its current campus to realise its full potential in collaboration with Lancaster University as UCB.

It is not economically viable to repurpose the existing campus buildings and there is insufficient site capacity for the additional floorspace that is required to achieve the vision of the UCB. The College is therefore looking for a new campus site where it can expand and re-focus its higher education offer to incorporate a wider range of higher-level technical qualifications and is seeking to relocate to a new site, which is located near to the Talbot Gateway Central Business District on the edge of Blackpool Town Centre.

The relocation to a new carbon neutral in operation campus will improve education, skills and learning in Blackpool and the wider area and provide a major contribution to the regeneration of Blackpool Town Centre.

The overall Multiversity scheme is an estimated £65m, the first stage of which involves the purchase of the site using £9m Towns Fund. The full scheme £9m of Town Deal monies will be delivered by Blackpool Council and the College as scheme promoters and accountable bodies who will work in collaboration to deliver the project. A separate £40m submission has been made into the Levelling Up Fund.



APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTMEBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£9,000,000	£6,060,000	£40, 531

#### PROJECT ACTIVITY UPDATE

- Letters have gone out to all residents and property owners in the area with regards to interest in property acquisition
- Negotiation activity ongoing with those who have responded positively and several properties have now reached agreement
- LUF funding announcement not now anticipated until end of the year , although the new government may impact on this and hence project delivery timescales

#### OUTPUTS/OUTCOMES ACHIEVED TO DATE

Output and Outcome Targets by scheme end	Achieved (Y/N)
<b>**Note – all the below subject to review further to LUF Funding decision</b>	
£ spent directly on project delivery (90000000)	N (£40,531)
£ co-funding spent on project delivery (private and public £76000000)	N
£ co-funding committed (private and public £76000000)	N
# of temporary FT jobs supported during project implementation (493)	N
Amount of capacity of new or improved training or education facilities (3600)	N
# of learners/students/trainees gaining completing courses (680)	N
# of learners/trainees/students enrolled (680)	N

#### PROJECT RAG RATING

RAG Rating Delivery	RAG Rating Spend	RAG Rating Risks
4	5	4

#### LATEST PROJECT IMAGE

## Proposed Multiversity Visual



### 6) REVOE COMMUNITY SPORTS VILLAGE

The Revoe/Southern Quarter Community Sports Village project has been designed to respond to need identified in the local community, and to leverage and enable investment within the Blackpool FC Bloomfield Road ground and surrounding environment. Without a comprehensive and joined-up approach to the design and delivery of this project, investment could result in greater severance of the existing Revoe community, and undermine the potential to deliver community facilities that will benefit local people for years to come.

The overall project aim is to establish a sports village with leisure, education, and residential uses using £6.5m Town Deal while leveraging up to £17m of private and other investment.

Bloomfield Road – the home of Blackpool Football Club, whilst an important asset for Blackpool, its East Stand is a temporary structure in need of significant investment. More widely, there is vacant brownfield land between the Foxhall residential development area and Bloomfield Road which has stood undeveloped for a number of years. This area of land is fenced off and not open to the community. The hard standing, parking areas and disused land do not offer any wider community benefit or facilitate / enable community integration.

As discussed above the deprivation around the Football Club is material and extensive. Therefore, there is a clear need to invest in the area and improve many of the shortcomings and challenges currently faced by the local community. Sports and Playing Pitch Need: The Blackpool FC Community Trust has been working with the local community over a sustained period of time to provide support and opportunities for football and sports related programmes across a number of age groups. In the current area, which includes three local

schools, no current facilities exist and chance to engage in such activity is very difficult.

The project will include the direct delivery of the following within a coherent Sports Village:

- 1x Under 16s 3G pitch
- 4,600 seat new East Stand with associated within-stand concourse to support match day activity
- New club shop, club bar and ticket office to North Stand frontage
- New Timber Yard to support retention of existing business (Firwoods)
- 7,332m2 public realm delivery to include creation of new North Stand Public Realm
- 139 reprovided car parking spaces

And enable and safeguarded delivery of:

- 7,410m2 brownfield land for the purposes of future development to Central Drive frontage
- 6,709m2 brownfield land for the purposes of additional sports infrastructure delivery

#### FINANCIAL POSITION AT END SEPTEMBER 2023

APPROVED TOWN DEAL SPEND		TOTAL SPEND TO END SEPTMEBER 2023
Total Town Deal Allocation	Allocation to 31 March 2023	
£6,545,818	£1,628,195	£420,743

#### PROJECT ACTIVITY

- Spoil removal and clearance has continued and is 95% complete, with some elements of fencing still to be completed.
- Development plans have been updated for the community sports pitches with a view to planning submission in October.
- Consultation between Blackpool Football Club Community Sport Trust and the Football Foundation has continued with a view to making application for funding Spring 2023.
- Notification letters issued to all properties in and around Henry Street and immediate areas 26<sup>th</sup> October. Second letter to be mailed out to targeted 'acquisition properties' in early November. Henry Street negotiations to be undertaken by Avison Young.

