



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 13 March 2018

Committee: Cabinet

Date: Wednesday, 21 March 2018

Time: 12.30 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Cabinet

Peter Nutting (Leader)
Steve Charmley (Deputy Leader)
Joyce Barrow
Lezley Picton
David Minnery
Robert Macey
Nic Laurens
Nicholas Bardsley
Lee Chapman
Steve Davenport

Deputy Members of Cabinet

Clare Aspinall
Dean Carroll
Rob Gittins
Roger Hughes
Elliott Lynch
Alex Phillips

Your Committee Officer is:

Jane Palmer Senior Democratic Services Officer

Tel: 01743 257712

Email: jane.palmer@shropshire.gov.uk

AGENDA

1 Apologies for Absence

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Minutes (Pages 1 - 4)

To approve as a correct record and sign the Minutes of the Cabinet meeting held on 28 February 2018.

4 Public Question Time

To receive any questions or petitions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification for this meeting is no later than 24 hours prior to the commencement of the meeting, i.e. by 12.30pm on Tuesday 20 March 2018.

5 Member Questions

To receive any questions of which members of the Council have given due notice. Deadline for notification for this meeting is 5.00pm on Friday 16 March 2018.

6 Scrutiny Items (Pages 5 - 14)

To consider any matters from Council or from any of the Council's Scrutiny Committees:

- Report from the Communities Overview Committee – Environmental Maintenance Grant Programme
- Feedback from the People Overview Committee – Proposals for the Future of Education Improvement Support for Schools

7 Ludlow Assembly Rooms - Lease Review, Community Asset Transfer and Improvement Works

Lead Member – Councillor Steve Charmley – Deputy Leader and Portfolio Holder for Corporate Support

Report of the Director of Place and Enterprise **TO FOLLOW**

Contact: George Candler Tel: 01743 258671

8 Amendment to Hackney Carriage and Private Hire Licensing Policy 2015 to 2019
(Pages 15 - 42)

Lead Member – Councillor Robert Macey – Portfolio Holder for Planning and Regulatory Services

Report of the Director of Public Health

Contact: Professor Rod Thomson Tel: 01743 253934

9 Modern Anti-Slavery and Human Trafficking Statement (Pages 43 - 58)

Lead Member – Councillor Peter Nutting – Leader of the Council

Report of the Head of Human Resources and Development

Contact: Michele Leith Tel: 01743 254402

10 Proposals for the Future of Education Improvement Support for Schools

Lead Member – Councillor Nicholas Bardsley – Portfolio Holder for Children and Young People

Report of the Director of Children's Services **TO FOLLOW**

Contact: Karen Bradshaw Tel: 01743 254201

11 Self-Build Register [Charging and Eligibility Criteria] (Pages 59 - 62)

Lead Member – Councillor Robert Macey – Portfolio Holder for Planning and Regulatory Services

Report of the Director of Place and Enterprise

Contact: George Candler Tel: 01743 258671

12 Minimum Income Guarantee

Lead Member – Councillor Lee Chapman – Portfolio Holder for Health and Adult Social Care

Report of the Director of Adult Services **TO FOLLOW**

Contact: Andy Begley Tel: 01743 258911

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Committee and Date

Cabinet

CABINET

Minutes of the meeting held on 28 February 2018

In the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

12.30 - 12.53 pm

Responsible Officer: Amanda Holyoak

Email: amanda.holyoak@shropshire.gov.uk Tel: 01743 257714

Present

Councillor Peter Nutting (Chairman)

Councillors Steve Charmley (Deputy Leader), Joyce Barrow, Lezley Picton, David Minnery, Nic Laurens, Nicholas Bardsley and Lee Chapman

159 Apologies for Absence

Apologies were received from Councillors Steve Davenport and Robert Macey.

160 Disclosable Pecuniary Interests

Councillor Nic Laurens declared that he was a member of the Youth Services Committee of Shrewsbury Town Council. He left the room whilst Local Commissioning of Youth Activities was under consideration.

161 Minutes

RESOLVED

That, subject to the amendment of Minute 151, to read as, 'Responding to a Member's query regarding the number of *compulsory* staff redundancies....', the Minutes of the Cabinet meeting held on 14 February 2018 be approved as a correct record and signed by the Leader.

162 Public Question Time

There were no public questions.

163 Member Questions

Councillor David Vasmer asked a number of questions in relation to Commissioning of Youth Activities. A copy of his questions and the responses provided are attached to the signed minutes. In response to his supplementary question asking whether Shrewsbury Town Council should have been better informed about the substantial cut proposed, the Portfolio Holder for Children and Young People said that there had been a lengthy period of consultation and that he had accepted every invitation he had received from local councils and youth groups during this time. **Page 1**

Shrewsbury Town Council and he felt the report and its recommendations reflected the results of the consultation.

164 Scrutiny Items

There were no scrutiny items.

165 Quarter 3 Performance Report 2017/2018

The Portfolio Holder for Corporate Support drew attention to the increasing numbers of visitors and Shrewsbury Museum and Old Market Hall. Satisfaction with highways services had decreased, mainly due to inclement weather and these issues would be addressed as the weather improved and days lengthened. In response to a comment from the Liberal Democrat Group Leader in relation to the low average wage in Shropshire, attention was drawn to the Economic Growth Strategy which looked to grow sectors that would improve this figure.

RESOLVED:

- i) That the key underlying and emerging issues in the reports and appendices be considered;
and
- ii) That the performance portal be reviewed and any performance areas to be considered in greater detail be identified or referred to the appropriate Overview and Scrutiny Committee.

166 Amendment to the Discretionary Housing Payment Policy

The Portfolio Holder for Corporate Support presented a report from the Head of Human Resources and Development detailing the proposed changes to Shropshire Council's local Discretionary Housing Payment Policy (DHP). He explained that the changes were required to reflect the implementation of Universal Credit, and that there was no change in policy. In response to a question, it was confirmed that DHP would be used holistically and not for assistance with council tax costs alone.

RESOLVED:

- i) That the changes to Shropshire Council's local Discretionary Housing Payment [DHP] Policy which clarifies that the local fund is primarily for use to support Shropshire residents and people with a connection to Shropshire, be considered and agreed;
- ii) That the revised Policy wording covering the introduction of Universal Credit be noted and agreed.

167 **Local Commissioning of Youth Activities - Proposals for changes to the funding of targeted geographical provision**

The Portfolio Holder for Children and Young People presented a report from the Director of Place and Enterprise setting out the responses to the public consultation on the proposed changes to the funding allocations to support the commissioning of youth activity. The consultation feedback demonstrated that there was strong support for the council continuing to fund youth activities in rural areas, keeping rurality considerations in the funding formula and continuing to offer grants to small voluntary clubs. The feedback also showed that whilst respondents would like to see all the council's funding for youth activities continue at current levels, they particularly would like funding in rural areas to be protected. The proposals in the report reflected this feedback.

The Portfolio Holder corrected an error in the printed versions of the report in the table on page 6 – the proposed needs and rurality funding 2018 for Wem and Shawbury should read as £8,000 (not £4,000 as stated).

RESOLVED:

- i. That the feedback from the recent consultation on the LJC funding allocations for the commissioning of youth activity proposed in the Cabinet Report of 18th October 2017 be acknowledged.
- ii. That the proposed LJC funding allocations be confirmed for the commissioning of youth activities in 2018/19 that have been revised as a result of the feedback received through the consultation (as detailed at 5.9 within the report)
- iii. That the intention to work with partners over the next 12 months to develop an integrated approach to the provision of universal and targeted youth activities within the context of the wider review of early help services be approved, recognising that there will be new arrangements from 2019/20 onwards, which could include a further budgetary reduction.
- iv. That the delegation to the Head of Infrastructure and Communities be confirmed in consultation with the Portfolio Holder for Children and Young People to confirm the final design of the revised rurality needs grant scheme.

Signed (Chairman)

Date:

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Committee and Date

Cabinet

21st March 2018

Report from the Communities Overview Committee on the Environmental Maintenance Grant Programme

Responsible Officer Steven Brown, Highways, Transport and Environment
Commissioning Manager
Kate Garner, Locality Commissioning Manager
e-mail: Kate.garner@shropshire.gov.uk Tel: (01743) 252344

1. Summary

Shropshire Council's Highways and Transport team have operated the Environmental Maintenance Grant (EMG) programme for the last 8 years. The programme has operated successfully and is seen as delivering a number of benefits.

The recipients of the grants are overwhelmingly rural parish councils and a small number of town councils. There is one community group using a grant to enable local residents to carry out litter picks and environmental tidy-ups.

