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Our Ref: DS
Your Ref:

Date: 20 September 2017

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 28 September 2017 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**
Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs Brown, Coe, Mrs Hall, Mrs Patten, Roberts, Tipping and Wheeler

Labour Group
Councillors Chahal, Dunn, Taylor and Tilley

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meeting:-

Environmental and Development Services Committee 17th August 2017 Open Minutes **4 - 7**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** Reports of Overview and Scrutiny Committee
- 7** KEY PERFORMANCE INDICATORS - LICENSING DEPARTMENT **8 - 9**
- 8** PRIVATE HIRE LICENSING POLICY **10 - 39**
- 9** CHARGING FOR REQUESTS FOR FOOD HYGIENE REVISITS **40 - 47**
- 10** SWADLINCOTE HERITAGE TRAIL **48 - 50**
- 11** BEYOND THE HORIZON - THE FUTURE OF UK AVIATION **51 - 54**
- 12** COMMITTEE WORK PROGRAMME REPORT **55 - 60**

Exclusion of the Public and Press:

13 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

14 To receive the Exempt Minutes of the following Meeting:-

Environmental and Development Services Committee 17th August
2017 Exempt Minutes

15 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

16 SWADLINCOTE MARKET

17 EXPENDITURE OF GRANT FUNDING AND ORGANISATIONAL
ARRANGEMENTS - INFINITY GARDEN VILLAGE

18 TEMPORARY CHANGES TO STAFFING IN PLANNING

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

17th August 2017

PRESENT:-

Conservative Group

Councillor Watson (Chairman) and Councillors Mrs Brown, Mrs Coyle (substituting for Councillor Mrs Hall), Harrison (substituting for Councillor Muller), Murray (substituting for Councillor Tipping), Roberts and Stanton (substituting for Councillor Mrs Patten)

Labour Group

Councillors Chahal, Dunn, Taylor and Tilley

In attendance

Councillor Richards (Labour Group)

EDS/18 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Coe, Mrs Hall, Muller, Mrs Patten, Tipping and Wheeler (Conservative Group).

EDS/19 **MINUTES**

The Open Minutes of the Meeting held on 1st June 2017 were noted, approved as a true record and signed by the Chairman.

Councillor Tilley, in referring to Minute No.EDS/10, noted the further clarity given at the last Council Meeting, reflected in the Minutes of the that Meeting.

EDS/20 **DECLARATIONS OF INTEREST**

Councillor Roberts declared a personal interest in relation to Item 8 on the Agenda, by virtue of being a private hire licensed driver.

EDS/21 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/22 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

EDS/23 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

EDS/24 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 APRIL–30 JUNE 2017)**

The Director of Community and Planning Services presented the report to Committee. The Director drew particular attention to the ISO14001 Certificate of Environmental Management and the revisions to the Diana Memorial Garden in that, although not complete, both were progressing satisfactorily.

RESOLVED:

Members noted progress against performance targets.

EDS/25 **PRIVATE HIRE LICENSING MANDATORY TRAINING: CHILD SEXUAL EXPLOITATION AWARENESS**

RESOLVED:

Members approved the addition of child sexual exploitation awareness mandatory training for all existing and new private hire drivers in the Private Hire Licensing Policy.

EDS/26 **INFINITY GARDEN VILLAGE**

The Director of Community and Planning Services presented the report to Committee.

The Chairman proposed amendments to the recommendations, as follows:

- 1.1 Members authorise the establishment of a Liaison Group of neighbouring residents, businesses, developers and relevant Local Authorities to consider the proposals for the Garden Village as they emerge (No amendment was made to this recommendation).
- 1.2 The Director of Community and Planning Services is to report to this Committee details of any bid submitted by Derby City Council for the second tranche funding to support the delivery of the Garden Village.
- 1.3 The Director of Community and Planning Services is to report to this Committee details of any proposed expenditure of monies from a successful bid.

1.4 The Director of Community and Planning Services is to report to this Committee details of any proposed further bid for funding that may become available for which this project is eligible.

1.5 Recommendation no longer required.

The amendments were debated. Councillor Richards welcomed Recommendation 1.1 and the revisions to the other recommendations, although he felt that consultation should have occurred at an earlier stage.

The amendments and the substantive recommendations were then put to a vote.

RESOLVED:

1.1 Members authorised the establishment of a Liaison Group of neighbouring residents, businesses, developers and relevant Local Authorities to consider the proposals for the Garden Village as they emerge.

1.2 Members agreed that the Director of Community and Planning Services is to report to this Committee details of any bid submitted by Derby City Council for the second tranche funding to support the delivery of the Garden Village.

1.3 Members agreed that the Director of Community and Planning Services is to report to this Committee details of any proposed expenditure of monies from a successful bid.

1.4 Members agreed that the Director of Community and Planning Services is to report to this Committee details of any proposed further bid for funding that may become available for which this project is eligible.

EDS/27 **COMMITTEE WORK PROGRAMME**

RESOLVED:

Members considered and approved the updated work programme.

EDS/28 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

The Exempt Minutes of the Meeting held on the on 1st June 2017 were received.

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER
COUNCIL PROCEDURE RULE NO 11**

The Committee were informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 6.20pm.

COUNCILLOR P WATSON

CHAIRMAN

REPORT TO: ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE **AGENDA ITEM: 7**

DATE OF MEETING: 28th SEPTEMBER 2017 **CATEGORY: DELEGATED/RECOMMENDED**

REPORT FROM: CHIEF EXECUTIVE **OPEN/EXEMPT PARAGRAPH NO:**

MEMBERS' CONTACT POINT: ARDIP KAUR
01283 595 715
ardip.kaur@south-derbys.gov.uk **DOC:**

SUBJECT: KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT **REF:**

WARD(S) AFFECTED: ALL **TERMS OF REFERENCE:**

1. Recommendations

- 1.1 That Members note the performance of the Licensing Department in relation to the Key Performance Indicators

2. Purpose of Report

- 2.1 To provide Members with an update on the Licensing Department and the Key Performance Indicators

3. Detail

- 3.1 As part of the audit of the Licensing Department held in 2014, service standards were put in place with regards to target times for the processing of complete applications and dealing with any complaints received by the Department.
- 3.4 The Licensing Department will provide a quarterly update as to the Department's performance against the service standards. The results for the previous quarter are:

Private Hire Licensing

Type of Licence Application	May 2017 to July 2017
Private Hire Vehicles (5 days)	92%
Private Hire Drivers (10 days)	100%
Private Hire Operators (5 days)	100%

Type of Licence Application	May 2017 to July 2017
Personal licence (10 days).	100%
Grant of premises licence (15 days after grant)	100%
Variation of designated (15 days after grant)	100%
Transfer of premises licence holder (15 days after grant)	100%
Variation of premises licence (15 days after grant)	100%
Minor variation of premises licence (15 days after grant)	100%
Temporary event notice (1 day)	100%

Enforcement

Type of Application	May 2017 to July 2017
Acknowledgement of complaint within 2 days	100%
Letter detailing works required within 10 days	100%
Notify complainant of outcome of investigation within 10 days	100%

4. Financial Implications

4.1 There are no financial implications to the Council.

5. Corporate Implications

5.1 The service standards demonstrate that we support local businesses whilst protecting local residents which contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity and safety and security.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	28 th SEPTEMBER 2017	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	ARDIP KAUR 01283 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	PRIVATE HIRE LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That the proposed changes to the Private Hire Licensing Policy are approved to come into effect on 3rd November 2017.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 The Private Hire Licensing Policy is required to be reviewed every three years. The current Policy expires in November 2017. The Policy has been reviewed and the intended changes are highlighted in the draft Policy attached at **Appendix 1**.
- 3.2 The substantial changes are to incorporate new legislation namely the Immigration Act 2016 with regards to right to work checks and the Equality Act 2010 with regards to wheelchair accessible vehicles. Minor amendments have been made to update internal and/or external procedures.
- 3.3 In addition, on 17th August 2017, the Environmental and Development Services Committee approved mandatory child sexual exploitation awareness training for all new and existing drivers. The draft Policy has been amended to include this mandatory training at paragraph 3.43 to 3.45.

Consultation

- 3.11 Officers conducted a 6 weeks consultation exercise on these proposals with all existing licence holders and members of the public via the Council's website. All consultees were notified of the mandatory CSE training on 18th August 2017. Four responses were received during the consultation period with regard to the content of

the Policy; a response from Councillor Harrison, two from Parish Council's (Rosliston Parish Council and Coton in the Elms Parish Council) and the fourth from The Guide Dogs for the Blind Association. Where relevant comments have been incorporated into the draft Policy document.

- 3.12 The proposed amendments to the Policy were discussed at the most recent Driver's Forum and all drivers and operators in attendance were supportive of the proposed amendments.

4. Financial Implications

- 4.1 There are no financial implications to the Council.

5. Corporate Implications

- 5.1 These proposals will continue to demonstrate to members of the public the importance the Council places on the protection of local residents, children, and vulnerable adults from the potential harms of private hire licensing, which contributes to the theme of safety and security.

6. Background Papers

Local Government (Miscellaneous Provisions) Act 1976
Immigration Act 2016
Equality Act 2010



SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE LICENSING POLICY

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976**

| Issue **7: November 2017**~~6: October 2016~~#

1 INTRODUCTION

Powers and Duties

- 1.1 This Statement of Licensing Policy (“the Policy”) is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”), as amended, which places on South Derbyshire District Council (“the Council”) the duty to carry out its licensing functions in respect of private hire vehicles, drivers, and operators.

Objectives

- 1.2 The private hire trade has a specific role to play in an integrated transport system. The trade are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.
- 1.3 In setting out this Policy, the Council seeks to promote the following objectives:
- the protection of the health and safety of the public;
 - the maintenance of a professional and respected private hire trade;
 - access to an efficient and effective local transport service;
 - the protection of our local environment.
- 1.4 It is the aim of the Council in this context, to use the licensing powers available to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that the drivers of these vehicles have been sufficiently vetted so as to be considered “fit and proper”.
- 1.5 The Council in composing this Policy has been mindful of the need to justify each requirement against the risk it seeks to address, or objective it seeks to promote. Where the cost of implementing a proposed requirement was not commensurate with the perceived benefit in either of these areas, the introduction of the requirement was not pursued.
- 1.6 In carrying out their regulatory functions, the Council will have regard to this Policy and in particular, the objectives set out above. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so.
- 1.7 The Policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This Policy, relevant application forms and the current fees are available on the Council’s website.