#### OUTPUTS/OUTCOMES ACHIEVED TO DATE

Output and Outcome Targets by Scheme end	ACHIEVED (YN)
£ spent directly on project delivery (£6,950,000) £ co-funding spent on project delivery (£37,000,000)	N (£420,743) £0 (although funds have been expended on fee's which have not yet been recorded)
No. of temporary FT jobs supported during project implementation (1)	0
No. of full-time equivalent (FTE) permanent jobs created (1)	0
Number of public amenities/facilities created (1)	0
Number of sites cleared (1)	1
Amount of rehabilitated land (8000m2)	7000m <sup>2</sup> (area of where spoil has been removed from north east corner – Central Drive / Rigby Road)

**PROJECT RAG RATING** *(see DHLUC RAG rating at end of this Annex)*

RAG Rating Delivery	RAG Rating Spend	RAG Rating Risks
<b>3</b>	<b>2</b>	<b>3</b>

**LATEST PROJECT IMAGES**



**Cleared Site looking South and North**

**Cleared site behind the football club North Stand**



**7). THE PLATFORM / BLACKPOOL YOUTH HUB**



The project purpose is to support young people in the town to access jobs and training and to make a fully supported and smooth transition from school or unemployment into a positive destination.

The Platform provides a 'one stop shop' or 'one place base' for young people providing quality advice for young jobseekers aged 16-24. The Platform is a focal point for young people and space for partners to collaborate and pilot what works, with a view to refining future service delivery and longer-term investment. The scheme has repurposed what was a vacant town centre unit within Bickerstaffe House, to deliver provision.

This project has been very successful as a Community Renewal Funded project from November 2021 until the end of September 2022. During this period, the project worked with 393 young people with 98 accessing work. 127 people had accessed training/support too.

It became a Town Deal funded project only from October 1st and hence no scheme delivery detail is provided at this stage.

#### External and internal images of the Platform Facility



**DLUHC RAG**

**RATING**

<u>Delivery</u>	<u>Score</u>	<u>Spend</u>	<u>Score</u>	<u>Risks</u>	<u>Score</u>
<u>Major issues causing significant delays (more than 6 months); processes interrupted or not carried out as planned (E.g. planning permission not secured); or significant changes to project. Project likely to under-deliver on forecast outputs.</u>	<u>5</u>	<u>A variance of over 50% against profiled financial forecast (total expenditure) or significant changes to project finances required (increases or decreases) due to poor or delayed delivery.</u>	<u>5</u>	<u>Project includes significant risks that are both high impact and high likelihood. Risk responses not yet planned.</u>	<u>5</u>
<u>Issues arising causing long delays to the timetable (3 to 6 months) but no significant changes required to overall project. Outputs may still be deliverable but challenging.</u>	<u>4</u>	<u>A variance of between 30% &amp; 50% against profiled financial forecast (total expenditure). Budget changes have been required due to issues with project delivery.</u>	<u>4</u>	<u>Project with significant risks that are either high impact or high likelihood. Risk responses planned but not implemented.</u>	<u>4</u>
<u>Issues arising causing short delays to the timetable (less than 3 months). Outputs still deliverable but require re-scheduling.</u>	<u>3</u>	<u>A variance of between 15% &amp; 30% against profiled financial forecast. Some budget changes have been required.</u>	<u>3</u>	<u>Project with some risks that have medium impact and/or medium likelihood. Risk responses planned and implemented.</u>	<u>3</u>
<u>Minor issues have arisen causing only small delays. Project is on track to deliver outputs.</u>	<u>2</u>	<u>A variance of between 5% &amp; 15%. Small re-profiling changes to budget required.</u>	<u>2</u>	<u>Project with some risks that have medium impact but low likelihood. Risk responses planned and implemented.</u>	<u>2</u>
<u>No problems. Project is on track to deliver outputs and keeping to schedule.</u>	<u>1</u>	<u>A variance of up to 5%. Spend is largely on track with any minor slippage expected to be picked up by the end of next quarter.</u>	<u>1</u>	<u>All risks are tolerable with low impact and likelihood and do not require a response.</u>	<u>1</u>