Feedback from local councils that have received an EMG is that a review of the design and delivery of the EMG programme is needed. Their general view is that the grants are welcome, valued and a practical way for Shropshire Council to support locality working.

There is an alternative view, which is that the current grants system doesn't achieve a critical mass to make community and service impacts and generate financial efficiencies, and should be stopped, within an agreed and communicated process.

Finally, there is the view that as Shropshire Council is still in the challenging position of budget reductions and increasing expenditure, it simply cannot afford to continue to fund the EMG programme and the activity could be funded directly by local councils.

At its meeting of 4th September 2017, Shropshire Council's Communities Overview Committee confirmed Terms of Reference for a time limited Task & Finish Group to review the EMG programme.

The purpose of the Task & Finish Group was agreed as making recommendations on Shropshire Council's future approach to its EMG programme, e.g. the programme is stopped, the programme continues as is, or the programme is redesigned and continues.

To inform this work the design and the delivery of the current programme – e.g. its budget, the application process, any monitoring and evaluation and the overall outcomes achieved by the programme needed to be understood.

These considerations were made in the context of Shropshire Council's extremely challenging financial position. Members of the Task & Finish Group wanted to consider if continuing the grant programme was a sustainable position at a time of declining revenue budgets, and what added, social and preventative impact is enabled through the investment of the grant.

The status of the EMG programme is a grant programme and as such, Shropshire Council is able to make changes to the delivery of the programme at any point. However, within the 2017/18 EMG application paperwork Shropshire Council advised potential applicants that the EMG programme would be reviewed and that the outcome of this review would be consulted on.

This report summarises work undertaken by the Task & Finish Group and the recommendations confirmed at its workshop on 16th November 2017.

2. Recommendations

- 2.1 To confirm the recommendations made by the Task & Finish Group at its workshop of the 16th November 2017, and agreed by the Communities Overview Committee on 28 November 2017 and 12 March 2018, as detailed in 5.6 below.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1 Assessment of risk

- There is a risk that ending the EMG programme will be seen as Shropshire Council demonstrating that it does not value local communities, recognise the efforts they are making to maintain and improve their environment or that it wants to work in partnership with them.
- There is a risk that ending the EMG programme will erode the levels of good will that currently exist between Shropshire Council and local councils, which has a positive effect in other areas of work.
- There is a risk that ending the EMG programme will result in the activity that is currently being delivered stopping, particularly in the most rural areas, as there is no guarantee that local councils will fill the gap left through the total withdrawal of the grant.
- There is an ongoing risk to the Highways revenue budget as it finances an ongoing revenue grant programme whilst making reductions to its other frontline and operation services due to revenue pressures.
- The EMG funded activity is not captured accurately to enter Shropshire Council's asset database. There is a risk that knowledge and service intelligence is not captured.

3.2 Assessment of opportunities

- The continuation of the EMG programme will provide an opportunity for Shropshire Council to maintain an effective partnership with local councils, which will support other areas of work and activity.

- The continuation of the EMG programme is an opportunity to demonstrate that localism in Shropshire has not been lost, even in these difficult times of austerity.
- Redesigning the grants programme will enable Shropshire Council to shape and influence how social action is created in communities, and how social value is generated through the medium of people improving their local environment.

4. Financial implications

- 4.1 The Highways revenue budget is top sliced to fund the EMGs, there is no specific budget, other than reducing existing revenue. The allocated budget is £110,000 per annum out of a total revenue and capital budget of £26,881,500.

The £110,000 is the equivalent of the operational budget for 10 pot holes gangs of the county for one month, or significant resurfacing of a road, kilometres of road markings provided. The current revenue reductions and savings provide a negative pressure on day to day services. The revenue budget is 100% funded by Shropshire, Capital budget is 100% externally funded.

The grants place a revenue pressure on the highways services, whilst simultaneously other front line services are being pressured due to revenue budget reductions.

- 4.2 It was agreed to increase the EMG programme to £152,000 in 2017/18 to meet the demand of and increased number of applicants. There is a tension between the highway revenue budget reducing year on year whilst the EMG programme budget stays the same.
- 4.3 Contrary to what many local councils understand, the EMGs do not actually have any savings impact on the amount Shropshire Council spends with its term maintenance contractor on planned and programmed work. If there is a cost saving to emerge, it will benefit the term maintenance contractor as they could find themselves in the position of not having to complete work that has been delivered through EMG funded activity.
- 4.4 Summary of EMG programme activity 2010 – 2017

Year	Core budget	Actual total grant value of grants awarded	No of grants awarded
2010/11	110,000	109,006	65
2011/12	110,000	103,072	63
2012/13	110,000	107,991	65
2013/14	110,000	106,877	62
2014/15	110,000	114,052	65
2015/16	110,000	101,392	57
2016/17	110,000	152,043	72
2017/18	110,000	152,000	96

4.5 Summary of the 2017/18 EMG applications

96 local councils made an application and received funding. The eventual total budget allocation was £152,000 (an increase of £42,000 on the core budget of £110,000). The total value of the applications was £200,843, a 32.13% increase on 2016/17.

The programme was oversubscribed by £48,843 (@£152k)... or £87,343 of the original £110,000. Therefore 75.68 % of the original application values was agreed and funded.

5.0 The Task & Finish Group

5.1 Questionnaires were sent to all town and parish councils regardless of whether or not they had received an EMG. Responses from 51 councils/organisations were received.

5.2 Summary of questionnaire feedback –

- EMG funded work is of a higher standard than Highways contractor work
- EMGs enable local councils to be more responsive to local issues
- EMGs enable local councils to deliver environmental maintenance works without raising their precept
- The work is delivered by local people with local knowledge
- Local members feel connected to the EMG funded work, which leads to a sense of control, empowerment and ability to respond quickly to local issues
- The EMG work is seen as reducing demand on Shropshire Council services and saving Shropshire Council money
- Local councils would like to see more scrutiny and monitoring of the grant programme
- Some local councils are already match funding the EMG and others would be willing to
- Respondee would like to see the EMG programme continue

5.3 Interviews were carried out with a small number of clerks of councils that receive EMGs.

There were mixed views on the complexity of the application process - some found application process easy, and others found it difficult. It was felt that first time applicants were more likely to find it hard and maybe the process is less complicated for smaller grants.

It was felt that the timings and timescales on grant approval and payment was out of sync with budget setting – some precepts are set before Christmas.

It was also felt that firmer guidelines were needed on how the grants are to be spent.

Through the interviews, it was established that clerks thought that the funding supports local budgets, provides savings that are 'hidden' e.g. work on ditches will reduce surface flooding and reduce maintenance costs, and adds to the 'contentment of communities'.

The fact that local people are employed to deliver the EMG funded work was seen as a positive, as was activity such as gritting on pavements in outlying areas, which was seen as a making a saving to Shropshire Council as a centrally located gritter didn't have to be sent out to very rural locations.

Finally, it was noted that some local council budgets are set with an assumption that the EMG will automatically be awarded, and that grants are being used to fund activity that is not on highway land.

- 5.4 Representatives of local councils, a community organisation and a contractor delivering lengthsman activities joined the workshop for a 90 minute question and answer and discussion session.

Organisation represented	Name	Link to EMG programme
Various rural PCs across south Shropshire	Eileen Reynolds	Clerk to PC that uses EMG
Various rural PCs across south Shropshire	Jayne Madeley	Clerk to PC that uses EMG
Cleobury Mortimer Town Council	Matt Sheehan	Clerk to PC that uses EMG
Church Stretton Town Council	Danny Chetwood	Clerk to PC that uses EMG
Church Stretton Pride of Place	Trevor Halsey	Clerk to PC that uses EMG
Various rural PCs across central and south Shropshire	Rebecca Turner	Clerk to PC that uses EMG
Environmental Maintenance Officer for Munslow, Diddlebury & Culmington.	Gary Trim	Delivering EMG funded lengthsman activity Also a councillor for PC that uses EMG

- 5.5 Summary of the final thoughts that emerged through discussion –

- The EMGs offer value for money and have a wider benefit to Shropshire Council for creating a high quality environment
- If Shropshire Council wants to have pride in its county, it should do what it can to help local councils to help Shropshire Council to achieve this
- Health & Safety has to be a priority
- Rural road networks have to be kept safe and clear to enable residents to travel to work and school
- Can Shropshire Council afford not to continue with the programme, given all the evidence it has heard at the workshop
- No EMGS will result in a worsened environment leading to fewer tourists and less economic growth activity
- Town councils could not guarantee to be able to continue with the same level of environmental maintenance in their towns if they didn't have an EMG.