Background to Policy

- 1.8 The Council gave a commitment to subject the Policy to regular review. Best Practice Guidance (“the Guidance”) has been re-issued by the Department for Transport and internal procedures have been further revised.
- 1.9 There is recognition within the Guidance that unduly stringent licensing requirements are likely to unreasonably restrict the supply of private hire vehicles by increasing the

cost of their operation, or by restricting access to the trade. The Council is aware, therefore, that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

- 1.10 In light of this and in order for the Council to maintain a modern, forward thinking licensing function, a full review of the Policy ~~has been undertaken~~was undertaken in 2014. The Policy was further amended in 2015 and 2016 to incorporate changes introduced by legislation and amendments to criminal record checks and wheelchair accessible vehicles. This ~~new~~ Policy is intended to ensure that both the trade, public and Officers have a document that fully explains the licensing procedures in a clear and transparent manner.

Policy Duration

- 1.11 This Policy will take effect from 3rd November 2017 ~~10th November 2014#~~ for a period of three years.
- 1.12 Prior to the end of the three year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than the date of expiry of the existing Policy.
- 1.13 The Policy will be kept under constant review and amended as and when necessary to reflect changes in legislation and case law.

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~~1.14 The Policy was updated in October 2015 to incorporate the changes introduced by the Deregulation Act 2015 as well as some minor changes to the Policy.~~

~~1.15 The Policy was updated in October 2016 to make it mandatory for private hire drivers to be signed up to the DBS online checking service for an annual criminal record check to be carried out, to amend the age of wheelchair accessible vehicles and other minor amendments to the Policy.~~

2 VEHICLES

Specifications and Conditions

- 2.1 The Council has a wide range of discretion over the types of vehicle that they can license as private hire vehicles.
- 2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a private hire vehicle licence. Private hire vehicles provide a necessary service to the public, however, it is appropriate to set standards for the external and internal condition of the vehicle and the mechanical fitness of the vehicle.
- 2.3 All private hire vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall be right hand drive, be able to carry no more than 8 passengers, have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident damage, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.

Appearance of the Vehicles

- 2.4 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of dents;
 - (ii) be free of visible rust;
 - (iii) be free of any scratches over 10cm in length;
 - (iv) be free of unrepaired accident damage;
 - (v) have uniform paintwork equivalent to that applied by the manufacturer;
 - (vi) not be missing any exterior trim;
 - (vii) have all 4 hub caps (if part of the original specification) present, matching and scuff free; and
 - (viii) be maintained in an acceptable state of cleanliness.
- 2.5 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of stains to the upholstery including carpets, and door trim;
 - (ii) be free of splits and tears to the passenger seats;
 - (iii) be maintained in an acceptable state of cleanliness;
 - (iv) have no edges or damaged items likely to cause injury to a passenger;
 - (v) be free from damp and odour that may cause passenger discomfort; and
 - (vi) provide seats functioning in accordance with the manufacturers' specification.

Liquid Petroleum Gas (LPG)

- 2.6 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association's Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.
- 2.7 Any licence holder wishing to convert their licensed vehicle to run on LPG must notify the Council prior to any conversion taking place. Once the conversion has taken place, the licence holder must provide the Council with a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector. The licence will be suspended until the changes have been made. The licence plate must be returned to the Council.
- 2.8 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

Wheelchair Accessible

- 2.9 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

2.10 The Council maintains a designated list of wheelchair accessible private hire vehicles placing duties on the drivers of these vehicles under section 165 of the Equality Act 2010 in relation to wheelchair users.

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2.101 The private hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

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2.124 The licence holder and all other drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in the licensed vehicle and how to handle a person in a wheelchair. ~~The DVSA~~ Wheelchair Test Assessment pass certificate will be required for all drivers of the wheelchair accessible vehicle. The pass certificates must be provided to the Council on application.

2.132 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be tested every 6 months in accordance with the requirements of the relevant legislation. Any such equipment must be maintained in good working order and be available for use at all times. The certificate must be provided to the Council. Failure to provide an updated certificate before the expiry of the current document will result in the licence being suspended until such a time as a new satisfactory document has been received.

2.143 Wheelchair accessible vehicles must be less than 8 years old from the date of registration on initial grant of a private hire vehicle licence. A wheelchair accessible vehicle may continue to be licensed until it reaches 15 years of age provided the vehicle complies with the list at 2.164 below except for (ii) as a MOT pass certificate is required every 6 months for a wheelchair accessible vehicle.

Age of Vehicles

2.153 On the initial grant of a private hire vehicle licence, all vehicles must be less than 8 years old from the date of first registration. The date will be taken from the V5C logbook.

2.164 A licensed vehicle may continue to be licensed until it reaches ten years of age from the date of first registration provided that it:

- (i) is mechanically tested by the Council Depot every 6 months,
- (ii) obtains a MOT pass certificate; and
- (iii) is compliant with the standards of appearance for a private hire vehicle (detailed at 2.3, 2.4 and 2.5 above).

2.175 Once a licensed vehicle reaches ten years old, the licence will not be renewed.

Vehicle Testing

2.186 All vehicles over 3 years of age must have a valid MOT pass certificate upon first ~~ap~~ application and annually thereafter.

- | 2.197 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's depot every 6 months.
- | 2.2048 A valid MOT certificate and compliance test pass sheet must continuously be in place throughout the course of the licence. Failure to provide an updated MOT certificate or compliance test pass sheet before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.
- | 2.2149 The licence of any vehicle which fails its inspection requirements will be immediately suspended on public safety grounds until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The licence plate must be returned to the Authorised Officer within 7 days of receipt of the suspension notice. The licence holder must not use the vehicle after they have been served this suspension notice until such time as the inspection requirements are met and the suspension is lifted by an Authorised Officer.
- | 2.220 In addition to the above testing requirements, all licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Officer. These tests will be undertaken at the Council Offices, or any other location. The tests may be conducted in conjunction with the Police and/or ~~VOSA-DVSA~~ inspectors. If it is discovered during an inspection that a vehicle is not being properly maintained, a suspension notice may be served under section 68 of the Act on public safety grounds. This notice will specify the defects and the action required to remedy the problem. The vehicle may not be used for private hire work until an Authorised Officer lifts the suspension. The licence plate must be returned to the Authorised Officer within 7 days of receipt of the suspension notice.
- | 2.234 Failure to comply with the requirements of a section 68 notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of a section 68 notice are not rectified within two months, the vehicle licence will be revoked in accordance with the Act.
- | 2.242 A re-test fee is payable if the vehicle fails the compliance test at the Depot. A test fee is payable if any test is carried out at the Depot in addition to the two tests included in the vehicle licence fee.

Alteration of Vehicle

- | 2.253 If a licence holder wishes to make any material alteration or change in the specification, design, condition or appearance of the vehicle then they must notify the Council in writing before any changes are made.
- | 2.264 If the vehicle is already licensed, the licence will be suspended while the changes to the vehicle are being made. The licence plate must be returned to the Council.
- | 2.275 Once any changes have been made, the licence holder will need to provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

Insurance

- | 2.286 A valid insurance certificate must continuously be in place throughout the course of the licence. The insurance policy must cover the licence holder for hire and reward purposes and all drivers of the vehicle for that purpose. Failure to provide an

updated insurance certificate before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.

- | 2.297 Any person named on an insurance certificate should be a licensed private hire driver with this Council. The Council will not accept any insurance certificates that name any person other than a licensed private hire driver.

Taximeters

- | 2.3028 It is not compulsory to have a taximeter installed in a private hire vehicle. Where a taximeter is fitted, the licence holder must provide the Council with:

- (i) a calibration certificate;
- (ii) details of the fare that the meter is set to.

- | 2.3129 A tariff card must be displayed in the vehicle showing the current fares payable.

- | 2.320 The Council will require a new calibration certificate and new fare details each time a licence holder changes the private hire operator that they work for or the fare table changes.

Accidents

- | 2.334 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to complete the Council's accident report form and submit to the Council within 72 hours of the accident. On receipt of an accident report form, the Authorised Officer will carry out an inspection of the damaged vehicle and decide the course of action to be taken in respect of the vehicle.

Signage and Advertising

- | 2.342 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.
- | 2.353 All licensed vehicles must display signs stating the name of the private hire operator, their telephone number, and the statement, "Advanced Bookings Only" on both sides of the vehicle. The signs should be legible for members of the public to read easily. The signs must be displayed on the licensed vehicle at all times during the period of the licence.
- | 2.364 For any signage in addition to the above, approval must first be obtained from the Council in writing.
- | 2.375 Where a licensed vehicle is used by more than one operator the licence holder must ensure that the correct identifying signs are attached to the vehicle when fulfilling any booking.
- | 2.386 No signage shall include the word "TAXI", "CAB" or the words "FOR HIRE" or combinations of the above, or any other words that are likely to cause a person to believe that the vehicle is a hackney carriage and available for instant hire.
- | 2.397 Written permission must be obtained from the Council prior to any commercial advertising being placed on or in the vehicle.

- | 2.4038 No signage must be placed in or on the rear window of the licensed vehicle so as to avoid the driver's view from being obscured.

Plate exemption

- | 2.4139 Licensed vehicles are required to display licence plates externally on the rear of the vehicle and a dual sided plate in the front windscreen. Exemptions may be given for certain types of private hire vehicle not to display the rear plate, however, a letter of exemption from the Council and the licence plate must be carried in the boot of the vehicle at all times.
- | 2.429 Exemption requests must be submitted in writing. Exemptions will only be granted to licensed vehicles used for executive hire, corporate contracts, or work of a similar nature. Evidence will be required before any exemption is granted by the Council. Vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display the licence plate at all times when the exemption does not apply.

