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Our Ref: DS
Your Ref:

Date: 21 May 2019

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, 30 May 2019 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor MacPherson (Chairman), Councillor Mrs. Haines (Vice-Chairman) and Councillors Billings, Mrs. Brown, Dawson, Fitzpatrick, Mrs. Patten, and Whittenham

Labour Group

Councillors Dunn, Mrs. Heath, Singh, 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 Meetings:

Environmental and Development Services Committee 24th January **4 - 6**
2019 Open Minutes
Environmental and Development Services Committee 28th February **7 - 10**
2019 Open Minutes
Environmental and Development Services Committee 17th April **11 - 15**
2019 Open Minutes
- 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** CORPORATE PLAN 2016-21 PERFORMANCE REPORT (YEAR **16 - 30**
END 2018-19)
- 8** UPDATE TO PRIVATE HIRE LICENSING POLICY AND **31 - 103**
CONDITIONS
- 9** COMMITTEE WORK PROGRAMME **104 - 108**

Exclusion of the Public and Press:

- 10** 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.

- 11** To receive the Exempt Minutes of the following Meetings:
Environmental and Development Services Committee 24th January
2019 Exempt Minutes
Environmental and Development Services Committee 17th April
2019 Exempt Minutes
- 12** To receive any Exempt questions by Members of the Council
pursuant to Council procedure Rule No. 11.
- 13** SERVICE LEVEL AGREEMENT - DERBYSHIRE WILDLIFE TRUST

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

24th January 2019

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Coe, Mrs Patten, Pegg and Watson.

Labour Group

Councillors Rhind (substituting for Cllr Chahal), Richards (substituting for Cllr Dunn), Southerd (substituting for Cllr Tilley) and Taylor.

EDS/80 **APOLOGIES**

Apologies for absence were received from Councillors Chahal, Dunn and Tilley (Labour Group) and Councillor Coe (Independent Non-Grouped Member).

EDS/81 **DECLARATIONS OF INTEREST**

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

EDS/82 **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/83 **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/84 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

EDS/85 **GRANT APPLICATIONS & COMMISSIONS - ENVIRONMENTAL EDUCATION PROJECT TEAM 2018-20**

The Environmental Development Manager presented the report to the Committee seeking guidance from Members on continuing with existing

operations linking to environmental education as well as the raising aspirations initiative. The importance and appreciation of external funding was noted by the Committee. The Chairman congratulated the Environmental Development Manager and her team on the raising of funds and delivery of projects.

RESOLVED:

- 1.1 The Committee approved the programme of funding applications that included an application to the National Lottery 'Reaching the Communities' Fund, to support the work of the Council's Environmental Education Project (EEP) as set out at Appendix 1 of the report.***
- 1.2 The Committee endorsed liaising with the National Lottery to secure grant funding of £150k from its 'Reaching Communities' Fund to support and extend the work of the EEP team for the next five years.***
- 1.3 The Committee supported further research into ways of extending Swadlincote Heritage Trail without commitment of match funding by the Council.***
- 1.4 That subject to the continuation of funding arrangements, fixed-term contracts for staff are extended to the end of the next funding period.***
- 1.5 In the event that funding is not available or not to the level that can sustain the existing staffing resource that the employment procedures used by the Council for permanent members of staff are followed that will include full consultation with employees and their representatives where appropriate.***

EDS/86 **LOCAL GREEN SPACES DEVELOPMENT PLAN DOCUMENT – REGULATION 19 PROPOSED SUBMISSION**

The Planning Policy Officer presented the report to the Committee and informed of the process involved in the submission to the Planning Inspectorate.

Clarification was sought on the consultation which was provided by the Planning Policy Officer where it was specified that the consultation would be of a technical nature to outline protected sites.

RESOLVED:

- 1.1 The Committee approved the Local Green Spaces Development Plan Document (Appendix A to the report) for the Regulation 19 consultation and submission to the Planning Inspectorate.***

EDS/87 **SERVICE STANDARDS - SUPPORTING PERFORMANCE MEASURES**

The Direct Services Manager presented the report to Committee outlining the key areas of concern and actions taken to address these. The Strategic Director (Service Delivery) advised Committee of a forthcoming mapping project which will assist in this service provision.

Councillor Watson welcomed involvement from local businesses and volunteers on tackling litter. The Direct Services Manager added that joining the Keep Britain Tidy organisation would assist in further community engagement.