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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member:</b>	Councillor Mark Smith Cabinet Member for Business, Enterprise and Job Creation
<b>Date of Meeting:</b>	5 December 2022

## PROPOSED APPROPRIATION OF LAND ON THE SOUTH SIDE OF RIGBY ROAD BLACKPOOL

### 1.0 Purpose of the report:

- 1.1 This report seeks approval to appropriate for planning purposes, a parcel of land as shown edged red on the attached plan at Appendix 8a (Plan 1) ("the Subject Land") pursuant to Section 122 of the Local Government Act 1972 ("LGA 1972"), for the delivery of the Revue Community Sports Village project that is being supported with funding through the Town Deal programme and significant private investment through Blackpool Football Club. The project involves the regeneration of land adjacent to the Blackpool Football Club and the surrounding area. It includes the delivery of sports pitches for use by community groups and Blackpool Football Club and is inclusive of public realm space and will lead to further private investment in the Bloomfield Road stadium with the redevelopment of the east stand. (subject to necessary planning approvals).

### 2.0 Recommendation(s):

- 2.1 To delegate authority to the Director of Communications and Regeneration to undertake the appropriation processes in respect of the Subject Land and to agree the timing of the implementation and all matters relating to the appropriation, to deal with all matters arising from the decision and complete the appropriation process and conditional on the grant of Planning Permission subsequently to invoke section 203 and section 204 of the Housing and Planning Act 2016 ("HPA 2016").
- 2.2 To authorise the Head of Legal Services to enter into any such documentation as may be necessary to give effect to or flowing from the appropriation for planning purposes of the Subject Land.

### **3.0 Reasons for recommendation(s):**

- 3.1 i) To facilitate best use of the Subject Land; and
- ii) Appropriation will enable the land to be used for delivery of the regeneration of land adjacent to the Blackpool Football Club and surrounding area and which includes the delivery of sports pitches for use by community groups and Blackpool Football Club and is inclusive of public realm space (subject to necessary planning approvals).
- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### **4.0 Other alternative options to be considered:**

- 4.1 If after consideration of the matters set out in this report a decision is taken not to proceed with the proposed appropriation, this would mean that the Subject Land would be subject to further development options and which would require a further report to the Executive, for a decision.
- 4.2 The appropriation of land for planning purposes is required in any event to facilitate the delivery of the regeneration of land adjacent to the Blackpool Football Club and surrounding area and which includes the delivery of sports pitches for use by community groups and Blackpool Football Club and is inclusive of public realm space.

### **5.0 Council priority:**

- 5.1 The relevant Council priority is: "The economy: Maximising growth and opportunity across Blackpool".

### **6.0 Background information**

- 6.1 The Subject Land has been acquired by the Council in a number of tranches as and when the same had become available.
- 6.2 The majority of the Subject Land was acquired over time as individual parcels of land and it is noted that part of the Subject Land was purchased by the Council on 30 March 2009 from a third party. The land was acquired subject to Section 227 of the Town and Country Planning Act 1990 for land assembly in respect of a proposed college relocation. The relocation of the college has not happened to date, however alternative proposals for the college site have been considered. Most recently the Council has been working in collaboration with Blackpool Football Club to bring forward proposals for regeneration of the area in and around the club, which includes development of the Subject Land.