Trailers

- | 2.434 The Council permits the use of trailers for private hire vehicles. The trailer must meet the requirements set out in the private hire vehicle licence conditions. An application form must be submitted to the Council with the required documentation. The trailer must be tested by the depot. A fee is payable.
- | 2.442 Once the application has been received, a plate and licence will be issued. The plate must be displayed on the rear of the trailer at all times that the trailer is in use. The trailer must only be used with the licensed vehicle that it was presented with at the Depot.

Application Procedures

- | 2.453 The application procedures for a private hire vehicle licence are prescribed by the Council. Applications must be made on the specified application form in accordance with the application procedure set out in Appendix 1.
- | 2.464 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- | 2.475 Private hire vehicle licences will be issued for a maximum one year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- | 2.486 A private hire vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the period of the licence would require the relevant application process to be completed.
- | 2.497 The Council will undertake to send a renewal reminder to a licence holder's registered address 1 month prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.

- | ~~2.5048~~ — An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **five** working days.
- | ~~2.5149~~ If the renewal application has not been determined when the existing licence expires, the licence holder must not use the vehicle for private hire purposes until the new licence has been received.
- | ~~2.520~~ Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

Conditions of Licence

- | ~~2.531~~ The Council is empowered to attach such conditions to a private hire vehicle licence as are considered reasonably necessary. All private hire vehicle licences will be issued with the private hire vehicle licence conditions attached.

Non-Standard Private Hire Vehicles (Limousines, Novelty Vehicles and Vintage and Classic Cars)

- | ~~2.542~~ Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.
- | ~~2.553~~ A novelty vehicle is a vehicle that has been specially adapted, or converted by a low volume specialist vehicle manufacturer or modifier, and has been specially modified from its original design or specification. For the avoidance of doubt, any vehicle capable of being licensed as a standard private hire vehicle would not be considered a novelty vehicle.
- | ~~2.564~~ Due to the nature of the work undertaken by limousines and novelty vehicles, both can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Act. This Council requires that all limousines and novelty cars are licensed if they undertake private hire work. In addition to the requirements for a standard private hire vehicle, the Council will require the following:
 - (i) there are no more than 8 seats provided for customers and there is no facility for seats to be added after the licence has been granted;
 - (ii) proof of an Individual Vehicle Type Approval (IVA) test;
 - (iii) MOT certificate every 6 months.
- | ~~2.575~~ All applications to license stretched limousines, or novelty vehicles as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousines, and novelty type vehicles be granted an exemption from the requirement to be right hand drive and from the age restrictions relating to standard private hire vehicles.

- | 2.586 Classic and vintage cars will be exempt from the age restrictions relating to standard private hire vehicles so long as they meet the relevant criteria to be licensed as a private hire vehicle.
- | 2.597 Once granted, limousines, novelty vehicles, classic and vintage cars will automatically receive an exemption from displaying the external plate. The letter of exemption and plate should be carried in the vehicle at all times. The internal badge should be displayed in the interior of the vehicle at all times.
- | 2.6058 ———It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine, or novelty vehicle. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on this matter can be obtained from the Licensing Department.

Dual Plating

- | 2.6159 ———The Council will not grant a private hire vehicle licence for any vehicle already licensed by another licensing authority.

3 DRIVERS

Licences

- 3.1 Under the Act, the Council must be satisfied that an applicant is a fit and proper person to hold a private hire driver’s licence.
- 3.2 All private hire driver licences will be issued for a period of three years. A private hire driver’s licence may be issued for a lesser period if the Licensing and Appeals Sub-Committee think it is appropriate in the circumstances of the case or the applicant has a time-limited right to work in the UK.

Age and Experience

- 3.3 A licence will not be granted to anyone who has not held a full DVLA driving licence for a period of at least twelve months immediately prior to the application.
- 3.4 Driving licences issued by another Member State of the European Community (EC) or one of the countries in the European Economic Area (EEA) are acceptable providing the applicant has held the licence for at least 12 months. An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a counterpart confirmation of registration document (D91) from the DVLA prior to the issue of the private hire driver’s licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.

Driver Knowledge Tests

- 3.5 The Council recognises that private hire drivers require a working knowledge of the District as a whole, and an understanding of the laws and conditions they are required to comply with. To this extent, the Council requires all applicants to undertake a knowledge test.

- 3.6 The knowledge test will consist of:
- (i) Writing a receipt;
 - (ii) Questions on the Council's private hire conditions and Policy;
 - (iii) Questions on the highway code;
 - (iv) Questions on the legislation relating to private hire;
 - (v) Shortest route questions;
 - (vi) Identifying the location of places of interest;
 - (vii) Road signs
- 3.7 A fee will be payable for each test taken. The test fee will be non-refundable and subject to regular review. If an applicant fails to attend the knowledge test without notifying the Council, the fee paid will be forfeited. A further fee will be required to book on to another test date.
- 3.8 An applicant must achieve an 80% pass rate. An applicant will have 3 attempts to pass the knowledge test. Failure to pass the test on the 3rd attempt will result in the application for a private hire driver's licence being rejected and the applicant will not be permitted to sit the knowledge test for one year from the date of the 3rd failure.
- 3.9 Any person found to be cheating on the knowledge test will be disqualified from that test and the test paper will not be marked. However, the test will count towards the total of 3 attempts.
- 3.9 The Senior Licensing Officer, in consultation with the Legal and Democratic Services Manager, shall be authorised to amend the administration of the knowledge test and to add/delete questions to reflect any changes in legislation or local issues. The administration of the knowledge test will be transparent and all applicants will be made aware of the current criteria and applicable fees on application.

Driving Practical Test

- 3.10 All applicants must complete and pass a ~~DVSA~~-taxi/private hire assessment course prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps raise the standard of driving and ensure persons are aware of other road users. The applicant must provide a signed copy of the assessment pass certificate before their application can be considered. The ~~DVSA~~-pass certificate must be less than 12 months old when submitted to the Council.
- 3.11 With regards to existing licensed drivers, there is no requirement to pass the ~~taxi/private hire assessment DVSA~~-test. However, where a driver obtains 6 points or more in a two year period on their DVLA driving licence, there will be the requirement to pass the ~~DVSA~~-test. A maximum time limit of 6 months is allowed to pass the test. A copy of the ~~DVSA~~-pass certificate must be provided to the Council. Failure to pass the ~~DVSA~~-test within the 6 month period will result in the immediate suspension of the private hire driver's licence until a ~~DVSA~~-certificate has been submitted.

Disability Awareness Training

- 3.12 To ensure compliance with the Equality Act 2010, the Council requires all drivers to undertake disability awareness training. The training will be provided by an external provider and will be arranged by the Council. A fee will be payable by the licensed driver. If a driver has undertaken an equivalent training course, they will not need to complete the training as long as a certificate has been provided to the Council.

- 3.13 Existing drivers ~~will have until 1st November 2016 to complete the disability awareness training. If a driver has not completed the training by this date, the application for a renewal of the driver's licence will not be determined until the training has been completed.~~ were required to have completed the disability awareness training by November 2016.
- 3.14 For all new applicants, the training must be completed within the first year of being licensed as a private hire driver. If a driver has not completed the training with in the first year, ~~the application for a renewal of the driver's licence will not be determined until the training has been completed.~~ the private hire driver's licence will be suspended until the training has been completed.

Medical and Eyesight Examination

- 3.15 All drivers are required to provide a prescribed certificate signed by a registered medical practitioner, and a registered ophthalmic practitioner to the effect that they are physically fit to be the driver of a private hire vehicle:
- (i) on initial application;
 - (ii) for medicals, every 5 years* until the age of 65, and every 12 months thereafter;
 - (ii) for eye tests, every 2 years* until the age of 65, and every 12 months thereafter.
- * unless the driver is restricted to a shorter period for medical reasons.
- 3.16 The applicant is responsible for the payment of all fees required for any medical or eye examination.
- 3.17 The Council will follow the DVLA Group 2 medical standards when considering the medical fitness of new applicants with insulin dependent diabetes and other illnesses or existing licence holders diagnosed with insulin dependent diabetes or other illnesses during the period of their licence.
- 3.18 A medical and eye test document required under section 3.15 above must be no older than 3 months at the time a valid new driver or renewal application is submitted.
- 3.19 Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The licence holder will be responsible for the payment of all fees required for any medical examination.
- 3.20 The Council requires all licence holders, who have an illness or injury that affects their fitness to drive, to notify the Council of this fact in writing within 72 hours.

Medical Exemption Certificates

- 3.21 Private hire drivers must allow assistance dogs to be carried in their vehicles. Drivers of private hire vehicles on the designated list of wheelchair accessible vehicles must provide assistance to wheelchair users. However, it is possible to apply for an exemption from carrying assistance dogs and/or providing physical assistance to wheelchair users on medical grounds. To request an exemption, the driver must complete an application form. Any request for an exemption must be submitted in writing to the Council. ~~Medical evidence will be required to support the exemption request.~~

- 3.22 Once an exemption has been granted, the driver will be issued with a medical exemption certificate. The driver must display a notice of exemption, ~~which will include a photograph of the driver, on the windscreen of their private hire vehicle facing outwards on the nearside of and immediately behind the windscreen of the vehicle. The notice must be displayed in a manner that readily permits its removal. The notice must be displayed so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle.~~
- 3.23 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for a private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog. ~~It would be an offence for a private hire driver to refuse the carriage of wheelchair users, fail to provide them with assistance or to charge them extra.~~

Disclosure and Barring Service (DBS) Disclosures

- 3.24 Under the Rehabilitation of Offenders Act 1974, private hire drivers are an exempt occupation therefore all convictions even if they are considered spent can be taken into consideration when determining an applicant's fitness and propriety. All convictions must be declared on the application form and failure to do so will be treated as a dishonest act.
- 3.25 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure upon first application. The applicant or licence holder will be responsible for any associated fees. Please note that the Council will not receive a copy of the DBS certificate therefore the applicant must submit their copy to the Council. No application will be granted until a DBS ~~reply certificate~~ has been received.
- 3.26 Any applicant who has not been registered in the UK for at least 5 years at the point of application will be required to submit a certificate of good conduct or similar document from the relevant embassy before an application will be considered valid. This certificate must be in English and the applicant will be responsible for any fees incurred in obtaining the certificate.
- 3.27 It is mandatory for all private hire drivers to be signed up to the DBS online checking service. The private hire driver will be responsible for any associated fees.
- 3.28 As all private hire drivers will be signed up to the DBS online checking service, the Council will carry out an annual criminal record check. The Council may carry out further checks if they have reasonable cause to do so.
- 3.29 In order to carry out an online check, the Council will still require the following:
- (i) confirmation of ID in line with a DBS check;
 - (ii) original DBS certificate to an enhanced level and checked to the required workforce;
 - (iii) consent form signed by the driver permitting the Council to carry out an online check.
- 3.30 Please note that if the online check shows that the licence holder has received any convictions or cautions since the issue of the DBS certificate then a new DBS certificate will have to be applied for and obtained. The licence holder will be

responsible for any associated fees. The Council may suspend the private hire driver's licence pending the receipt of the DBS certificate.