Although concerns were raised in relation to problems with litter in local wards, Members agreed that raising awareness, promoting a collaborative approach

to tackling litter and further educating residents through the Keep Britain Tidy campaign would potentially assist in addressing such matters.

RESOLVED:

- 1.1 The Committee approved the Council becoming a member of Keep Britain Tidy at the expert level of membership.***
- 1.2 The Committee approved a set of performance measures to support the delivery of Service Standards by the Direct Services Team as detailed in the report.***
- 1.3 The Committee approved an annual Local Environmental Quality Survey be undertaken by Keep Britain Tidy.***

EDS/88 **COMMITTEE WORK PROGRAMME**

RESOLVED:

- 1.1 The Committee considered and approved the updated work programme.***

EDS/89 **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.

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

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

SWADLINCOTE TOWN CENTRE ENFORCEMENT AND ENGAGEMENT

The Committee approved the recommendation contained in the report.

SWADLINCOTE MARKET

The Committee approved the recommendation contained in the report.

The meeting terminated at 6.50pm

COUNCILLOR A MACPHERSON

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

28th February 2019

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Harrison (substituting for Councillor Roberts), Mrs Patten, Pegg and Watson

Labour Group

Councillors Dunn, Rhind (substituting for Councillor Tilley), Shepherd (substituting for Councillor Chahal), and Taylor

EDS/93 **APOLOGIES**

Apologies for absence were received from Councillor Roberts (Vice-Chairman), Councillors Chahal, Tilley and Wilkins (Labour Group) and Councillor Coe (Independent/Non-Grouped).

EDS/94 **MINUTES**

The Open Minutes of the Meeting held on 15th November 2018 were noted, approved as a true record and signed by the Chairman.

EDS/95 **DECLARATIONS OF INTEREST**

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

EDS/96 **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/97 **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/98 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

EDS/99 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT**
(1 OCTOBER – 31 DEC 2018)

The Strategic Director (Service Delivery) presented the report to Committee detailing the targets and achievements within the quarter.

The Chairman queried the inclusion of tree management onto the Risk Register. The Strategic Director (Service Delivery) addressed the query, noting the inclusion was to ensure the limited resources were being managed appropriately.

Members raised further queries relating to the delivery of affordable homes in response to the removal from the Risk Register, and the performance of Sinfin Waste Plant. The Strategic Director (Service Delivery) and the Planning Services Manager responded to the queries, noting targets were being exceeded in achieving affordable housing and there was now a separate indicator relating to affordable housing. The Strategic Director (Service Delivery) provided a brief update on the performance of Sinfin Waste Plant, which was operating well.

RESOLVED:

- 1.1 The Committee considered the progress against performance targets set out in the Corporate Plan.***
- 1.2 The Committee reviewed the Risk Register and Action Plan for the Committee's services.***

EDS/100 **AVIATION 2050 – THE FUTURE OF UK AVIATION – A CONSULTATION**

The Planning Policy Officer presented the report to Committee, noting the response to the Department of Transport was prepared by the Member Working Panel and is highly supportive of continued growth in aviation.

Councillor Harrison welcomed the report and proposed additional wording to paragraph 1 in Annexe A to express disagreement with the Department of Transport's exclusion of airports with noise caps from producing a noise reduction plan, which was accepted by Committee.

RESOLVED:

- 1.1 The Committee approved the comments prepared by the cross-party Member Working Panel, included at Annexe A of the report, be submitted as this Council's response to the Department for Transport (DfT) consultation "Aviation 2050 – The Future of UK Aviation," with the addition of the line 'For this reason the Council objects to the exclusion of airports with such a noise cap in place from the proposed general requirement for major airports to produce a noise reduction plan (see point 4(iv))' to paragraph 1.***

EDS/101 **SOUTH DERBYSHIRE INFRASTRUCTURE DELIVERY PLAN 2019**

The Planning Policy Officer presented the report to Committee.

Councillor Taylor commented on the usefulness of the report in understanding the progress of project delivery, but also highlighting where expectations were not in line with perceptions, particularly where a funding gap existed, which is a significant concern as any project is delayed until the funding gap is alleviated, such as Tollgate Island. Councillor Dunn echoed the comments, noting lack of funding would have an effect on homes/land supply. The Chairman noted the comments.

Members requested representatives from Severn Trent Water were invited to attend a meeting in order for concerns about water supply and sewage issues, which are under pressure from new housing developments, could be raised. The Strategic Director (Service Delivery) informed Committee the meeting request would be reviewed to determine the most appropriate forum for this to take place.