- 6.3 The proposals being brought forward by Blackpool Football Club have been supported by the Town Deal Fund Programme and were set out in the 'Blackpool Town Deal Revue Community Sports Village Business Case', which obtained approval of £6.54m from Town Deal Funding in November 2021.
- 6.4 Whilst it is understood that the Council acquired the parcels of land for site assembly for a proposed college the subsequent development of the Subject Land and surrounding land now proposed is significantly different from that previously proposed.
- 6.5 On this basis the Council are now seeking to appropriate the Subject Land for planning purposes for the use of the land for the delivery of the regeneration of land adjacent to the Blackpool Football Club and surrounding area and which includes the delivery of sports pitches for use by community groups and Blackpool Football Club and is inclusive of public realm space.
- 6.6 The Council acquires and holds property and land for various statutory purposes in order to perform its functions and continues to hold the land for that purpose unless it either disposes of the land or appropriates it in accordance with its statutory powers for another purpose. Appropriation is the means of transferring the purpose that a local authority holds land from one purpose to another.
- 6.7 As a consequence of the exercise of the Council's powers of appropriation, individual rights of affected third party owners and occupiers of nearby properties may be overridden.
- 6.8 Section 122 (1) of the Local Government Act 1972 enables the Council to appropriate to any other purpose for which the Council is authorised to acquire land by agreement, any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.
- 6.9 In considering whether to appropriate the Subject Land for leisure purpose, the Council must be satisfied that the land is no longer required for its current purpose.. This question is one solely for the Council in good faith to decide and requires the Council to examine whether the land is no longer needed in the public interest of the locality for its current purpose. There is no requirement for the land to have fallen into disuse before the Council may appropriate it for some other purpose and the fact that the Subject Land is currently used for the purposes for which it is held is not the sole consideration. The Council must have regard to the relative needs or uses for which the land has been or may be put and is entitled to conduct a balancing exercise between competing uses with the needs of the wider community at the forefront of that balancing exercise. The statutory tests set out above must be considered and there must be justification for the use of the powers to appropriate by a clear 'public interest' case. The loss of the land for its current use has been considered and it is considered that the loss can be justified by the need to repurpose and facilitate the redevelopment of the land.

- 6.10 Under section 203 of the Housing and Planning Act 2016, a local authority can override rights in land that has been appropriated for planning purposes, subject to payment of compensation under section 204 of the Housing and Planning Act 2016.
- 6.11 Under section 203 of the Housing and Planning Act 2016 the Council can erect, construct, or carry out or maintain any building or work on land that has been appropriated by it for planning purposes, even if that work or use involves an interference with a breach of a contractual restriction.
- 6.12 Under section 233(1) of Town and Country Planning 1990 Act (as amended), a local authority can dispose of appropriated land as the local authority believes is expedient to obtain one of the following:
- The best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it.
  - The erection, construction or carrying out on it of any buildings or works appearing to the authority to be needed for the proper planning of its area.
- 6.13 Does the information submitted include any exempt information? No

## **7.0 List of Appendices:**

- 7.1 Appendix 8a – Plan 1 Subject Land

## **8.0 Financial considerations:**

- 8.1 The land will not be used for site assembly for a college relocation and it is now being proposed for the alternative use as community sports provision. The appropriation of the land does not directly require any financial considerations. It is however relevant to note that the Council may derive an income or capital receipt from the Subject Land and this is subject to further negotiations. There are also costs attached to maintaining the Subject Land prior to the redevelopment being undertaken. It is anticipated that these costs will be contained within the approved Town Deal and Revoe scheme funding envelope.

## **9.0 Legal considerations:**

- 9.1 In order for land to be appropriated as proposed in this report, the following points must be considered and determined by the Council;
- (a) Identification of the purpose for which the land is currently held;
  - (b) Whether the land is no longer required for that purpose;

Section 122 (1) of the Local Government Act 1972 enables the Council to appropriate to any other purpose for which the Council is authorised to acquire land by agreement, any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.

In order to appropriate land, the Council needs to be satisfied that the provisions of Section 122 of the Local Government Act 1972 are met, and in particular, that the land is no longer required for the purposes for which it was held immediately before appropriation.

The question as to whether the land is no longer required for the purpose for which it is held immediately before the appropriation is one solely for the Council in good faith to decide.

In addition to the question as to whether the land is no longer required for the purpose for which it is held immediately before the appropriation, the Council also needs to be satisfied that the land should be appropriated to planning purposes by applying the tests set out in section 226(1) and (1A) of the Town and Country Planning Act 1990. These are:

- (a) That the Council thinks that the appropriation will facilitate the carrying out of development, re-development or improvement on or in relation to the land and that such development, re-development or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social and/or environmental well-being of their area , and/or
- (b) That the appropriation is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 The purpose of this report is to consider the statutory process.

11.2 The appropriation of the Subject Land for planning purposes in order to engage section 203 of the Housing and Planning Act 2016 and to permit infringement of the Rights will involve interference with a person's right under the above mention Article. However, the right to peaceful enjoyment of possessions is qualified. The deprivation of a person's possessions is authorised where it is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate.

11.3 The interference with an individual's private rights must be necessary and proportionate to the public interest of facilitating any future development. In this context, "proportionate" means that the interference must be no more than is necessary to achieve the identified legitimate aim of such interference. A fair balance is required to be struck between the rights of the individual and the rights of the community as a whole.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 Internal: Growth and Prosperity Programme Director, Growth and Prosperity Board, Finance, Legal, Community and Environmental Services.