- 3.31 If the Council is unable to carry out an annual online criminal record check prior to the due date then the private hire driver's licence will be suspended until a satisfactory check can be carried out.

Relevance of Convictions and Cautions upon initial application

- 3.329 Any application containing convictions, cautions, or information considered relevant to the application by the Police will be considered at the time of application in accordance with the Relevance of Convictions section of this Policy in Appendix 2.

- 3.330 In assessing whether the applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits.

- 3.341 All applications will be referred to the Licensing and Appeals Sub-Committee for determination if an applicant has any convictions.

Convictions during any period of licence

- 3.352 The Council requires all licence holders who are arrested to report this fact to the Council within 72 hours. A representative may fulfil this requirement if the licence holder is unable to.

- 3.363 The Council requires all licence holders who are subsequently convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence to report this information to the Council within 7 days of being convicted, or cautioned, or receiving a fixed penalty notice.

- 3.374 In the case of a deferred sentence, the penalty must be disclosed to the Council within seven days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

Right to work

- 3.385 All applicants will be required to submit proof of right to work on initial application. The proof should be submitted along with the identification at the DBS appointment. A list of acceptable documents can be found on the Council's website. If an applicant is not able to provide proof of right to work then they will not be permitted to apply for a private hire driver's licence.

- 3.396 From October 2016, existing drivers are required to submit proof of their right to work in the UK. The proof will be requested in line with the annual DVLA driving licence check.

- 3.4037 Please note that proof of an applicant's and licence holder's right to work will be stored securely on file by the Council as evidence that the right to work check has been completed.

- 3.4136 If the right to work is for a limited period then the ~~licence holder must submit further proof of right to work prior to the expiry of the existing documentation~~ licence will only be issued up until the expiry of the right to work. ~~If the proof is not received then the~~

~~private hire driver's licence will be suspended until satisfactory documentation has been received. The licence holder will be required to submit a renewal application if they wish to continue to work as a private hire driver after this date. Proof of their right to work will be required as part of the renewal application.~~

- 3.4237 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. ~~In addition, the Home Office will notify the Council that the right to work has been withdrawn. The private hire driver's licence will then be suspended until satisfactory documentation has been received to prove the right to work. If the right to work is withdrawn then the private hire driver's licence will lapse. It is an offence to work as a private hire driver without a valid private hire driver's licence.~~

Child Sexual Exploitation Awareness Training

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- 3.43 ~~The Council requires all drivers to undertake child sexual exploitation awareness training. The training will be arranged by the Council. No fee will be payable. If a driver has undertaken an equivalent training course, they will not need to complete the training as long as a certificate has been provided to the Council.~~

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- 3.44 ~~Existing drivers will have until 1st November 2019 to complete the child sexual exploitation training. If a driver has not completed the training by this date, their private hire driver's licence will be suspended until the training has been completed.~~

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- 3.45 ~~For all new applicants, the training must be completed prior to the grant of a private hire driver's licence.~~

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DVLA Licence Checking

- 3.4638 It will be necessary for a DVLA mandate to be signed which enables the Council to obtain a driver's complete driving history from the DVLA upon initial application and annually during the period of the licence. The cost of this check is included in the application fee.

Application Procedure

- 3.4739 The application procedures for a private hire driver's licence are prescribed by the Council. Applications must be made on the specified application form in accordance with the application procedure set out in Appendix 1.

- 3.480 The Council will undertake to send a renewal reminder to a licence holder's registered address 3 months prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.

- 3.494 An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **ten** working days.

- 3.5042 If the renewal application has not been determined when the existing licence expires, the licence holder must not work as a private hire driver until the new licence has been received.

- 3.5143 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

Conditions of Licence

- 3.5244 The Council is empowered to attach such conditions to a private hire driver's licence as are considered reasonably necessary. All private hire driver's licences will be issued with the private hire driver's licence conditions attached.

4 PRIVATE HIRE OPERATORS

Requirements and Obligations

- 4.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a private hire operator's licence.
- 4.2 A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.3 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver's licence, and that the vehicle is fit for purpose before being used to fulfil a booking.
- 4.4 All three licences; private hire operator's licence, private hire driver's licence and private hire vehicle licence must be issued by the same Council.
- 4.5 Sub-contracting to other operators licensed by this Council and other Councils is permitted under the Act. It is advised that an operator takes steps to ensure that the operator is licensed along with the driver and vehicle dispatched to carry out the sub-contracted booking.
- 4.6 Applications for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will decide whether the applicant is a fit and proper person to hold an operator's licence.
- 4.7 Applicants for an operator licence must provide proof that planning permission has been obtained, or that it is not required for the location they wish to license before an application will be considered.
- 4.8 All private hire operator licences will be issued for a period of five years. A private hire operator's licence may be issued for a lesser period if the Licensing and Appeals Sub-Committee think it is appropriate in the circumstances of the case or the applicant has a time-limited right to work in the UK.

Criminal Record Checks

- 4.9 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. In order to satisfy the public safety objective, the Council will require a basic disclosure certificate ~~from Disclosure Scotland~~ and a certificate of good conduct from the relevant embassy where the applicant has lived in the UK for less than 5 years. The certificate must be less than one month old and be submitted

with the application form. ~~References may be requested depending upon the applicant's specific circumstances.~~ Applicants that hold a current private hire driver's licence with the Council will be exempt from this requirement.

- 4.10 A basic disclosure certificate will be required annually from any operator who is not a licensed private hire driver.

Right to work

~~4.11 All applicants will be required to submit proof of right to work on initial application. A list of acceptable documents can be found on the Council's website. If an applicant is not able to provide proof of right to work then they will not be permitted to apply for a private hire operator licence.~~

~~4.12 Please note that proof of an applicant's and licence holder's right to work will be stored securely on file by the Council as evidence that the right to work check has been completed.~~

~~4.13 If the right to work is for a limited period then the licence will only be issued up until the expiry of the right to work. The licence holder will be required to submit a renewal application if they wish to continue to work as a private hire operator after this date. Proof of their right to work will be required as part of the renewal application.~~

~~4.14 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. In addition, the Home Office will notify the Council that the right to work has been withdrawn. If the right to work is withdrawn then the private hire operator licence will lapse. It is an offence to work as a private hire operator without a valid private hire operator licence.~~

Insurance

4.154 Where an applicant has indicated that members of the public will be allowed to enter the bookings office/waiting area, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed before a private hire operator's licence can be granted.

4.162 Adequate employee liability insurance must be taken out for any operator who will employ any licensed driver or any other member of staff prior to any application being determined.

Address from which an operator may operate

4.173 Upon the grant of a private hire operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form.

4.184 The operator must notify the Council in writing of any change of trading or home address during the period of the licence by submitting the necessary form within 7 days of such a change taking place. The operator must also provide proof of public liability insurance for the new premises, if members of the public will be allowed to enter, as well as proof of planning permission status ~~within 7 days of such a change taking place.~~ A fee will be payable for the change of address.

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Note: Operators are reminded that it is their responsibility to obtain appropriate planning, building control or any other relevant permissions in respect of the premises.

Bases outside the South Derbyshire District Council Area

- | 4.195 The Council will not grant a private hire operator's licence for an operator with an operating base that is outside the South Derbyshire District. This is to ensure that proper regulation and enforcement measures may be taken by the Council.

Renewal of Operator's Licence

- | 4.2046 The Council will undertake to send a renewal reminder to an operators' registered address 2 months prior to the expiry date. However, operators are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.
- | 4.2147 An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **five** working days.
- | 4.2248 If the renewal application has not been determined when the existing licence expires, the licence holder must not work as a private hire ~~driver-operator~~ until the new licence has been received.
- | 4.2349 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

Conditions

- | 4.240 The Council has power to impose such conditions on a private hire operator's licence as is reasonably necessary. All private hire operators' licences will be issued with the private hire operator's licence conditions attached.

5 ENFORCEMENT

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the private hire trade.
- 5.2 The Council will adhere to the Licensing Enforcement Policy and Associated Guidance to ensure that its enforcement is reasonable, transparent and proportionate.

6 FEES

Fee Structure

- 6.1 The legislation provides that the fees charged should only cover the cost of administering the private hire licence scheme. This will include the cost of determining and issuing the licences and ensuring compliance with the relevant legislation and conditions attached to the relevant licences.

- 6.2 The fees currently payable for the grant and renewal of private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.
- 6.3 The setting of fees is the responsibility of the Finance and Management Committee or its equivalent Committee.

Refunds and Duplicate Copies

- 6.4 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee less an appropriate administrative charge.
- 6.5 Any request for a refund must be made in writing and the licence, plate and badge returned to the Council.
- 6.6 In the case of a licence that has been suspended, ~~refused~~ or revoked, no refund will be made by the Council.
- 6.7 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

7 AMENDMENTS TO THE POLICY

- 7.1 Any substantial amendment to this Policy will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Elected Members of the Environmental and Developmental Services Committee, or its equivalent Policy Committee.

For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial impact on licence holders or the public, or
- will have a significant procedural impact on licence holders or the public, or
- may not be perceived by the trade or the public to be consistent with the published objectives detailed in this Policy.

- 7.2 Any minor amendment to this Policy may be authorised by the Legal and Democratic Services Manager and approved by the Chairman of the Environmental and Developmental Services Committee or its equivalent Policy Committee and the Chairman of the Licensing Committee. For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 7.1 of this Policy.

8 RIGHTS OF APPEAL

- 8.1 The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.
- 8.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.