RESOLVED:

1.1 The Committee noted the content of the South Derbyshire Infrastructure Delivery Plan at Annexe A.

EDS/102 **PLANNING SERVICES REVIEW UPDATE**

The Planning Services Manager presented the report, updating the Committee on the progress of the implementation of the new planning software, the new structure around Section 106 monitoring and outcomes of the organisational restructure. The Planning Services Manager also highlighted officer's reports are now published to provide a full explanation around decision making.

Councillor Mrs Brown, as Chairman of the Planning Committee, commended the report and remarked on the improvements within the Service, which is providing a more interactive, transparent public face.

Councillor Taylor requested Members are made aware of staff in each post to make it easier to gather information. The Strategic Director (Service Delivery) noted this could be provided through Members' training.

RESOLVED:

1.1 The Committee endorsed the progress of the Review.

EDS/103 **OUR WASTE, OUR RESOURCES: A STRATEGY FOR ENGLAND**

The Direct Services Manager presented the report to Committee, highlighting the key points of moving towards 'impact-based targets,' which would encourage the public to reduce waste overall. He also highlighted government proposals for consistency of waste collections to avoid confusion and updated the committee on joint working initiatives in the County.

Members welcomed the report, noting it was an opportunity to reduce waste, particularly looking at food and plastic waste.

RESOLVED:

1.1 The Committee noted and welcomed the Government's headline commitments aimed at reducing waste and its impact on the

environment and promoting resource efficiency, including the elimination of avoidable waste of all kinds by 2050.

1.2 The Committee endorsed officers continuing to work collaboratively with other Waste Collection Authorities in Derbyshire and the County Council as Waste Disposal Authority to formulate local responses to future Government consultations for future Committee sign-off and to fully consider the implications of the Strategy to inform the development of future waste services in South Derbyshire.

EDS/104 **COMMITTEE WORK PROGRAMME**

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

EDS/105 **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.

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

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

The meeting terminated at 7.05PM.

COUNCILLOR A MACPHERSON

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

17th April 2019

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman) and Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Patten, Pegg and Watson

Labour Group

Councillors Dunn, Shepherd (substituting for Councillor Chahal) and Tilley

EDS/106 **APOLOGIES**

Apologies for absence were received from Councillor Mrs Coe (Conservative Group), Councillors Chahal and Taylor (Labour Group) and Councillor Coe (Independent/Non-Grouped).

EDS/107 **MINUTES**

The Open Minutes of the Meeting held on 3rd January 2019 were noted, approved as a true record and signed by the Chairman.

EDS/108 **DECLARATIONS OF INTEREST**

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

EDS/109 **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/110 **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/111 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

EDS/112 **SERVICE PLANS 2019/20**

The Strategic Director (Service Delivery) presented the report to Committee, noting the report sets out the overview, staff requirements and performance measures for the next six months.

Councillor Tilley welcomed the report, particularly the identification of areas where spending was required. He queried how the capital budgets were prioritised. The Strategic Director (Service Delivery) noted it was an indicative figure based upon the various needs of each department, which would have been reported on in earlier Committees.

RESOLVED:

- 1.1 The Committee approved the Service Plans for Service Delivery and Chief Executive's Directorates as a basis for service delivery over the period 1 April 2019 to 30 September 2019.***

EDS/113 **KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Senior Licensing Officer presented the report to Committee.

Councillor Tilley welcomed the report and thanked the Officer and the Licensing Team for another outstanding report.

RESOLVED:

- 1.1 The Committee noted the performance of the Licensing Department in relation to the Key Performance Indicators.***

Councillor Billings joined the meeting at 6.15pm.

EDS/114 **RESOURCES AND WASTE STRATEGY CONSULTATION**

The Head of Operational Services presented the report to Committee, noting the responses to the questions posed by the Government centred around the aim of delivering a nationally consistent approach to waste collection, which included reviewing recycling collections, introducing a deposit return scheme and implementing a plastic packaging tax on packaging which contained less than 30% recycled plastic.

Councillor Watson remarked on the complexities of the report, noting disappointment a seminar was not held to allow the Committee to review the report in detail. Aspects of the report, mainly weekly food collection, were not something he could support and required a separate discussion. He would recommend an extension is requested to allow for time for further consideration.

The Strategic Director (Service Delivery) noted the Member's disappointment, commenting the short timescale allocated by the government for the Council to submit the responses was not conducive for such a detailed review. The Strategic Director (Service Delivery) further explored the government's drive for weekly food collections, noting within the response to the consultation, it will be requested that the District Council is able to continue collecting food waste with the garden waste to support the current infrastructure to prevent

additional costs by food waste being included in black bins, which was at a significantly higher cost. Councillor Watson appreciated the detailed response, noting if the waste collection was as stipulated within the report he would withdraw his earlier comments.