5.6 The full report and presentation considered by the Task & Finish Group at its workshop on the 26th April 2017 is included as **Appendix 1 and 2**. The notes from the workshop are included as **Appendix 3**.

5.7 The following recommendations were confirmed at the workshop:

Shropshire Council's Environmental Maintenance Grant programme should continue with the following changes to its design and delivery –

- i. **Changes to eligible activity**
The activity eligible for funding from the programme should be the activity that brings most added value to the delivery of Shropshire Council's Highways term maintenance contract. Highways officers should advise what this activity should be.
- ii. **Application eligibility**
The eligible applicants should be limited to Shropshire's rural town and parish councils. Urban town councils a population of over 10K should be ineligible to apply.
- iii. **Value for money and incentivising added value**
The grant should not be used to top up core budgets but should be used for discrete maintenance purposes. Applications should be scored according to how they demonstrate value for money and provide added value to the core funding and activity. Examples of VFM and added value should be –
 - Councils demonstrating that they are committed to their effective delivery of environmental maintenance works in their areas by contributing to or matching grant funding.
 - Demonstrating that councils are working together to provide economies of scale and reduce costs, e.g. multiple parishes let 1 contract.
 - The design of activity that clearly creates social value, the appropriate use of volunteers to add value to the core activity
- iv. **Design of the funding programme**
Funding decisions should be made for a 3 year period, e.g. 2018/19 – 2020/21. This will reduce bureaucracy associated with the application process and provide more time for monitoring and evaluation of applications. It should also enable local councils to let 3 year contracts that offer greater value for money with confidence. It is recommended that the EMG programme is reviewed in year 2 and a decision then made about the future of the scheme, from the end of year 3. If the decision is made to end the EMG programme at this point, a 12 month notice period should be given.
- v. **Annual value of the funding programme**
The annual value of the programme should be £75,000. There will be no increase to this amount.
- vi. **Value of individual grants**
The maximum value of individual grants should be £1500 p.a. There should be no increase to this amount.

vii. Application criteria, guidance notes and monitoring.

The guidance notes accompanying the application process should be reviewed and rewritten to ensure that there is absolute clarity about the design and delivery of the grant funded activity. There should be a particular focus on health and safety. This should also include a more robust approach to monitoring the funded activity through the completion and submission of an annual report from each recipient, and a process for this should be designed and implemented. A process should be put in place to ensure appropriate signing off of the annual reports.

viii. Consultation on proposed changes to the EMG programme

A recommendation should be made to Cabinet that it approves the delivery of a 6 week consultation period in early 2018 on the recommended changes to the EMG programme based on previous Committee Overview Committee reports.

ix. Delegated authority

A recommendation should be made to Cabinet to delegate authority to the Head of Infrastructure and Communities in consultation with the Portfolio Holder for Highways and Transport to implement the revised EMG programme detailed specification following the consultation.

6.0 Key areas of feedback from the Task & Finish Workshop

6.1 Future funding arrangements

It is recommended that the maximum amount of future individual EMGs will be reduced from £3,000 to £1,500, recognising that the majority of the applications in 2017/18 were for less than the maximum amount; there were 35 applications for the maximum amount and 59 applications for less than this.

Reducing the maximum funding figure will help to manage the pressure on the significantly reduced total budget that is being recommended, but managing the demand on the budget will have to be done in other ways. It is recommended that this is done through a streamlining of the eligible activity, which should reduce application values, through application eligibility criteria, and through how applications can demonstrate added value (economic, social and environmental) and value for money.

It is recommended that a scoring assessment against these criteria is designed and used as part of the application assessment process. Applications should be assessed by officers from Highways, Environmental Maintenance and the Community Enablement Team.

6.2 It was clear through the evidence heard by the Task & Finish Group that it is felt by grant recipients that EMG funded activity has a greater impact than its key purpose of maintaining the local environment. The wider agendas that it was felt the works contributed to were –

- economic growth – creating an attractive, safe and welcoming environment that people will want to live, work and play in
- individual and community well-being – creating contentment within communities through a sense of local ownership over the works that are delivered through the EMGs

Evidence was also received that demonstrated that the funded works did not

fall into the category of 'nice to have', but were necessary for a safe and healthy infrastructure within a community.

- 6.3 Added value (economic, social, environmental) and value for money
The Task & Finish Group recommends that future EMG applications are assessed on how they demonstrate added value through the delivery of the core activity, or provide value for money through the way the grant will be spent. Examples of added value are the contribution of additional funding to the EMG by the applicant, demonstrating that the way in which the activity will be delivered will generate social value, e.g. use of volunteers or provision of work experience placements, or that the environment is being improved over and above the what the core funded activity will achieve. Examples of value for money are a number of parishes working together to create and tender one contract, providing greater economies of scale.
- 6.4 Current application process and associated guidance
There is a need for much greater clarity in the EMG programme application criteria, guidelines and supporting paperwork to ensure high quality, appropriate applications are received. This should also include a more robust approach to monitoring the funded activity through the completion and submission of an annual report from each recipient, and a process for this should be designed and implemented.
- 6.5 Health & Safety issues
There appears to be a mixed understanding of the important Health & Safety issues associated with the delivery of EMG funded activity. The current grant application does provide some guidance, but this should be reviewed and updated to make it clearer and more comprehensive. The grant agreement, signed by the recipients discharges responsibility for H & S and insurance cover from Shropshire Council to them, and this needs to be as clear as possible. Currently, members of the Highways teams will support grant recipients with any H & S or liability queries they may have, and this support should remain in place.

7.0 Conclusions

- 7.1 The Task & Finish Group considered that the EMG programme achieves 2 important things –
- the delivery of the actual grant funded activity
 - the way EMGs make the local councils feel, i.e. supported and trusted by Shropshire Council to design and deliver their own environmental maintenance programme, which in turn results in a sense of empowerment and local ownership over the resolution of programmed and reactive works.
- Consequently, Task & Finish Group members felt that there was a balance to be achieved between the value generated by the existence of the programme and the value of the EMG funded activity through a redesigned scheme, alongside Shropshire Council's budgetary constraints and the need to make fiscal savings.
- 7.2 It was demonstrated through the workshop that EMG funded activity makes a big difference to day to day life in very rural areas, where local lengthsman are most active. It could be argued that this is where EMGs are making their

greatest impact and where their loss would be most keenly felt.

- 7.3 It was agreed that many of the issues of concern that were raised through the workshop could be addressed by a review and update of the guidance, criteria and health and safety advice that is supplied through the application process. It is recommended that these are reviewed and updated in light of what has been discovered through the workshop.
- 7.4 The Task & Finish Group recognised the importance of good communication and co-operation between local councils and their area Highways officers (inspectors/technicians). When this relationship is working well, additional value can be achieved without the needed for additional funding.
- 7.5 Through the workshop it was demonstrated that there was a mixed understanding of health and safety issues linked to the delivery of EMG funded activity along with concerns about liability. A consistent appreciation and understanding of these issues will be addressed through improved guidance in the application process and through training.

8.0 Report progress

- 8.1 At its meeting on 27 November 2017, the Communities Overview Committee agreed to present this report to Cabinet. Accordingly Cabinet considered this report at its meeting on 13 December 2017 and agreed to consider its recommendations during future budget consultations.
- 8.2 On 14 February 2018, Cabinet identified Environmental Maintenance Grants as a cost saving, meaning that the programme would finish in its entirety on 31 March 2018.
- 8.3 At its meeting on 22 February 2018, Council agreed to ask the Communities Overview Committee to look again at Environmental Maintenance Grants, and to report again to Cabinet on proposals for a revised grant programme.
- 8.4 The Communities Overview Committee reviewed its original Environmental Maintenance Grants report at its meeting on 12 March 2018. Committee members agreed that the report's conclusions and recommendations remained sound, and agreed to submit these recommendations again to Cabinet.
- 8.5 The committee therefore recommends that Cabinet confirms the recommendations contained in 5.6 of this report.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Communities Scrutiny Committee EMG Task & Finish Group Terms of Reference
- Information about other local authority grant programmes
- EMG application paperwork
- Summary of EMG applications 2017/18
- Summary of EMG funded activity delivered in 2017/18
- Collated feedback from EMG questionnaires
- Summary of EMG questionnaire feedback
- Feedback from EMG applicant interviews

<ul style="list-style-type: none"> • Highways financial background and context • Highways/EMG financial comparison
Cabinet Member: Cllr Steve Davenport– Portfolio Holder for Highways Cllr Joyce Barrow – Portfolio Holder for Communities
Local Members: All Members
Appendices: [not included but circulated with Cabinet papers 13 December 2017] Appendix 1 – Report to the EMG Task & Finish Group, 16 th November 2017 Appendix 2 – Presentation from the EMG Task & Finish Group, 16th November 2017 Appendix 3 – Notes from the EMG Task & Finish Group, 16th November 2017



Committee and Date

Cabinet

21 March 2018

Proposed Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019

Responsible Officer Professor Rod Thomson, Director of Public Health
e-mail: rod.thomson@shropshire.gov.uk Tel: 01743 253934

1. Summary

- 1.1 This report sets out proposals to extend the transitional periods currently set out in the Council's existing Hackney Carriage and Private Hire Policy 2015 – 2019 as they relate to the requirements for the licensing of new diesel vehicles as either Hackney Carriages (taxis) or Private Hire Vehicles in order that they continue to meet specific European Emission Standards after 31 March 2018 and until such time as a revised Policy takes effect in 2019.