8.3 Any appeal must be lodged at the Magistrates Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

9 CONTACT DETAILS

The Licensing Department can be contacted on the following details:

In writing: South Derbyshire District Council
Council Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Telephone: 01283 595 716 / 890 / 724

Email: licensing@south-derbys.gov.uk

DOCUMENT HISTORY

Issue No	Issue Date	Approved by
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1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
4	October 2015	Council
5	November 2015	Chairman of the Environmental and Developmental Services Committee and the Chairman of the Licensing Committee by way of a minor amendment
6	October 2016	Council
7	#	#

APPENDIX 1

APPLICATION PROCEDURES

PRIVATE HIRE DRIVERS

1 New Drivers

- 1.1 An application for a private hire driver's licence may be made at any time of the year.
- 1.2 Applications must be made on the form called New Driver's Licence Application Form.
- 1.3 In support of a completed application form, the applicant must provide the following original documentation:
 - (i) a current full UK or EU driving licence;
 - (ii) proof of right to work;
 - (iii) an enhanced DBS disclosure application form, obtained via the Council or DBS online checking service to the required level with consent form;
 - (iv) identification for the completion of the DBS form (3 required);
 - (v) the specified fee;
 - (vi) a medical certificate (no older than 3 months);
 - (vii) an eye examination certificate (no older than 3 months);
 - (viii) a completed DVLA mandate form;
 - (ix) a passport style colour photo which must reflect current image;
 - (x) a DVSA driving assessment certificate;
 - (xi) a local knowledge test pass, arranged through the Council.
- 1.4 In order to apply for a private hire driver's licence, an appointment must be made with the Licensing Department to submit the DBS application form or DBS certificate for the DBS online checking service. The application form will be provided by the Licensing Department at the appointment. The applicant must provide three pieces of identification and the fee for the DBS. At the appointment, the applicant will be

provided with details of the next available knowledge test date. The right to work check will be carried out at this initial appointment.

- 1.5 Once the DBS has been returned to the applicant and the knowledge test has been passed, the application form with all the remaining documentation and fee can be submitted to the Licensing Authority.
- 1.6 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 10 working days.

2 Renewals

- 2.1 Applicants are advised to submit their renewal no less than 28 days before the expiry date to ensure continuity. Any applicant with new adverse information on their application form may have their renewal application referred to the Licensing and Appeals Sub-Committee for determination, therefore, the applicant is advised to apply for their renewal at least two months prior to their expiry date.
- 2.2 Applications must be made on the form called Renewal of a Driver's Licence Application Form.
- 2.3 In support of a completed renewal application form, the applicant must provide the following original documentation:

- (i) a current full UK or EU driving licence
- (ii) the specified fee;
- (iii) a completed DVLA mandate form;
- (iv) a Passport style colour photo which must reflect your current image;
- (v) ~~an enhanced DBS disclosure application form, obtained via the Council~~ DBS online checking service consent form;

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- ~~2.4 It is advised to submit the DBS application form at least 8 weeks before the expiry of the licence. If the DBS certificate is not received back prior to the expiry of the licence then the renewal application will not be determined and the driver will not be permitted to work for private hire purposes.~~

- ~~2.45~~ A new medical certificate and eye examination certificate (no older than 3 months) will be required prior to the expiry of the current documents. Reminders will be sent out 2 months prior to the expiry of the documents. If the documents are not received then the private hire driver's licence will be suspended until satisfactory documents have been received by the Council.

- ~~2.56~~ An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 10 working days.

- ~~2.67~~ A private hire driver will still be able to act as a private hire driver whilst their application is being determined as long as their current licence is in force. If the private hire driver's licence has expired and the renewal application has not been determined, the applicant is not permitted to act as a private hire driver until he is in possession of the new licence and badge.

PRIVATE HIRE VEHICLES

3 New Vehicles

- 3.1 An application for a private hire vehicle licence may be made at any time of the year.
- 3.2 Applications must be made on the relevant form called New Private Hire Vehicle Licence Application Form.
- 3.3 In support of a completed application form, the applicant must provide the following **original** documentation:
- (i) the full V5C registration document. (If the vehicle is not registered in the applicant's name, proof of proprietorship for the proposed vehicle will be required);
 - (ii) insurance certificate for hire and reward purposes for all proposed drivers;
 - (iii) depot pass certificate;
 - (iv) the specified fee;
 - (v) SVA or IVA certificate (limousines and novelty vehicles only);
 - (vi) MOT certificate (if more than 3 years old);
 - (vii) Meter certificate (if applicable);
 - (viii) LPG certificate (if applicable);
 - (ix) Tailgate certificate (if applicable);
 - (x) Wheelchair Test Assessment pass certificate for all drivers (if applicable).
- 3.4 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

4 Renewals

- 4.1 Applicants are advised to submit their renewal application at least 28 days before the expiry date to ensure the new licence will be ready before your old licence expires, in order to ensure continuity.
- 4.2 Applications must be made on the form called Renewal Private Hire Vehicle Licence Application Form.
- 4.3 In support of a completed renewal application form, the applicant must provide the following **original** documentation:
- (i) the specified fee;
 - (ii) depot pass certificate;
 - (iii) insurance certificate for hire and reward purposes for all proposed drivers;
 - (iv) MOT certificate (if more than 3 years old).
- 4.4 No faxes or emails from the applicant will be accepted in place of original documents. Faxes and emails will be accepted for insurance if sent direct from the insurance company.
- 4.5 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.
- 4.6 With regards to the expiry of any documents during the term of the licence, the Council will notify the licence holder 5 days before the date of expiry via text

message. The licence holder must then submit up to date documents to the Council within 5 days of this notification. Failure to submit the documents within this period will result in the vehicle licence being suspended until the documents are received.

- 4.7 A vehicle will still be able to be used as a private hire vehicle whilst the renewal application is being determined as long as their current licence is in force. If the private hire vehicle licence has expired and the renewal application has not been determined, the applicant is not permitted to use the vehicle as a private hire vehicle until he is in possession of the new licence and plate.

5 Transfer of Vehicle Ownership

- 5.1 Applications must be made on the form called Transfer of Vehicle Ownership Application Form.
- 5.2 In support of a completed transfer application form, the applicant must provide the same documentation as per a new vehicle application.
- 5.3 The full V5 will need to be submitted with the transfer application.
- 5.4 A fee is payable.
- 5.5 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

6 Replacing a vehicle

- 6.1 If you wish to replace the existing vehicle with a new vehicle, you must surrender the old vehicle licence. This must be in writing and the old plate returned to the Council.
- 6.2 A refund will be issued for the remaining full months remaining on the licence minus administration costs incurred in granting the licence.
- 6.3 A new vehicle application will be required with all the supporting documentation and relevant fee.

PRIVATE HIRE OPERATORS

7 New Operators

- 7.1 An application for a private hire operator's licence may be made at any time of the year.
- 7.2 Applications must be made on the form called New Private Hire Operator Licence.
- 7.3 In support of a completed application form, the applicant must provide the following original documentation:
- (i) Basic disclosure certificate ~~from Disclosure Scotland~~ (if not a private hire driver. The certificate must be less than one month old);
 - (ii) the specified fee;
 - ~~(i)~~ (iii) proof of right to work
 - ~~(iii)~~ ~~a passport style colour photo for each person named on the application;~~

- (iv) proof of planning permission for the proposed operator base;
- (v) public liability insurance (if applicable);
- (vi) employees liability insurance (if applicable).

7.4 An appointment must be made with the Licensing Department for the right to work checks to be carried out. Original documents should be submitted.

7.54 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

8 Renewals

8.1 Applicants are advised to submit their renewal no less than 28 days before the expiry date to ensure continuity. Any applicant with new adverse information on their application form may have their renewal application referred to the Licensing and Appeals Sub-Committee for determination, therefore, the applicant is advised to apply for their renewal at least two months prior to their expiry date.

8.2 Applications must be made on the form called Renewal of a Private Hire Operator Licence.

8.3 In support of a completed renewal application form, the applicant must provide the following original documentation:

- (i) Basic disclosure certificate ~~from Disclosure Scotland~~ (if not a private hire driver. The certificate must be less than one month old);
- (ii) the specified fee;
- ~~(iii) — a passport style colour photo which must reflect your current image;~~
- ~~(iv)~~(iii) public liability insurance (if applicable);
- ~~(v)~~(iv) employees liability insurance (if applicable).

8.4 An operator will still be able to take private hire bookings whilst the renewal application is being determined, as long as their current licence is in force. If the private hire operator licence has expired and the renewal application has not been determined, the applicant is not permitted to act as a private hire operator until he is in possession of the new licence.

9 GENERAL PROCEDURES

9.1 All required paperwork with the exception of DBS application forms must be provided to the Council either by post or by hand at the Council Offices.

9.2 An appointment must be made with the Licensing Department to submit all DBS application forms as the original documentation must be checked and copies taken.

9.3 In order to carry out an online check, the Council will still require the following:

- (i) confirmation of ID in line with a DBS check;
- (ii) original DBS certificate to an enhanced level and checked to the required workforce;
- (iii) consent form signed by the driver permitting the Council to carry out an online check.

9.4 Local knowledge tests are run on a monthly basis and all new applicants must contact the Licensing Department to book a place. A fee is payable.

- 9.5 Depot tests are completed on an appointment basis. Prior to submitting vehicles for testing at the depot, applicants must obtain an appointment and ensure that the vehicle is clean enough to be inspected and is mechanically sound. The initial test and the six monthly inspection is included in the application fee but any further re-inspections i.e. re-test following failure or test after an accident will be charged at the specified fee. Appointments are booked directly with the depot on 01283 595991 or by calling the Licensing Department at any time during normal office hours. A fee may be chargeable if the appointment is cancelled with less than 24 hours' notice or if the appointment is missed.
- 9.6 Plates, badges and licences may be collected from the Council Offices during office hours. All licence holders will be notified by phone or text once their documents are ready to collect. Existing licence holders must return their old plates and/or badges to collect their new ones.

10 CONSIDERING APPLICATIONS

- 10.1 The Council will only consider complete applications with all the necessary documentation and fee.
- 10.2 When submitting applications, applicants should be aware that it may take up to **ten** working days to process and issue a licence.
- 10.3 Renewal applications must be submitted before the existing licence expires. Failure to do so will result in the old licence expiring and the applicant will need to comply with the entry requirements for a new application.