13.2 The statutory procedures explained in this report direct that external consultation for appropriation for planning purposes is not required. To rely on S203 of the 2016 Act direct consultation and negotiation has been undertaken with directly affected parties.

**14.0 Background papers:**

14.1 None.

**15.0 Key decision information:**

15.1 Is this a key decision? No

15.2 If so, Forward Plan reference number:

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: N/A

Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Executive decision:**

19.1

**20.0 Date of Decision:**

20.1

**21.0 Reason(s) for decision:**

21.1

**22.0 Date Decision published:**

22.1

**23.0 Executive Members in attendance:**

23.1

**24.0 Call-in:**

24.1

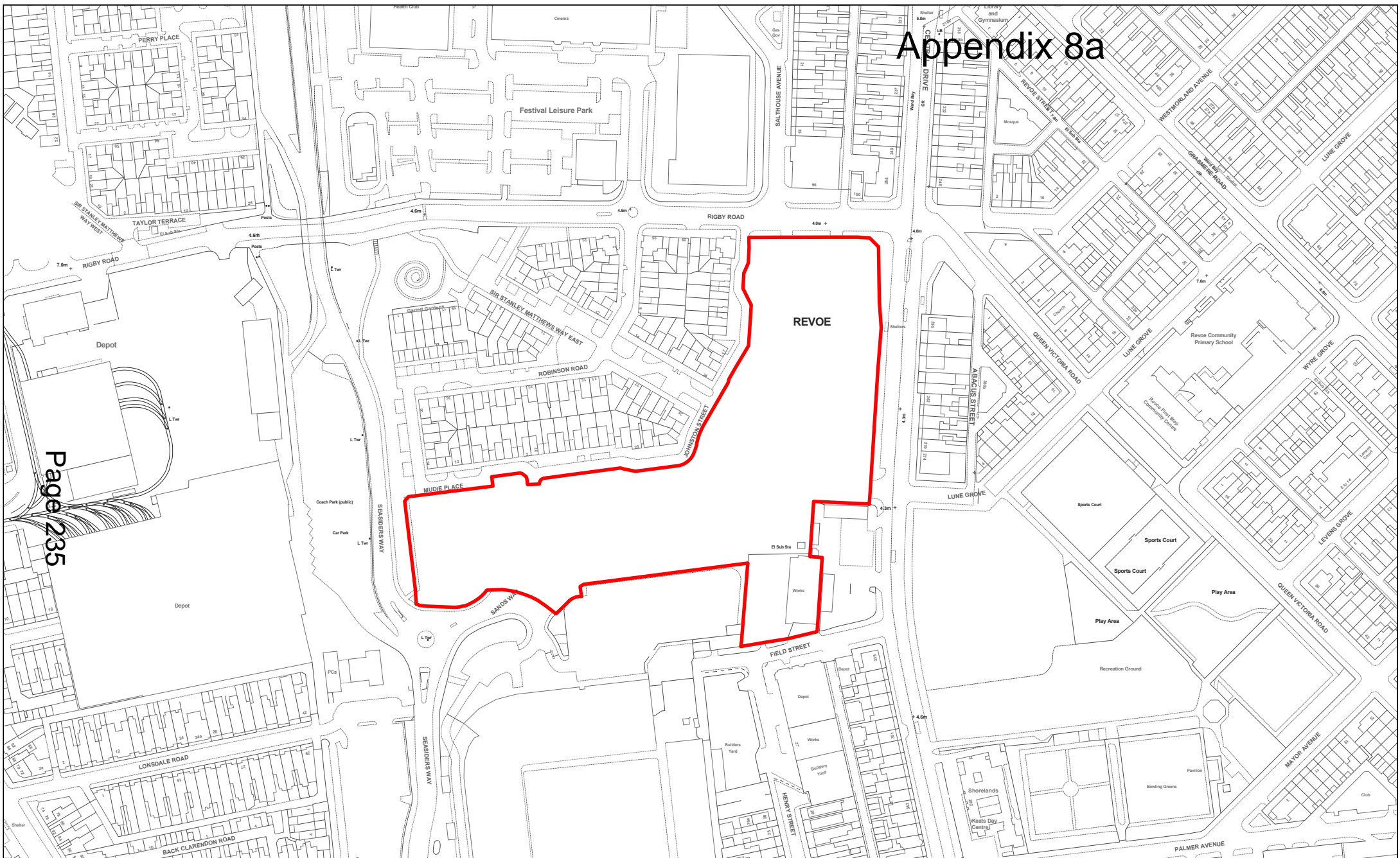
**25.0 Notes:**

25.1



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# Appendix 8a



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**Plan 1**  
- Appropriated Land