2. Recommendation

- 2.1 That Cabinet agrees to the amendments to the Hackney Carriage and Private Hire Vehicle Policy as set out in **Appendix A** with effect from 22 March 2018.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council's existing Hackney Carriage and Private Hire Licensing Policy 2015 - 2019 ('the Policy') requires vehicles that are to be licensed as either Hackney Carriages or Private Hire Vehicles to comply with European Emission Standard 5 (Euro 5). To facilitate the implementation of this requirement transitional periods were implemented as part of the existing Policy in tables set out in paragraphs 3b.12 for Hackney Carriages and 3c.8 for Private Hire Vehicles. The relevant extracts from the Policy are reproduced at **Appendix B**.
- 3.2 During the process of drafting the existing Policy, the Council consulted on introducing the requirement for new diesel vehicles to comply with European Emission Standard 6 (Euro 6) from 1 April 2018. However, feedback from the trade in 2014/15 strongly indicated that implementing the Euro 6 Standard in April 2018 would be overly burdensome, given this was the first occasion that the Council had introduced an emission standard as part of its Hackney Carriage and Private Hire

Licensing Policy. As a result, Cabinet made the decision to remove the Euro 6 requirement at the meeting on the 11 February 2015 and, consequently, the Council's existing Policy currently makes no reference to the Euro 6 Standard for either Hackney Carriage or Private Hire Vehicles.

- 3.3** It has recently come to light that following the removal of the Euro 6 Standard in 2015, no provision was made in the Policy for new diesel vehicles after 31 March 2018. As a result, it is now proposed that the requirements in paragraphs 3b.12 and 3c.8 relating to emission standards and their applicability to the licensing of new diesel vehicles are amended to extend the transitional provisions from 31 March 2018 to 31 March 2019 as set out in **Appendix A**.
- 3.4** The amendment is required as officers have recognised that in order for hackney carriage and private hire proprietors to continue their business planning based on the current Policy there is a need for certainty and confidence in the information provided. The proposed amendment will allow proprietors to purchase new diesel vehicles in the knowledge that they will comply with the Council's requirements in respect of emission standards until a revised Hackney Carriage and Private Hire Licensing Policy takes effect in 2019.
- 3.5** A two week consultation period was undertaken between 16 February 2018 and 1 March 2018 through the Council's 'Get involved' web page. An email providing details of the consultation, including a link to the web page was sent directly to all (542) those currently licensed drivers, proprietors of licenced vehicles and private hire operators for which we hold an email address and the Public Protection social media platforms were used to publicise the link to the consultation every other day between 22 February 2018 and 1 March 2018.
- 3.6** The consultation feedback received was limited to four individual responses and these are included at **Appendix C**. The officer responses to the feedback received are set out at **Appendix D**.
- 3.7** The limited responses should not be viewed negatively; rather it is an indication that the proposed amendments are largely not controversial and may be seen as simply regularising the position that interested parties believed was already in force. Of note, is the response that was received from a licensing consultant representing the two largest private hire operators that operate in Shropshire and that this response indicated full support for the proposed amendments. There was one further response in full support of the amendments that also included a further suggestion in respect of extending the transition period for renewal applications for diesel vehicles. The latter point will be considered as part of the wider Policy review that will formally be consulted upon in 2018/19. The remaining two responses suggested removing the European Emission Standards from the licensing process altogether and proposed alternative approaches. It was concluded that it would be more appropriate for these suggestions to be considered as part of the wider review of the Policy that will be undertaken in 2018/19. As a result, no changes have been made to the proposed amendments.
- 3.8** The proposed amendments are in line with the aims of the originally agreed Policy and as such continue to ensure that the human rights of applicants, licence holders and the public who use hackney carriages and private hire services are protected. The proposed amendments will continue to assist the Council to comply with the

Human Rights Act 1998 and to avoid the risk of adverse Human Rights Act implications as a result of undertaking the hackney carriage and private hire licensing function.

- 3.9** Due regard has been given to the public sector equality duty in accordance with the Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An Equality and Social Inclusion Impact Assessment (ESIIA) has been completed and is produced at **Appendix E**.

4. Financial Implications

- 4.1** There are no financial implications associated with the proposed amendment. There is also no additional burden on staff time as no changes to procedures are required to implement the proposed amendment.

5. Background

- 5.1** During 2014/15, officers undertook a significant revision of the Council's Hackney Carriage and Private Hire Licensing Policy. The process, including the consultation, was overseen by the Strategic Licensing Committee. Cabinet agreed the final version of the Policy on the 11 February 2015 and it was implemented with effect from 1 April 2015. Further information is available in the links to the background papers.

6. Conclusions

- 6.1** The proposed amendment is a positive step for the hackney carriage and private hire trade and does not adversely impact on the work of the Council's licensing team.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council's Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 <https://shropshire.gov.uk/media/2685/hcph-licensing-policy-2015-2019.pdf>

Report to Cabinet on 11 February 2015 entitled 'Hackney Carriage and Private Hire Licensing Policy 2015 – 2019' and the subsequent Cabinet Decision (Agenda Item 86) <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=130&MID=2658#AI3482>

Cabinet Member (Portfolio Holder)

Cllr Robert Macey, Portfolio Holder for Planning and Regulatory Services

Local Member

The report has county wide application.

Appendices

Appendix A Proposed amendments to the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Appendix B Extracts from the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Appendix C Consultation responses

Appendix D Officer responses to consultation feedback

Appendix E Equality and Social Inclusion Impact Assessment

Appendix A

Proposed amendments to the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Emissions (Hackney Carriages)

3b.12 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

Renewal/New Application	Fuel	Period	European Emission Standard
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2019	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5

Emissions (Private Hire Vehicles)

3c.8 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

Renewal/New	Fuel	Period	European
-------------	------	--------	----------

Application			Emission Standard
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2019	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5

Appendix B

Extracts from the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Emissions (Hackney Carriages)

3b.12 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

Renewal/New Application	Fuel	Period	European Emission Standard
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2018	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5

Emissions (Private Hire Vehicles)

3c.8 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

Renewal/New Application	Fuel	Period	European Emission Standard
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2018	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5

APPENDIX C

From:
Sent: 16 February 2018 12:57
To: Taxis
Subject: Amendment to private hire policy.

Hi

- ① I agree that it is a good idea to extend the date for new diesel plates to March 19.
- ② However I think it then should follow that the date until which those cars can be renewed should also be extended from March 22 to March 23. Otherwise cars plated at the beginning of '19 will only be able to be used for 3 years.



3 Biddick Hall Cottages, Lambton Park, Chester-le-Street DH3 4PH
Tel: 0191 2449638 / 0191 3857313 / 07794 776383
Fax: 0191 2475855

Specialist licensing advice, assistance and representation ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Licensing
Shropshire Council
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref: DBW / Diamond & GoCarz
Your Ref:
Date: 27 February 2018
Please ask for: David Wilson

Sent by email only to:
taxis@shropshire.gov.uk

Dear Sir / Madam,

Consultation Response of Diamond Cars (Telford) Ltd trading as Diamond Cars and Central Taxis Ltd trading as GoCarz to the proposed Amendment to Hackney Carriage and Private Hire Licensing Policy 2015 to 2019

- ① On behalf of my above-named clients, I thank the Council for acting swiftly to both address the unintended situation in relation to the licensing of diesel powered vehicles and for consulting with the trade and generally in relation to the proposed amendment to policy.
- ② If my clients and I have correctly distilled the proposed amendment from the consultation documentation, the only change that is being proposed is to make provision for the granting of a new licence for a hackney carriage or private hire vehicle (as opposed to the renewal of a licence of a currently licensed vehicle) for diesel vehicles, as long as they meet the Euro 5 standard.
- ③ As previously stated informally, my clients fully support the proposed amendment, because it will maintain the status quo, whilst allowing the Council to undertake its planned review of its future emissions policy during the course of this year.