APPENDIX 2

GUIDANCE ON THE RELEVANCE OF CONVICTIONS AND CAUTIONS FOR NEW APPLICANTS AND EXISTING LICENCE HOLDERS

1 General

1.1 For the purposes of this Policy, a conviction is defined as:

- A sentence imposed by a Court;
- A formal caution;
- A fixed Penalty Notice.

1.2 Each case will be considered on its own merits.

1.3 Where it is necessary for the Council to depart substantially from this Guidance, clear and compelling reasons will be given for doing so. The purpose of this Guidance is to formulate guidelines, consistent with national guidance, which detail the Council's position on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for private hire driver and operator licences.

1.4 The legislation states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person.

2 Minor motoring offences

2.1 Convictions for minor traffic offences should not prevent a person from applying to be a driver. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a driver's licence may be granted 12 months after its restoration but a warning should be issued as to future conduct.

3 Major traffic offences

3.1 An isolated conviction for driving without due care and attention or dangerous driving etc. (depending on the circumstances of the individual case) should normally merit a warning as to future driving and advice on the standard expected of private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from conviction has elapsed.

3.2 An applicant with a conviction for any of the following motoring offences should be refused and no further application should be considered until a period of 3 to 5 years free from conviction has elapsed. A period of 12 months must also have elapsed since the end of any disqualification period:

- Using a vehicle uninsured against third party risks,
- Reckless driving;
- Causing death by dangerous driving;
- Driving whilst disqualified;
- Driving or attempting to drive whilst under the influence of drugs or drink.

4 Drug offences

- 4.1 A serious view is taken of any drug related offence.
- 4.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years. A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 4.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be considered for a licence.

5 Sexual / Indecency offences

- 5.1 Applicants with one or more convictions at any time for indecent exposure, indecent assault, or any sexual offence, will generally not be granted a private hire driver's licence.

6 Violence Offences

- 6.1 A licence will generally not be granted to any applicant convicted of an offence involving violence, for a period of five years from date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date when the offender would have been released from custody had he/she served the full term of imprisonment imposed by the Court) whichever is the latter.

7 Dishonesty

- 7.1 A licence will generally not be granted to any applicant convicted of an offence involving dishonesty for a period of five years from date of conviction or, if a term of imprisonment was imposed, five years free of convictions from the end of the term of imprisonment (meaning the date when the offender would have been released from custody had he/she served the full term of imprisonment imposed by the Court) whichever is the latter.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	28th SEPTEMBER 2017	CATEGORY: RECOMMENDED
REPORT FROM:	GED LUCAS, DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	OPEN/EXEMPT: OPEN
MEMBERS' CONTACT POINT:	MATT HOLFORD – ENVIRONMENTAL HEALTH MANAGER	DOC:
SUBJECT:	CHARGING FOR REQUESTS FOR FOOD HYGIENE REVISITS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS13

1. Recommendations

- 1.1 That Members approve the proposal to charge £150 for every request from a food business for a discretionary food hygiene inspection revisit for a trial period of 18 months.

2. Purpose of Report

- 2.1 To provide Members with an understanding of the legal and practical context behind food hygiene re-inspections.
- 2.2 To provide Members with a summary of the predicted positive and negative consequences of introducing a charge for food hygiene re-inspections.

3. Executive Summary

- 3.1 Local authorities are under a legal duty (Food Safety Act 1990 and EU Regulation 882/2004) to ensure compliance with legislation relating to food within their districts. The main way in which this duty is discharged is through periodic inspections of each registered food business by suitably qualified staff within the Environmental Health Service. South Derbyshire currently has 820 registered food businesses.

4. Background – Food Hygiene Inspections and Re-Inspections

- 4.1 During each inspection the officer not only establishes levels of compliance with food hygiene law at the time of the inspection, but also rates the risk of the business in order to establish how soon it should next be visited. Businesses determined to be of a relatively high risk are subject to more regular inspections than those considered to be of a low risk.
- 4.2 The risk assessment process is based on statutory guidance issued by the Food Standards Agency. The Inspector must score the business on eight different risk

criteria. Appendix A provides a summary of how the scoring framework operates and how it effects the frequency with which a business is inspected.

- 4.3 In 2006 the Food Standards Agency introduced the FHRS - Food Hygiene Rating Scheme (commonly known as “scores on the doors”). The scheme was set up with the intention of allowing consumers to make informed decisions about the places where they eat out or shop for food and, through these decisions, encourage businesses to improve their hygiene standards. The FHRS is currently voluntary in England and only applies to retail and catering businesses, of which there are currently approximately 650 in South Derbyshire. Businesses are given a distinct green and black window sticker to show their Food Hygiene Rating (although in England it is not mandatory to display the sticker). All ratings are displayed on the website www.food.gov.uk/ratings.



- 4.4 Under FHRS there are six different food hygiene ratings (0 to 5). The rating given to a business is based on conditions found at the time of the inspection and is calculated based on three of the eight risk rating criteria – namely hygiene, structural conditions and confidence in procedures and management. A summary of how the FHRS rating is calculated is provided in Appendix A.
- 4.5 As the FHRS has become progressively more familiar to consumers as a trusted brand, so food businesses have become more enthusiastic about achieving the top (5) rating. This in turn has created increasing demand from food business operators for Council officers to re-inspect and re-rate their food businesses after improvements have been made.
- 4.6 Many local authorities have raised concerns that they do not have the capacity to provide their food businesses with these re-inspection services whilst at the same time meeting their statutory duties to carry out all other food hygiene duties.
- 4.7 In response to these concerns, the Food Standards Agency announced in March 2017 that having taken legal advice, it was satisfied under the Localism Act 2011 that local authorities could charge for re-inspections where there is no statutory requirement to provide that re-inspection, in order to recover their costs.

Scenarios When Re-Inspections Take Place

- 4.8 There are three scenarios following a full inspection when an Inspector will return to a food business before the next programmed inspection:
1. An inspector must re-inspect a business where the business is unsatisfactory i.e. where it has scored 15 or more for any of the three criteria used for the FHRS (i.e. hygiene standards, structural compliance or confidence in procedures and management). In this instance the purpose of the re-visit is to ensure that basic legal standards are being met;

2. A Food Business Operator can appeal against the FHRs rating they are given. In this scenario the business is encouraged to have an informal discussion first to try and resolve the dispute. If it cannot be informally resolved, then the paperwork associated with the visit would be reviewed by the Environmental Health Manager, and in some circumstances, a further visit to the business may be required. Any appeal must be determined within 21 days.
 3. The Food Business Operator can request a revisit to review the FHRs rating where they consider that relevant improvements have been made and they are likely to now achieve a higher rating.
- 4.9 In scenarios 1 and 2 Council Inspectors are under a duty to re-inspect. In scenario 3 the Council is under no duty to offer a service to re-inspect and it is only required to do so at the date of the next programmed inspection date.
- 4.10 There is no charge payable for either scenario 1 or 2. The purpose of this report is to establish if SDDC should charge for scenario 3, and if so what that charge should be.

Corporate Priorities

- 4.11 Supporting the local food and drink sector is a priority within the D2N2 Strategic Economic Plan and this is reflected in two of the Councils Corporate Plan Measures for 2017/18, namely;

PR5.1 Number of food businesses which have a Food Hygiene Rating score of five.

PR5.2 Number of registered food businesses active in the District.

- 4.12 To date, the Environmental Health Service has provided free re-inspections to its registered food businesses on request. We have adopted this approach in order to provide support on regulatory compliance to new businesses to help deliver measure PR5.1, and to offer existing businesses an opportunity to most rapidly achieve a 5 rating in order to support measure 5.2.
- 4.13 In 2017/18 the corporate target for PR5.1 is to have >81% of our retail and catering food businesses to have a FHRs score of 5. The latest performance figure is that 85.7% have a rating of 5. The corporate target for PR5.2 is to have >810 registered food businesses within South Derbyshire. The latest figure for this measure is that we have 820 registered food businesses. We are therefore currently well on course to meet our targets to support the local food and drink economy.
- 4.14 Our Corporate Plan also seek to ensure that all services maximise savings and income raising opportunities as reflected in measure O1.1 of the Corporate Plan Measures for 2017/18:

O1.1 Achieve £850,000 savings or extra income by 31st March 2018 as per the Medium Term Financial Plan.

Existing Demand

- 4.15 Officers estimate that in recent years we have received an average of approximately 10 requests for discretionary re-inspections each year (i.e. those described in paragraph 4.8 point 3). Usually these are from businesses which have dropped from a 5 rated business to 2 or 3 rating, and therefore the businesses have been motivated to implement improvements and return to a 5 rating as soon as possible.

- 4.16 Over the past 5 years we have only carried out 1 revisit due to an appeal against an FHRs score (as described in paragraph 4.8, point 2). We suspect that this number is so low because officers are consistent in their rating, and fully explain the reason behind the rating that is awarded. Letters are sent to all businesses receiving a rating of 0-2. Those scoring 3 and above, are left a 'Record of Inspection' at the time of the visit.
- 4.17 Of the 645 businesses currently holding a FHRs rating, 553 have a rating of 5, 57 are rated 4, 24 rated 3, 3 are rated 2, 8 rated 1 and none are rated 0.

Cost Recovery and Benchmarking

- 4.18 We have calculated the cost of undertaking a discretionary re-inspection and the calculations are contained in Appendix A. The overall cost of an average re-inspection to the Council is estimated to be approximately £150.
- 4.19 Since the announcement by the FSA, we understand that all Councils across Derbyshire have signalled their likely intention to introduce charges. In Wales and Northern Ireland the prescribed charge is mandatory and has been set at £160 (Wales) and £150 (Northern Ireland). In the estimated 29% of local councils in England who have so far adopted a charging system the charges have been set between a range of £90 and £250.