Scale: 1:2500 @ A4

Date: 11/11/2022

Printed by: LDC

**Blackpool Council**

**Growth & Prosperity**

Team: Growth & Prosperity



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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Lynn Williams, Leader of the Council
<b>Date of Meeting:</b>	5 December 2022

## **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 7 2022/23 AND MEDIUM TERM FINANCIAL PLAN 2023/24 – 2026/27**

### **1.0 Purpose of the report:**

- 1.1 To report the level of spending and exposure against the Council’s Revenue budgets and reserves and balances for the first 7 months to 31 October 2022. The report also includes an update on the Medium Term Financial Plan 2023/24 – 2026/27.

### **2.0 Recommendation(s):**

- 2.1 To note the report.
- 2.2 To require the respective directors and Director of Resources to continue to closely monitor and manage service financial and operational performances, specifically Children’s Services, Adult Services, Growth and Prosperity and Strategic Leisure Assets.
- 2.3 To prompt the Scrutiny Leadership Board to continue to independently review the financial and operational performances of the services listed in 2.2.
- 2.4 To continue to lobby central government (Department for Levelling Up, Housing and Communities, Department for Health and Social Care and Department for Education in particular) along with local authority peers and networks and the Local Government Association for the funding necessary to cope with the burdens and demands presenting as a result of exceptional inflationary pressures and demographic demands upon statutory services.
- 2.5 To continue to work towards increased target working balances of £8m from £6m with formal effect from the start of financial year 2023/24.

**3.0 Reasons for recommendation(s):**

- 3.1 To ensure financial performance against the Council's Revenue Budget and its reserves and balances is kept under timely review by members.

The Council's Revenue Budget for 2022/23 set a target level of General Fund working balances of around £6m. However, given the current economic climate it is recommended that this is increased to £8.0m from 2023/24 as part of the setting by the Council of the Revenue Budget for 2023/24 as this would represent of 5% of the net requirement.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

- 4.0 Other alternative options to be considered:

None.

**5.0 Council Priority:**

- 5.1 The relevant Council Priority is: "The economy: Maximising growth and opportunity across Blackpool".

**6.0 Background Information**

- 6.1 See reports and appendices circulated to members under separate cover.

- 6.2 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

Report  
Appendix 1 - Revenue Summary  
Appendix 2a - Chief Executive  
Appendix 2b - Governance and Partnership Services  
Appendices 2b/c - Ward Budgets  
Appendix 2d - Resources  
Appendix 2e – Communications and Regeneration  
Appendix 2f - Strategic Leisure Assets  
Appendix 2g – Growth and Prosperity  
Appendix 2h - Community and Environmental Services



Appendix 2i - Adult Services  
Appendix 2j - Children's Services  
Appendix 2k - Public Health  
Appendix 2l - Budgets Outside the Cash Limit  
Appendix 2m – Wholly-owned companies  
Appendix 3 – Budget Savings performance  
Appendix 4 - Capital Monitoring  
Appendix 5 - Cash Flow Summary  
Appendix 6 - General Fund Balance Sheet Summary

All circulated to members under separate cover

**8.0 Financial considerations:**

8.1 See reports and appendices circulated to Members under separate cover.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 Impact of financial performance against approved Revenue budgets and upon Council reserves and balances.

**11.0 Equalities considerations:**

11.1 An Equalities Impact Assessment was produced as a part of the budget-setting process and remains relevant.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None directly from this report.

**13.0 Internal/ External Consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

**15.0 Key decision information:**

- 15.1 Is this a key decision? No
- 15.2 If so, Forward Plan reference number:
- 15.3 If a key decision, is the decision required in less than five days? N/A
- 15.4 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

- 16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No
- 16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed:

Date approved:

**18.0 Declarations of interest (if applicable):**

18.1

**19.0 Summary of Discussion:**

19.1

**20.0 Executive decision:**

20.1

**21.0 Date of Decision:**

21.1

**22.0 Reason(s) for decision:**

22.1

**23.0 Date Decision published:**

23.1

**24.0 Alternative Options Considered and Rejected:**

24.1

**25.0 Executive Members present:**

25.1

**26.0 Call-in:**

26.1

**27.0 Notes:**

27.1

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