Yours faithfully,

David B. Wilson

David B Wilson
Licensing Consultant, Mediator and Trainer
Consulting Editor, Paterson's Licensing Acts 2015-18
Contributing Author, LexisPSL

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Shropshire Council
Shirehall
Abbey Forgate
Shrewsbury
SY2 6ND

Ref: *Amendment to Hackney Carriage and Private Hire Licensing Policy 2015 to 2019*

I am asking if the committee would consider amending the Council's existing Hackney Carriage and Private Hire Licensing Policy 2015 to 2019.

I propose a simplified policy that states "New applications first registered "pre-2006 will not be licensed by shropshire council"

The reason for this request is to consider the enormous cost implications to the trade and limited availability for public transport users, since the introduction of stringent vehicle emission policy.

Euro 5 are certainly more expensive to buy, as manufacturers pass on the cost. This proposal is in line with London, Mayor Sadiq Khan's £10 T-Charge, which mainly applies to diesel and petrol vehicles registered before 2006, and has come into force in London and maybe rolled out across other towns and cities.

Shropshire council's emission policy was introduced in April 2015 since then there has been a big reduction in Taxi and private hire vehicles within Shropshire from **1505 in 2015 to 937 in 2017 a reduction in vehicles by 568.**

This reduction in licenced vehicles continues along with the reduction of millions of road miles covered by buses is having a big impact in rural towns.

What will happen after Brexit to European Commission legislation after the UK activates Article 50 and leaves the European Union.

Technically, the UK Government will be free to go its own way and implement its own rules and regulations for vehicle emissions requirements at this point, but since that would then potentially require vehicle manufacturers to adapt their products to a different set of rules, resulting in an inevitable increase in costs,

Yours faithfully

From:
Sent: 16 February 2018 12:52
To: Taxis
Subject: Vehicles

Dear Sir or Madam,

I am a private hire driver that is currently licensed by both Shropshire County Council and by Wolverhampton Council that works in Shrewsbury and has done for several years.

Three years ago you began to introduce a Euro engine rating on vehicles which due to economic circumstances and the fact that their standards for playing vehicles was and is a lot simpler to both use and understand.

Wolverhampton Council insist on the same quality on vehicles but possibly due to their acceptance that taxis and private hire vehicles only make a small percentage of vehicles on the road they have not implemented any form of Euro rating or NCAP rating going instead for an age limit which is rigourously enforced and easy to understand.

I personally have lost a great deal of money and two perfectly good vehicles due to the new limits and regulations you introduced in 2015.

Ideally since I work successfully for Shrewsbury Cars in Shrewsbury would find it easier to have both my badge and vehicle in the same region as opposed to needing to hold a Wolverhampton badge in order to get a vehicle plated.

I feel that in the big picture it would be better all round if you went back to the pre-2015 way of approval.
Yours Faithfully,

PS. I also feel bearing in mind that we as a country voted to leave the EU we shouldn't be influenced by their guidelines but be implementing sensible guidelines of our own.

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Appendix D

Officer responses to consultation feedback

Appendix Letter/ Document Number	Para. No.	Included in amendments to the Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
Doc 1	1	SP	Comment noted.
	2	N	This is a matter for the wider review of the Policy and will be considered as part of this review in due course.
Doc 2	1	SP	Comments noted.
	2	SP	Consultee has correctly understood the proposed amendments.
	3	SP	Comments noted.
Doc 3	In its entirety	N	This is a matter for the wider review of the Policy and will be considered as part of this review during 2018/19.
Doc 4	In its entirety	N	This is a matter for the wider review of the Policy and will be considered as part of this review during 2018/19.

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APPENDIX E

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change: *please insert here as well as on next page, to aid ready reference*

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

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Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Aims of the service change and description

Aim

To extend the transitional periods currently set out in the Council's existing Hackney Carriage and Private Hire Policy 2015 – 2019 as they relate to the requirements for the licensing of new diesel vehicles as either Hackney Carriages (taxis) or Private Hire Vehicles in order that they continue to meet specific European Emissions Standards after 31 March 2018 and until such time as a revised Policy takes effect in 2019 by means of specific amendments to the existing policy.

Description

It is proposed that the transitional periods relating to European Emission Standards and the licensing of new diesel vehicles as set out in paragraphs 3b.12 for Hackney Carriages and 3c.8 for Private Hire Vehicles of the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 are extended from 31 March 2018 to 31 March 2019.

Intended audiences and target groups for the service change

- Persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licenses.
- Persons who hold existing licences, including those that are the subject of review.
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies).
- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders.
- Magistrates and judges hearing appeals against Council decisions.
- Members of the public who use hackney carriage/private hire services.
- Other local authorities, particularly Telford & Wrekin Council and others that border the Shropshire Council area.
- Shropshire Safeguarding Children Board.
- Keeping Adults Safe in Shropshire Board.

Evidence used for screening of the service change

- Concern received from specific hackney carriage/private hire businesses that highlighted the existing policy made no provision, as it relates to European Emission Standards, for the licensing of new diesel vehicles after 31 March 2018.
- Number of vehicles being licensed by Shropshire Council has reduced; 20% less in 2017 compared with the number licensed in 2015.
- Compared with the number of private hire operators that were licensed immediately prior to the new policy taking effect, there is currently an increase of 24%.

APPENDIX E

- Increasing number of vehicles that are licensed by other neighbouring local authorities operating in Shropshire. The extent of this increase is not known for certain, although officers undertaking enforcement exercises in Shropshire have noted up to 50% of the vehicles checked are licensed by other local authorities.
- The Euro rating of licensed vehicles has improved since 2015 with the percentage of Euro 5 and Euro 6 increasing from 20% to 61%, Euro 4 decreasing from 45% to 39% and Euro 3 reduced to zero.
- Total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This is a 40% reduction in costs by the end of the second year of the policy.
- The majority (94%) of licensed vehicles are currently diesel.

Specific consultation and engagement with intended audiences and target groups for the service change

A two week consultation period was undertaken between 16 February 2018 and 1 March 2018 through the Council's 'Get involved' web page. An email providing details of the consultation, including a link to the web page was sent directly to all (542) those currently licensed drivers, proprietors of licenced vehicles and private hire operators for which we hold an email address and the Public Protection social media platforms were used to publicise the link to the consultation every other day between 22 February 2018 and 1 March 2018.

Only four responses were received. However, this should not necessarily be viewed negatively; rather it is an indication that the proposed amendments to the policy are not controversial and are unlikely to adversely impact on any of the protected characteristic groups on the basis that the proposed amendments are regularising a position that interested parties believed was already in force.

The responses to the consultation were collated and fully considered by officers with a summary prepared for consideration by Cabinet. The summary detailed the degree to which the proposed amendments to the policy have/have not been changed, together with explanatory comments where this was necessary. Of note, is the response that was received from a licensing consultant representing the two largest private hire operators that operate in Shropshire and that this response gave full support for the proposed amendments. There was one further response in full support that also included a further suggestion in respect of extending the transition period for renewal applications for diesel vehicles. The latter point will be considered as part of the wider Policy review that will formally be consulted upon in 2018/19. The remaining two responses suggested removing the European Emission Standards from the licensing process altogether and proposed alternative approaches. It was concluded that it would be more appropriate for these suggestions to be considered as part of the wider review of the Policy that will be undertaken in 2018/19.

As a result, no changes have currently been made to the proposed amendments.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

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1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓

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Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

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Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact of the proposed amendment is rated as 'low positive'. However, in practice, the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.

When the policy was first introduced in April 2015, the ESIIA rated the impact in relation to 'social inclusion' as 'low negative' with respect to rural communities. This was largely based on the potential effect that the introduction of the European Emission Standards would have on the economic viability of those hackney carriage and private hire businesses that are based in the more rural parts of the County. The impact at that time was not fully known in respect of these businesses. To mitigate the impact, the licensing service continued to further publicise the changes to the policy providing advice/information directly to all businesses affected at the point of application/renewal of licences as well as generally through the Council's website and social media channels. Officers have also provided 1:1 advice to businesses in order to help provide the most economic solutions to sourcing vehicles that comply with the emission requirements. This has led to a substantial improvement to the standard of vehicles that are now licensed by Shropshire Council; however, the overall number of vehicles licensed by Shropshire Council has reduced.