Likely Consequences of Charging for Services

- 4.20 Introducing a charging scheme may have a number of consequences which are discussed below:
- 4.21 If the demand for discretionary re-inspections remains the same then we would anticipate that the service will generate approximately £1,500 per year. The Food Standards Agency is looking to bring in mandatory display of FHRs stickers in England, which in turn may increase the number of requested revisits.
- 4.22 During pilot studies prior to the FSA announcement, local authorities found that introducing a charge actually increased the number of requests for discretionary re-inspections. On the face of it this is counter-intuitive, however on reflection it may be that businesses feel that they are getting value for money if they are paying a small charge for a service rather than no charge. Where a charge is made, businesses are revisited within three months, so the rating can be re-assessed sooner so businesses may want to pay for that reason (where no charge is made, a three month 'standstill period' is required between the date of initial inspection and a requested revisit). Where a charge is made, there is also no limit to the number of revisit requests that can be made (currently only one requested revisit can be undertaken).
- 4.23 On the downside, new businesses, for whom cash is tight, will probably be less inclined to utilise the advice services offered which may have an adverse impact on PR5.1. However, we already have systems in place to support new businesses by giving advice before their first rating inspection.
- 4.24 We have concerns that the adoption of a charge may create a gap in trust between the business operator and their Inspector. Introducing a charge may result in a perception within the food business community that Inspectors will be motivated to reduce their FHRs in order to increase revenue. However, we have experienced, competent officers who follow the FHRs Brand Standard and statutory Code of Practice when rating, so can show that this is not the case.

- 4.25 The introduction of a charge may also encourage Food Business Operators to appeal (paragraph 4.8, point 2) against a FHRs rating rather than asking for a discretionary re-inspection.
- 4.26 A regular criticism levelled by food business operators at the way in which they are regulated is that they are treated differently in different geographical locations. With this in mind we are keen to ensure that businesses in South Derbyshire receive treatment as close to the 'normal' way they are treated by food hygiene regulators across the rest of the country. This would lead us towards setting a charge approximately equal to the national average.

Conclusions

- 4.27 On balance it appears very likely that charging for FHRs re-inspections will be introduced across most of the UK over the next 12 months. In order to provide the food industry with consistency South Derbyshire should adopt a charging scheme. Based on our calculations, this charge should be £150 (including VAT) in order to ensure cost recovery.
- 4.28 However, we remain concerned that the charging scheme could have an adverse impact on our local food business community with whom we have worked hard over the past decade to build relations, maximise hygiene standards and support the economic prosperity. The effects of charging schemes on all of these are as yet untested.
- 4.29 Following the introduction of a charge we would like to undertake a local review of the positive and negative impacts of the charging scheme over the next 18 months. We would propose to come back to Committee with a further report containing the conclusions of this review 18 months after the implementation of the charging scheme.

5. Financial Implications

- 5.1 Minor beneficial. As discussed in paragraph 4.21, we predict that the proposals will generate a small income stream for the authority of approximately £1,500 a year.

6. Corporate Implications

- 6.1 As discussed in section 3 of this report the proposals are likely to have a small beneficial impact on Corporate Plan measure O1.1 and a potentially adverse impact on measures PR5.1 and PR5.2.

7. Community Implications

- 7.1 Neutral. We do not foresee that the proposals will result in any significant beneficial or adverse impacts on the risk of food businesses in South Derbyshire.

8. Conclusion

- 8.1 That Members agree to the introduction of a £150 charge for requests for food hygiene re-inspections and that Members receive a report 18 months after the date of the introduction of the charge to consider the impacts and to review the business case for the continuation of a charge.

Appendix A – Environment and Development Services Committee, 28th September 2017

Statutory Risk Rating System for Food Hygiene Inspections

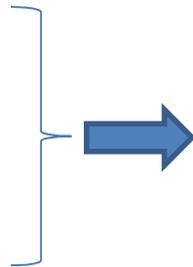
Risk Criteria		Range of Score
A	Type of food and method of handling	5 – 40
B	High risk processing method	0 - 20
C	Likely number of consumers of the product(s)	0 - 15
D	Risk to highly vulnerable groups of consumers	0 - 22
E	Level of compliance with legal hygiene practices	0 – 25
F	Structural legal compliance of the business premise	0 - 25
G	Confidence in the control procedures and systems management	0 – 30
H	Specific risk of pathogen contamination	0 – 20
TOTAL		5 - 197

Score	Risk Band	Inspection Frequency
≥ 92	A	At least every 6 months
72 - 91	B	At least every 12 months
52 - 71	C	At least every 18 months
31 - 51	D	At least every 24 months
0 - 30	E	By Alternative Enforcement Strategies or at least every 36 months



Food Hygiene Rating System

Risk Criteria		Range of Score
A	Type of food and method of handling	5 – 40
B	High risk processing method	0 - 20
C	Likely number of consumers of the product(s)	0 - 15
D	Risk to highly vulnerable groups of consumers	0 - 22
E	Level of compliance with legal hygiene practices	0 – 25
F	Structural legal compliance of the business premise	0 - 25
G	Confidence in the control procedures and systems management	0 – 30
H	Specific risk of pathogen contamination	0 – 20
TOTAL		5 - 197



Risk Score		FHRS	
0 – 15	No score >5	0 1 2 3 4 5	Very Good
20	No score >10	0 1 2 3 4 5	Good
25 – 30	No score >10	0 1 2 3 4 5	Generally Satisfactory
35 - 40	No score >15	0 1 2 3 4 5	Improvement Necessary
45 – 50	No score >20	0 1 2 3 4 5	Major Improvement Necessary
>50		0 1 2 3 4 5	Urgent Improvement Necessary

Cost Recovery Calculation

	Process	Estimated time (mins)	Officer	Cost estimate
a	Initial Enquiry and supply of forms/advice	15	Business Support Officer	£3.14
b	Receipt of fee and checking of applications.	10	Business Support Officer	£3.14
c	Enter onto LA database	5	Business Support Officer	£3.14
d	Pre-inspection file checks	20	Environmental Health Practitioner	£13.45
e	Travel to and from business (average)	45	Environmental Health Practitioner	£20.18
f	Rescore visit (full inspection)	150	Environmental Health Practitioner	£67.25
g	Completion of inspection report	60	Environmental Health Practitioner	£26.90
h	Printing/completion of stickers and inspection letter	5	Environmental Health Practitioner	£6.73
i	Input onto LA database	5	Business Support Officer	£6.73
	TOTAL (a - i) - do not enter details as this will automatically calculate	315		£150.66

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	28th SEPTEMBER 2017	CATEGORY: OPEN
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	NO:
MEMBERS' CONTACT POINT:	KATE ALLIES 01283 535039	DOC:
SUBJECT:	SWADLINCOTE HERITAGE TRAIL	REF:
WARD(S) AFFECTED:	SWADLINCOTE; WOODVILLE; MIDWAY; CHURCH GRESLEY; NEWHALL & STANTON	TERMS OF REFERENCE: EDS

1.0 Recommendations

1.1 Members approve the development of the heritage trail and the plans to complete it.

2.0 Purpose of Report

2.1 To update members on the ongoing development and proposals for a Heritage Trail in Swadlincote including wall and pavement plaques.

3.0 Detail

3.1 The local desire for a Heritage Trail and the outline content came from extensive public consultation for the Swadlincote Townscape project carried out during 2014. This is being turned into reality by the Magic Attic team's local knowledge and archive materials and work by a group of officers from Corporate Services and Planning & Community.

3.2 Research and the development of a Trail around Swadlincote has been overseen by a cross party working group including District and County Councillors and officers from both authorities, Swadlincote TIC and The Magic Attic, chaired by Cllr Watson.

3.3 To date this project has been paid for through the Swadlincote Townscape Scheme. The links to the Townscape project are now completed/ ended and this will enable applications to the Heritage Lottery Fund (and other funders) for funding to complete the project. A £700 grant from East Midlands Airport will also be used for the project.

3.4 42 people, buildings and/ or industries have been identified in the Swadlincote area and split into 2 sections, each represented by a leaflet currently in draft form:
Part one- Swadlincote Town Centre
Part two- Swadlincote Villages: Newhall, Midway, Woodville, Hartshorne and Church Gresley

3.5 The following are examples of people/ places/ industries included:
Salts, The Rink, Snooker Hall (birthplace of The Magic Attic), Jack Bodell, Wraggs & Woodwards Pipeworks, Bretby, TG Green and Sharpe's Potteries, Jean Hanson, Hannah Mitchell, Joe Jackson, John Hunt, George Widdows.

- 3.6 The working group are applying for Planning Permission to celebrate half of the sites included in the leaflets with wall or pavement plaques.
- 3.7 Two sample plaque will be available for members to view at Committee.
- 3.8 A logo for the project has been designed as a result of a competition which ran at the Festival of Leisure and attracted high quality entries.
- 3.9 Burton and South Derbyshire College are working on an App for mobile phones which, when completed, will allow trail information and additional material to be viewed out on site.
- 3.10 Draft leaflets are available for the project and will be completed following consultation replies from the remaining landowner (TG Green site).
- 3.11 The project has discovered a number of high-flying former residents who have achieved success at national and international level including boxing, football, cycling, running, acting, music, women's suffrage, sports science/physics and architecture. When added to the influence of Swadlincote on the industrial stage there is significant evidence to support the Raising Aspirations agenda. For example 5 former residents of Newhall are represented on the trail

4.0 Financial Implications

- 4.1 Work to date has been funded by the Heritage Lottery Fund as part of the Swadlincote Townscape project. This includes £500 for Trail development and plaques and £500 for research, consultation and associated events (walks) led by The Magic Attic. £700 towards the cost of plaques from East Midlands Airport Fund has also been received. Burton and South Derbyshire College have funded their work on the App for the Trail.
- 4.2 The Environmental Education Project team are looking at HLF 'Sharing Heritage' fund as a possible option to deliver the Trail further.

5.0 Corporate Implications

- 5.1 The delivery of this project supports Place theme of the Corporate Plan and in particular the development of a vibrant town centre.

6.0 Community Implications

- 6.1 The Sustainable Community Strategy (2009-29) states:

"We want to see Communities that are vibrant and active where there is a strong sense of community.

- More participation in community and voluntary action
- Increase in the percentage of people who feel South Derbyshire is an attractive place to live."

- 6.2 The Heritage Trail for the Swadlincote area for local people to enjoy and to provide additional activity for tourists will contribute towards the delivery of these aims.