Despite this reduction, there is a large increase in vehicles operating in the county that are licensed by other authorities. Whilst this reduces the overall positive impact that Shropshire Council's policy aims to achieve in terms of improving air quality and as a result human health and the environment, it does indicate that any impact in relation to social inclusion and rural communities is likely to remain neutral.

From an air quality perspective and overall impact on vulnerable households, including those living in fuel poverty who may not have access to a car themselves, it is heartening that, as stated in the evidence, the total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This is a 40% reduction in costs by the end of the second year of the policy.

There is no direct evidence that the economic viability of those hackney carriage and private hire businesses that are based in the more rural parts of the county have, to date, been adversely impacted with the number of operators across the county currently 24% up on the number that were licensed immediately prior to the new policy taking effect. In addition, given the clear preference that proprietors have for diesel vehicles, i.e. the majority of the fleet is diesel, by providing an extension to the transition period for licensing such vehicles after 31 March 2018, the Council will be taking steps to support the economic viability of hackney carriage and private hire businesses.

With respect to the proposed amendment, the licensing service will continue to provide advice and information as it has done over the previous two years. It will also undertake proactive and visible enforcement of the requirements of the policy, in particular the conditions applicable to each licence type, together with the associated legislation to enhance the positive impact that the amendment to the policy will bring.

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Actions to review and monitor the impact of the service change

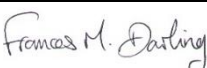


The policy is due for a full review and steps are already underway to refresh and revise the policy for implementation from 1 April 2019. A separate consultation will be undertaken in this respect and all relevant stakeholders will be informed and provided with the opportunity to respond. Any licensed driver or operator may request a review of the policy at any time. This is made clear in the policy itself.

There will be ongoing dialogue with the trade through direct contact and 'Taxi Forums' or similar meetings that will provide the opportunity for the trade to provide feedback to the licensing service. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for other stakeholders, including members of the public, to provide feedback on the impact of the amendments made to the policy. In addition, these contacts, together with social media contacts, will be publicised in hackney carriage and private hire vehicles to encourage service users to provide feedback to the Council. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Whilst the majority (94%) of licensed vehicles are currently diesel, the converse of this is that the Council is taking steps to encourage use of electric vehicles, including those for hackney carriage and private hire use, as a step towards further reducing pollutants. This action should lead, in time, to a further overall positive effect for all communities and for client groups, such as children and young people with special education needs, adults with learning disabilities, etc., who currently and in the future will access hackney carriage and private hire services to get to and from services they need.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

Scrutiny at Part One screening stage

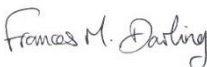

People involved	Signatures	Date
Lead officer carrying out the screening Frances Darling (Operations Manager)		5 March 2018
Any internal support* Mandy Beever (Transactional Manager)		5 March 2018
Any external support** Lois Dale (Rurality and Equalities Specialist)		8 March 2018
Head of Service Professor Rod Thomson (Director of Public Health)		9 March 2018

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

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Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling (Operations Manager)		8 March 2018
<i>Head of service's name</i> Professor Rod Thomson (Director of Public Health)		9 March 2018

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which

APPENDIX E

reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

APPENDIX E

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism,				

APPENDIX E

Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
- AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

APPENDIX E

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

APPENDIX E

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.



Committee and Date

Cabinet

21st March 2018

MODERN ANTI-SLAVERY & HUMAN TRAFFICKING STATEMENT

Contact: Michele Leith

Email: michele.leith@shropshire.gov.uk

1.0 Summary

- 1.1 Under the 2015 Modern Slavery Act an organisation of a certain size (as defined by the Act) must prepare a slavery and human trafficking statement for each financial year. Local Authorities fall within the definition and are therefore required to have such a statement.
- 1.2 The attached draft statement and associated policy sets out Shropshire Council's proposed approach to this requirement.

2.0 Recommendations

- i. Cabinet are asked to consider and approve the attached draft statement and policy

3.0 REPORT

- 3.1 This Statement and Policy fulfil Shropshire Council's legislative requirement under the Modern Slavery Act 2015 for the Council to have a Modern Slavery & Human Trafficking statement.
- 3.2 The policy applies to all persons working for the Council or on our behalf in any capacity including those with whom the council does business.
- 3.3 It sets out the standards and expectations in respect of this Act of Parliament that will be required to work for or contract with Shropshire Council.
- 3.4 The adoption of this Statement and Policy will further strength and support existing policies of the Council.

4.0 Finance

4.1 There are no direct financial implications to adopting the recommendation

5.0 Risk

5.1 Failure to adopt a policy and statement will leave the Council non-compliant with this legislation.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member:- Peter Nutting
Local Member:- All
<u>Appendices:-</u> 1. Draft Modern Anti-Slavery and Human Trafficking Statement 2. Details of National Referral Mechanism

Appendix 1

Draft Modern Anti-Slavery and Human Trafficking Statement

Shropshire Council

MODERN ANTI-SLAVERY AND HUMAN TRAFFICKING STATEMENT AND POLICY

1. Background

- 1.1 In 2013 the National Crime Agency estimated there were 10,000 to 13,000 victims of modern slavery and human trafficking in the UK.
- 1.2 In 2015 3,266 victims were referred via the ***National Referral Mechanism***. The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. (see appendix attached for more details)
- 1.3 Forms of Modern Slavery and Trends from the National Returns – England & Wales are identified as:
 - 1.3.1 Sexual Exploitation; 42% of trafficking relates to sexual exploitation;
 - 1.3.2 Domestic servitude; 24% of reported victims are children;
 - 1.3.3 Forced Labour; 36% of all victims of modern slavery, one fifth are children;
 - 1.3.4 Criminal Exploitation; victims are forced to engage in criminal activity including benefits or financial fraud and the drugs trade. Cannabis cultivation is the most common form of exploitation in the drugs trade. 81% in this sub category are children and most are from Vietnam.
 - 1.3.5 Other forms of exploitation; organ removal, forced marriage, illegal adoption.
- 1.4 Indicators of Modern Slavery may include:
 - 1.4.1 People with no legal documents;
 - 1.4.2 People having old or untreated injuries;
 - 1.4.3 People who are malnourished/unkempt, withdrawn or appear to have a fearful presentation;
 - 1.4.4 Adults having multiple unrelated children;
 - 1.4.5 High levels of security; and or
 - 1.4.6 Poor quality of residence.

- 1.5 The ***Duty to notify*** for Local Authorities, Police, the Gangmasters Licensing Authority and the National Crime Agency commenced in November 2015, in cases when it is suspected that someone is the victim of human trafficking or slavery [Modern Slavery Act 2015]. Guidance on referral can be found at www.legislation.gov.uk/ukxi/2015/1743/pdfs/ukxi_20151743_en.pdf. It should be noted that there is an option to make a report on an anonymous person, or with their details if consent is given, which will then include the offer of further Home Office support.
- 1.6 In November 2017 the Department of Education issued Statutory guidance for local authorities on the **Care of unaccompanied migrant children and child victims of modern slavery**
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf
- 1.7 This guidance sets out the steps local authorities should take to plan for the provision of support for looked-after children who are unaccompanied migrant children, and who may be victims, or potential victims, of modern slavery including trafficking.
- 1.8 For detailed guidance on how to identify and protect trafficked children before they become looked-after, read '**Safeguarding children who may have been trafficked**'.
- <https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

2. Statement

- 2.1 Shropshire Council's policy recognises that modern slavery is a crime and a violation of fundamental human rights and that it can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking. All these forms have in common the deprivation of a person's liberty by another in order to exploit them for personal or commercial gain.
- 2.2 The Council has a zero tolerance towards any form of modern slavery and we are committed to acting ethically and with integrity in all our business dealings and relationships. The Council will endeavour to implement and enforce effective systems and controls to ensure modern

slavery is not taking place anywhere in its business or in any of its supply chains.

3. Policy

- 3.1 The Policy applies to all persons working for the Council or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners.
- 3.2 The Policy also applies to the Council's supply chains who we expect to meet the disclosure requirements under The Modern Slavery Act 2015. We also include in our contracting processes specific prohibitions against the use of forced, compulsory or trafficked labour, or anyone held in slavery or servitude, whether adults or children, and we expect that our suppliers will hold their own suppliers to the same high standards.

4. Responsibility for the policy

- 4.1 The Council's Members and Senior Management Team have overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.
- 4.2 The Council's Service Managers have primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it, and reviewing internal control systems and procedures to ensure that they are effective in countering modern slavery.
- 4.3 Managers at all levels are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it and the issue of modern slavery in supply chains.

5. Standards

Shropshire Council will meet the following standards and also expects those with whom it does business, to meet these standards:

- 5.1 To support every individual's human right to live free from abuse, servitude and inhumane treatment.

- 5.2 To take appropriate steps to ensure that slavery and human trafficking is not taking part in any of its business and supply chains.
- 5.3 To promote ethical business and operational practices in services delivered to it.
- 5.4 To take reports of witnessed, suspected or disclosed concerns of slavery and human trafficking seriously.
- 5.5 To take appropriate steps to address actual instances of slavery and human trafficking.

6. Compliance with the policy and standards

- 6.1 All employees must read, understand and comply with this policy.
- 6.2 All employees must ensure that when contracting with any supply chains specific anti-slavery and human trafficking prohibitions are included in the contract.
- 6.3 The prevention, detection and reporting of modern slavery in any part of the Council's business or supply chains is the responsibility of all those working for the Council or under its control. Employees are required to avoid any activity that might lead to, or suggest a breach of this policy.
- 6.4 Employees must notify their manager or call the confidential whistle blowing helpline as soon as possible on 01743 252627 if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 6.5 Employees must raise concerns about any issue or suspicion of modern slavery in any parts of our business or supply chains of any supplier tier at the earliest possible opportunity to the Council's nominated person for the National Referral Mechanism (NRM) (*Position and contact to be confirmed pending decision*)
- 6.6 Employees should note that where appropriate, and with the welfare and safety of local workers as a priority, the Council will give support and guidance to our suppliers to help them address coercive, abusive and exploitative work practices in their own business and supply chain.
- 6.7 If an employee is unsure about whether a particular act, the treatment of workers more generally, or their working conditions within any tier or our supply chains constitutes any of the various forms of modern slavery,

raise it with their manager or talk to the Council's nominated person for the NRM.

7. Procurement

- 7.1 Shropshire Council's approach to procurement requires contractors to comply with this Modern Anti-Slavery Statement and policy and is included within the Council's contracting processes (see point 2.4) Where contractors annual turnover is over £36M they are required to implement due diligence procedures in relation to preventing modern slavery and human trafficking in their own supply chains.

8. Safeguarding

- 8.1 Shropshire Council works with a wide range of agencies to safeguard children, young people and adults with care and support needs who are at risk of abuse and neglect.
- 8.2 This should be read in conjunction with [West Midlands Safeguarding Children Procedures](#) and these procedures should be followed when considering children and young people who may have been trafficked. A child is defined according to the Children Acts 1989 and 2004 as anyone who has not yet reached their 18th birthday.
- 8.3 Trafficking of children is defined as the "recruitment, transportation, transfer, harbouring, and/or receipt of a child for the purpose of exploitation" (Article 3c of the United Nations Palermo Protocol 2000). Therefore any child moved for exploitative reasons is considered to be a trafficking victim. This is because it is not considered possible for children to give informed consent.
- 8.4 If any employee identifies a child, young person or adult with care and support needs who they think may be experiencing Modern Slavery, it must be reported to the First Point of Contact Team on 0345 678 9021 immediately who will pass the information to the relevant Safeguarding Team.

9. Whistleblowing

- 9.1 The Council's whistle blowing policy encourages all its employees, councillors, contractors, their agents and /or sub-contractors consultants, suppliers and service providers to report concerns about any aspect of service provision, conduct of officers and others acting on

behalf of the council, or supply chain. The policy is designed to make it easy to make disclosures without fear of discrimination and victimisation.

10. Communication and awareness of this policy

- 10.1 Training on this policy, and on the risk our business faces from modern slavery in its supply chains, is available via the Council's Leap into Learning portal and will form part of the induction process for all individuals who work for the Council, and regular training will be provided as necessary.
- 10.2 The Council's zero-tolerance approach to modern slavery must be communicated to all suppliers, contractors and business partners at the outset of the business relationship with them and reinforced as appropriate thereafter.

11. Breaches of this policy

- 11.1 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 11.2 The Council may terminate its relationship with other individuals and organisations working on our behalf if they breach this policy.

Annex - Useful Telephone numbers and who to ring

If in doubt ring the Whistle Blowing Helpline ☎01743 252627

Situation	Telephone Number	Contact
Contact Whistleblowing helpline If it concerns any aspect of service provision, conduct of officers and others acting on behalf of the council, or supply chain.	☎01743 252627	Whistle Blowing Helpline
Contact FPOC If in relation to vulnerable adults/ children.	☎0345 678 9021	First point of contact (Safeguarding)
Contact HR if it is about breaches regarding council employees	☎01743 252488 Email (monitored daily) Ask.hr@shropshire.gov.uk	Human Resources ASC Business partner

Contact NRM officer If you have concerns about any issue or suspicion of modern slavery in any parts of our business or supply chains of any supplier tier that may have national consequences	☎ Sarah Hollinsbland-Bland 01743 255863	National Referral Mechanism – This needs to be confirmed following policy decision
Contact procurement number if in relation to suppliers	☎ 01743 252993	Commissioning Development & Procurement Manager

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Appendix 2

National Referral Mechanism

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support.

The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collect data about victims. This information contributes to building a clearer picture about the scope of human trafficking and modern slavery in the UK.

The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. At the core of every country's NRM is the process of locating and identifying "potential victims of trafficking".

From 31 July 2015 the NRM was extended to all victims of modern slavery in England and Wales following the implementation of the Modern Slavery Act 2015.

Modern Slavery encompasses:

1. Human trafficking
2. Slavery, servitude and forced or compulsory labour

From 31 July 2015, in all UK referrals, the Competent Authority (trained decision makers) must consider whether the person is a victim of human trafficking. In England and Wales, if someone is found not to be a victim of trafficking, the Competent Authority must go on to consider whether they are the victim of another form of modern slavery, which includes slavery, servitude and forced or compulsory labour.

The NRM grants a minimum 45-day reflection and recovery period for victims of human trafficking or modern slavery. Trained decision makers decide whether individuals referred to them should be considered to be victims of trafficking according to the definition in the Council of Europe Convention. In England and Wales, further consideration is made to those who do not meet the definition of trafficking. Their cases are then considered against the definitions of slavery, servitude and forced or compulsory labour.

NRM statistics

NRM statistics from 2012 onwards are available in our [publications section](#). For earlier reports visit the [National Archives website](#).

The NRM process

- ***Referral to a UK competent authority (first responders)***

To be referred to the NRM, potential victims of trafficking or modern slavery must first be referred to one of the UK's two competent authorities (CAs). This initial referral will generally be handled by an authorised agency such as a police force, the NCA, the UK Border Force, Home Office Immigration and Visas, **Social Services** or certain NGO's. The referring authority is known as the 'first responder'.

The NCA is a first responder agency, as are the following:

- Police forces
- UK Border Force
- Home Office Immigration and Visas
- Gangmasters Licensing Authority
- **Local Authorities**
- Health and Social Care Trusts (Northern Ireland)
- Salvation Army
- Poppy Project
- Migrant Help
- Medaille Trust
- Kalayaan
- Barnardos
- Unseen
- TARA Project (Scotland)
- NSPCC (CTAC)
- BAWSO
- New Pathways
- Refugee Council

The first responder will complete a referral form to pass the case to the CA. Referral to a CA is voluntary and can happen only if the potential victim gives their permission by signing the referral form. In the case of children their consent is not required. To download an adult or child referral form go to the [gov.uk website](https://www.gov.uk).

All completed NRM forms are sent to the MSHTU in the first instance. The MSHTU will then determine which CA will deal with the case and will forward the papers if needed.

Completed forms should be sent to the MSHTU Competent Authority via e-mail at nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

- ***Competent Authorities (CA)***

In the UK the two Competent Authorities are:

- The NCA's Modern Slavery Human Trafficking Unit (MSHTU)
- The Home Office Visas and Immigration (UKVI)

All referrals to the NRM from first responders must be sent to MSHTU initially. MSHTU also manages the data on NRM referrals. MSHTU makes reasonable and conclusive grounds decisions on all cases involving:

- a UK national
- a European Economic Area (EEA) national (except where there is a live immigration issue)

When MSHTU receives a referral relating to an EEA or non-EEA national who is subject to immigration control, they will refer the case to the Home Office Competent Authority, who will make the reasonable and conclusive grounds decisions.

If a case involves a non-EEA national with no active immigration issues, MSHTU also refers the case to the Home Office Competent Authority who will make the reasonable and conclusive grounds decision.