7.0 Background Papers

- 7.1 Swadlincote Townscape Activity Plan including a Heritage Trail was referenced at Committee as part of the overall submission to HLF on 9/4/15 and again in Feb 2016. The document is on the Council website at: http://www.south-derbys.gov.uk/leisure_culture_and_tourism/local_history_and_heritage/swadlincote_townscape_heritage_scheme/default.asp

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	28th SEPTEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	RICHARD GROVES (01283) 595738 richard.groves@south-derbys.gov.uk	DOC:
SUBJECT:	BEYOND THE HORIZON – THE FUTURE OF UK AVIATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS17

1.0 Recommendations

1.1 It is recommended that the Committee:

(i) establish a Member Working Panel to formulate and submit a response to the current and planned Department for Transport consultations on the proposed “Aviation Strategy for Britain”;

(ii) Members Working Panel to constitute of Chairman and Vice-Chairman of Environmental and Development Services Committee, Ward Member Councillor John Harrison and an Opposition Member.

(iii) to present the initial response to a future meeting of this Committee for information.

2.0 Purpose of Report

2.1 The purpose of the report is to establish arrangements for the formulation of Council responses to current and planned Department for Transport consultations on the proposed “Aviation Strategy for Britain” and to seek approval for a members working group to determine the Council response to the current consultation “Beyond the Horizon – The future of UK aviation”.

3.0 Executive Summary

3.1 This report sets out the proposed aim, objectives, policy principles and policy tests contained in the Department for Transport consultation document “Beyond the Horizon – The future of UK aviation”. It explains that this represents the first stage in a process and will be followed by further themed consultations. In recognition of the significance and complexity of the issues raised, the report proposes the establishment of a Member Working Panel to consider the current and forthcoming consultations and to formulate recommendations to be presented to future meetings of this Committee.

4.0 **Detail**

4.1 As the first step in the creation of a new Aviation Strategy for Britain, the Department for Transport has published the document “Beyond the Horizon – The Future of UK Aviation” for consultation. The strategy will set out the long-term direction of aviation policy making for 2050 and beyond with the following aim:

“To achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and a global, outward-looking Britain”

4.2 The strategy will have six objectives:

- help the aviation industry work for its customers
- ensure a safe and secure way to travel
- build a global and connected Britain
- encourage competitive markets
- support growth while tackling environmental impacts
- develop innovation, technology and skills

4.3 The consultation document proposes the following policy principles:

- consumer focused – it will put passengers and businesses at the centre of everything we do,
- market driven – it will emphasise the role of government as an enabler, helping to make the market work effectively
- evidence led – it will target intervention on specific problems which government can address, avoiding activity that does not respond to a clear problem .

4.4 These principles will be applied to the following policy tests:

- what is the rationale for action?
- what is government’s role?
- what does the evidence say?
- have all the options been considered?
- what is the effectiveness of any proposed action?”

4.5 This exercise represents the first stage in a process and will be followed by the publication of a series of themed consultation papers during 2017 and 2018, addressing the six objectives identified in para. 4.2. The final Aviation Strategy is to be published by the end of 2018.

4.6 The document considers the issues surrounding all aspects of aviation in broad terms and poses a series of questions relating to:

- whether the government is looking at the right issues
- whether the issues are being addressed in a logical order
- whether the proposed timetable is reasonable
- how the government can best involve people and organisations during the consultation process”

5.0 Financial Implications

5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

6.1 Aviation has implications for the following key aims of the Corporate Plan:

- “Enhance environmental standards”: aircraft movements and airport activity can potentially have environmental and amenity implications in terms of noise, air quality, and surface transport.
- “Maintain a skilled workforce”: East Midlands Airport, related businesses clustered close to that site, aircraft parts manufacturers within and close to the district and the local tourism industry provide employment for South Derbyshire residents.
- “Help to influence and develop the infrastructure for economic growth”, “work to attract further inward investment” and “work to maximise the employment, training and leisure uses of the National Forest by residents and increase the visitor spend by tourists”: South Derbyshire District Council is a consultee on planning applications affecting the East Midlands Airport site and is assisting in the planning of the Infinity Park development on the southern fringe of Derby, which may contribute toward supporting aviation-related employment for South Derbyshire residents. The presence of East Midlands Airport is a key selling point in attracting inward investment of all types to the district and could also potentially contribute toward growing the local tourism economy, including within the National Forest as it develops as a visitor destination.

7.0 Community Implications

7.1 Aviation has implications for the following themes of the Sustainable Community Strategy:

- “Healthier Communities”: aircraft noise and emissions can potentially be harmful to human health.
- “Sustainable Communities”: aviation activity can impact upon the environment in terms of noise and emissions, but can also provide economic and employment benefits, often accompanied by training provision, at airports and in other related businesses including logistics, aircraft parts manufacture and tourism. Airport surface access strategies can improve opportunities to travel using non-car modes.

● “

8.0 Conclusions

8.1 The matters raised by this consultation are substantive, complex, wide-ranging and, in parts, highly technical. In order to ensure meaningful member input, it is proposed that a Member Working Panel be appointed to formulate recommendations for consideration at future meetings of this Committee. This approach has been successfully employed in addressing previous consultations relating to national aviation policy and the future development of East Midlands Airport.

8.2 The Committee is asked to confirm the Members as per an earlier Panel that existed for this issue in order to take advantage of their experience and knowledge in this area.

8.3 As the closing date for responses to the current consultation is 13th October 2017, it is proposed that the Member Working Panel arrange to meet in the near future to consider the document and formulate the Council response.

9.0 Background Papers

“Beyond the Horizon - the future of UK aviation”

Dept. for Transport, 2017

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 12
DATE OF MEETING:	28th SEPTEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES / DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	OPEN
MEMBERS' CONTACT POINT:	STUART BATCHELOR (Ext. 5820) / DAVID HUCKER (Ext. 5775)	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

**Environmental & Development Committee – 28th September 2017
Work Programme**

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered By Last 3 Committees		
Affordable Housing Supplementary Planning Document	26 th April 2017	Nicola Sworowski Planning Policy Manager (01283 595983)
Local Green Spaces Development Plan Document	26 th April 2017	Karen Beavin Planning Policy Officer (01283 595749)
Design Supplementary Planning Document	26 th April 2017	Richard Shaw Design Excellence Officer (01283 228764)
Hartshorne Conservation Area	26 th April 2017	Nicola Sworowski Planning Policy Manager (01283 595983)
Housing White Paper Consultation	26 th April 2017	Tony Sylvester Planning Services Manager (01283) 595743
Corporate Plan 2016-21: Performance Report (1 Jan-31 March 2017)	1 st June 2017	Keith Bull Head of Communications (01283 228705)

Service Plan	1 st June 2017	Keith Bull Head of Communications (01283 228705)
Key Performance Indicators – Licensing Department	1 st June 2017	Ardip Kaur Legal & Democratic Services Manager (01283 595715)
Swadlincote Town Centre Grant Scheme	1 st June 2017	Mike Roylance Economic Development Manager (01283 595725)
Corporate Anti-Social Behaviour Policy	1 st June 2017	Chris Smith Communities Manager (01283 595 924)
Design Supplementary Planning Document and Air Quality	1 st June 2017	Matt Holford Environmental Health Manager (01283 595856)
Enforcement and Compliance Report	1 st June 2017	Matt Holford Environmental Health Manager (01283 595856)
Corporate Plan 2016-21: Performance Report (1 April – 30 June 2017)	17 th August 2017	Keith Bull Head of Communications (01283 228705)
Private Hire Licensing Mandatory Training - Child Sexual Exploitation Awareness	17 th August 2017	Emma McHugh Senior Licensing Officer (01283 595716)

Infinity Park Garden Village	17 th August 2017	Tony Sylvester Planning Services Manager (01283) 595743
Provisional Programme of Reports To Be Considered by Committee		
Key Performance Indicators – Licensing Department	28 th September 2017	Emma McHugh Senior Licensing Officer (01283) 595716
Review of Private Hire Licensing Policy – Licensing Department	28 th September 2017	Emma McHugh Senior Licensing Officer (01283) 595716
Charging for Requests for Food Hygiene Revisits	28 th September 2017	Matt Holford Environmental Health Manager (01283) 595856
Swadlincote Heritage Trail	28 th September 2017	Kate Allies Environmental Development Manager (01283) 535039
Beyond the Horizon - The Future of UK Aviation	28 th September 2017	Richard Groves Planning Policy Officer (01283) 595738
Corporate Plan 2016-21: Performance Report (1 July – 30 September 2017)	16 th November 2017	Keith Bull Head of Communications (01283) 228705

Draft Waste Local Plan	16 th November 2017	Richard Groves Planning Policy Officer (01283) 595738
Draft Minerals Local Plan	16 th November 2017	Richard Groves Planning Policy Officer (01283) 595738
The Waste (England and Wales) (Amendment) Regulations 2012	16 th November 2017	Adrian Lowery Direct Services Manager (01283) 595764
Enforcement Quarterly report	16 th November 2017	Matt Holford Environmental Health Manager (01283) 595856
Affordable Housing SPD	16 th November 2017	Eileen Jackson Housing Strategy Manager (01283) 595763 Karen Beavin Planning Policy Team Leader (01283) 595749
Boulton Moor Development Framework Document	16 th November 2017	Karen Beavin Planning Policy Team Leader (01283) 595749
Design Guide SPD	16 th November 2017	Richard Shaw Design Excellence Officer (01283) 228764
Southern Derby Area Development Framework Document	4 th January 2018	Tony Sylvester Planning Services Manager (01283) 595743

Annual Monitoring Report	25 th January 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Plan 2016-21: Performance Report (1 October – 31 December 2017)	1 st March 2018	Keith Bull Head of Communications (01283) 228705
Enforcement Quarterly report	1 st March 2018	Matt Holford Environmental Health Manager (01283) 595856
Draft Local Green Spaces DPD	1 st March 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Report on Empty Home Interventions	19 th April 2018	Matt Holford Environmental Health Manager (01283) 595856
Corporate Plan 2016-21: Performance Report (1 January – 31 March 2018)	2018/19	Keith Bull Head of Communications (01283) 228705