- ***Stage one – “Reasonable grounds”***

The NRM team has a target date of 5 working days from receipt of referral in which to decide whether there are reasonable grounds to believe the individual is a potential victim of human trafficking or modern slavery. This may involve seeking additional information from the first responder or from specialist NGOs or social services. The threshold at Reasonable Grounds stage for the trained decision makers is; “from the information available so far I believe but cannot prove” that the individual is a potential victim of trafficking or modern slavery.

If the decision is affirmative then the potential victim will be:

- allocated a place within Government funded safe house accommodation, if required
- granted a reflection and recovery period of 45 calendar days. This allows the victim to begin to recover from their ordeal and to reflect on what they want to do next, for example, co-operate with police as required, return home etc.

The potential victim and the first responder are both notified of the decision by letter.

- ***Stage two – “Conclusive decision”***

During the 45 day reflection and recovery period the Competent Authority gathers further information relating to the referral from the first responder and other agencies. This additional information is used to make a conclusive decision on whether the referred person is a victim of human trafficking or modern slavery. The expectation is that a Conclusive Grounds decision will be made as soon as possible following day 45 of the recovery and reflection period. There is no target to make a conclusive grounds decision within 45 days. The timescale for making a conclusive grounds decision will be based on all the circumstances of the case.

The trained decision makers threshold for a Conclusive Decision is that on the balance of probability “it is more likely than not” that the individual is a victim of human trafficking or modern slavery.

The first responder and the potential victim will both be notified of the decision. If the potential victim is conclusively identified as a victim of trafficking or modern slavery, what happens next depends on their wishes.

- ***What happens next?***

Co-operating with police enquiries

The victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

Other circumstances

If a victim of trafficking or modern slavery is not involved in the criminal justice process, the Home Office may consider a grant of discretionary leave to remain in the UK, dependent on the victim’s personal circumstances.

Returning home

If they are from outside the European Economic Area, the victim can receive help and financial assistance to return home through the Home Office Assisted Voluntary Return of Irregular Migrants (AVRIM) process. If they are an EEA national, support organisations will put them in touch with their embassy and any relevant NGOs who may be able to help.

What if the referred person is not found to be a victim?

If at any stage the referred person is confirmed not to be a victim of trafficking or modern slavery then dependent on the circumstances they may be referred to the appropriate law enforcement agency – the relevant police force or the Home Office. If it is decided by the Competent Authority that the person was not trafficked nor is a victim of modern slavery, and there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin. The person can also be offered support to return to their country if they have been trafficked or are a victim of modern slavery and do not wish to stay in the UK.

NRM review and pilots

The review of the National Referral Mechanism for victims of human trafficking was published on 11 November 2014 and recommended that the support system for identifying and supporting victims of human trafficking should be overhauled.

The key recommendations of the report include:

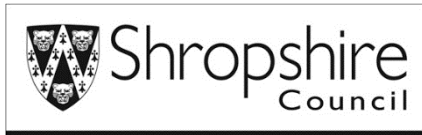
- extending the NRM to cover all adult victims of modern slavery
- strengthening the First Responder role – the point when potential victims are first identified and referred by creating new Slavery Safeguarding Leads (SSL)
- streamlining the referral process by removing the “Reasonable Grounds” decision once the successful implementation of accredited Slavery Safeguarding Leads has occurred allowing direct referral to specialist support for potential victims
- establishing new multi-disciplinary panels headed by an independent chair with a view of ceasing the sole decision-making roles of UKVI and the MSHTU
- creating a single case management unit within the Home Office to replace the current case management units in the National Crime Agency (MSHTU) and UKVI

NRM Pilots

In response to the review, changes to the NRM are being piloted in West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Wiltshire and Gloucestershire police force areas) from 3rd August 2015. If you are referring a case from these areas the initial referral will be received by the MSHTU until October 2015 when Slavery Safeguarding Leads in these regions will be responsible for Reasonable Grounds decisions.

Up until October 2015 Reasonable Grounds decisions on pilot cases will be made in the MSHTU and UKVI Competent Authorities using the existing process and then referred to the pilot Case Management Unit via their inbox. New multi-disciplinary panels will make Conclusive Decisions in these pilot areas.

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Committee and date

Cabinet

21st March 2018

SELF BUILD REGISTER (CHARGING AND ELIGIBILITY CRITERIA)

Responsible Officer George Candler – Director of Place and Enterprise
Email: george.candler@shropshire.gov.uk Tel: 01743 258671

1. Summary

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires each relevant authority to keep a register of individuals and associations of individuals who seek to acquire serviced plots of land in the local authority's area to develop a self or custom house build.

The Self-build and Custom Housebuilding Regulations 2016/950 made under the 2015 Act (as amended), offers guidance on what details the register should seek to gain from applicants in order for the local authority to assess demand and in what locations.

Local authorities are obligated to give suitable development planning permissions to sufficient number of serviced plots of land to meet this demand.

The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016/1027 allow for relevant authorities to set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred and should not act as a deterrent for people to be entered on or remain on the register.

2. Recommendations

Members are asked to:

- Agree the need for the Council to publish a self-build register and meet its duty to grant planning permission for sufficient serviced plots and agree the following charging schedule, as per the requirements of the Self-build and Custom Housebuilding Act 2015 (as Amended)
- Agree an initial £30.00 (+ VAT) registration fee for new applicants to register on the Council's newly updated and developed Self Build register.

- Agree a £30.00 (+ VAT) registration fee for all existing applicants (359) currently on the self build register who are to be transferred to the new register.
- Agree a £15.00 (+ VAT) annual renewal fee for all who wish to remain on the register.

REPORT

3. Risk Assessment and Opportunities Appraisal

All data and works by the Council need to bear in mind Data Protection and the upcoming General Data Protection Regulation (comes into force in mid-2018). Clearly the submission of personal information in relation to finances is a significant consideration and one that needs careful deliberation. Officers have taken the appropriate advice in the design and current development of the register.

Failure to provide the requisite amount of self-build plots as required by the Self-build and Custom Housebuilding Act 2015 (as Amended) and as identified in the Self-build Register. It is unclear what any repercussions of this would be as this has not been set out by Government as yet, however, these could be financial or give rise to outside involvement in the process. As the Council received a contribution from Government for publishing a self-build register it is likely that any further payments could be withheld

4. Financial Implications

The intended fees levied through this charging regime will cover the administrative and developmental costs of this obligation.

5. Background

The Self-build and Custom Housebuilding Act 2015 (as amended) requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding ambition (referred to in guidance as self-build and custom housebuilding registers). The government has published guidance which accompanied the Self-build and Custom Housebuilding (Register) Regulations (now revoked and replaced with the Self-build and Custom Housebuilding Regulations 2016/950 and can be used by relevant authorities to assist them in designing and administering the register that they are each required to keep. Each relevant authority is also required to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions

Shropshire currently has 359 people registered on our self-build register.

Section 2A of the Act imposes a duty on relevant authorities to grant sufficient development permissions in respect of serviced plots of land to meet the demand as evidenced by the number of entries on the register in a given base period.

Relevant authorities must give suitable planning permissions to enough suitable serviced plots of land, to meet that demand for self-build and custom housebuilding in their area. There is no duty on a relevant authority to permission land which specifically meets the requirements expressed by those on the register but it should use preferences expressed by those on the register to guide its decisions when looking at how to meet its duty to grant planning permission. It is therefore important to maintain and update the register continuously to maximise the ability to inform and match available plots of land or developers offering self/custom build opportunities, to those identified and expressing a preference on the register.

Relevant authorities can only set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred and should not act as a deterrent for people to be entered on or remain on the register.

Relevant authorities can charge a higher entry fee if it sets additional local connection criteria and hence has two parts to the register, the fee charged for entry onto Part 2 of such a register would reflect any additional costs to those incurred on Part 1. It is not the intention of Shropshire's register to have 2 parts as any specific local connection criteria would be development and site specific and determined at that time through appropriate planning obligations.

6. Additional Information

Online payment facility is available and a discussion with the finance team has agreed these payments can be received through Civica Icon (SC payments system) for the customer and for those that do not have access to a PC, alternatively can call whereby payment can be taken by phone.

7. Conclusions

The Council has employed a self build and planning technician to help provide this registration service, manage the register, liaise with applicants, developers, industry professionals and help promote Shropshire wide this key housing delivery method.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

www.gov.uk/guidance/self-build-and-custom-housebuilding#cost-recovery
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Cabinet Member (Portfolio Holder)
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Cllr Robert Macey - Portfolio Holder for Planning and Regulatory Services

Local Member

All Members
Appendices