A discussion took place regarding improving education of residents to improve recycling rates; ensuring more punitive measures towards manufacturers are enforced to change the habits of companies; the production of more recyclable materials so less waste is placed in black bins and how the additional cost of moving towards weekly collections would be covered.

RESOLVED:

1.1 The Committee endorsed the proposed responses to the Government's Resources and Waste Strategy Consultations.

EDS/115 **CORPORATE ENVIRONMENTAL SUSTAINABILITY GROUP**

The Head of Environmental Services presented the report to Committee, highlighting the work undertaken by the group so far, which included the creation of a travel working group tasked with developing specific travel options for staff following the completion of a travel survey, which received responses from nearly 60% of staff across operational services. Future projects would centre on addressing energy and waste.

Councillor Watson queried if a correlation existed between staff absence rates and the distance travelled to work. The Strategic Director (Service Delivery) responded to the query, noting the Health Partnership Manager was addressing the staff absence rate, with a focus on health and wellbeing such as the introduction of a walking group that staff can participate in during their lunch break.

RESOLVED:

1.1. The Committee noted the progress made in improving the Council's environmental performance further to this Committee establishing a Corporate Environmental Sustainability Group in August 2018.

1.2. The Committee approved the development of a Staff Travel Plan and that the final version of the Plan be reported to this Committee at a later date.

1.3. The Committee approved that the Corporate Environmental Sustainability Group develops key environmental performance indicators for inclusion within future versions of the Corporate Action Plan.

EDS/116 **FIXED PENALTY NOTICES FOR HOUSEHOLD DUTY OF CARE OFFENCES**

The Head of Environmental Services presented the report to Committee, noting performance indicators showed a 9% reduction in flytipping and fixed penalty notices allowed for a further sanction to be utilised. A max fine of £400

would be implemented and vulnerable people, such as victims of scams, would be exempt.

Members commended the efforts taken to tackle flytipping within the District, though recognising more was still required to help educate the general public on what they could potentially be liable for. A discussion took place regarding how signs left posted from homebuilders can be blights within areas and there was a potential need to review dog waste disposal.

RESOLVED:

1.1. The Committee approved the use of Fixed Penalty Notices, where appropriate, to take enforcement action against household duty of care offences.

1.2. The Committee approved that the Fixed Penalty Notice charge be set at £400, with an early payment reduced charge of £280.

EDS/117 **COMMITTEE WORK PROGRAMME**

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

EDS/118 **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.

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

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

ENVIRONMENTAL HEALTH BUSINESS SUPPORT

The Committee approved the recommendation contained in the report.

The meeting terminated at 7.20pm.

CHAIRMAN

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	30th MAY 2019	CATEGORY: DELEGATED
REPORT FROM:	LEADERSHIP TEAM	OPEN DOC:
MEMBERS' CONTACT POINT:	ALLISON THOMAS (EXT. 5775) FRANK MCARDLE (EXT. 5700)	
SUBJECT:	CORPORATE PLAN 2016-21: PERFORMANCE REPORT (YEAR END 2018/19)	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

- 1.1 That the Committee considers progress against performance targets set out in the Corporate Plan.
- 1.2 That the Risk Register and Action Plan for the Committee's services are reviewed.

2.0 Purpose of Report

- 2.1 To report progress against the Corporate Plan for the year end performance under the themes of People, Place, Progress and Outcomes.

3.0 Detail

- 3.1 The Corporate Plan 2016 – 2021 was approved following extensive consultation into South Derbyshire's needs, categorising them under four key themes: People, Place, Progress and Outcomes. The Corporate Plan is central to the Council's work – it sets out its values and vision for South Derbyshire and defines its priorities for delivering high-quality services.
- 3.2 This Committee is responsible for overseeing the delivery of the following key aims:

People

- *Use existing tools and powers and take appropriate enforcement action*
- *Reduce the amount of waste sent to landfill*
- *Develop the workforce of South Derbyshire to support growth*

Place

- *Facilitate and deliver integrated and sustainable housing and community infrastructure*
- *Enhance understanding of the planning process*
- *Help maintain low crime and anti-social behaviour levels in the District*
- *Connect with our communities, helping them feel safe and secure*
- *Deliver services that keep the District clean and healthy*

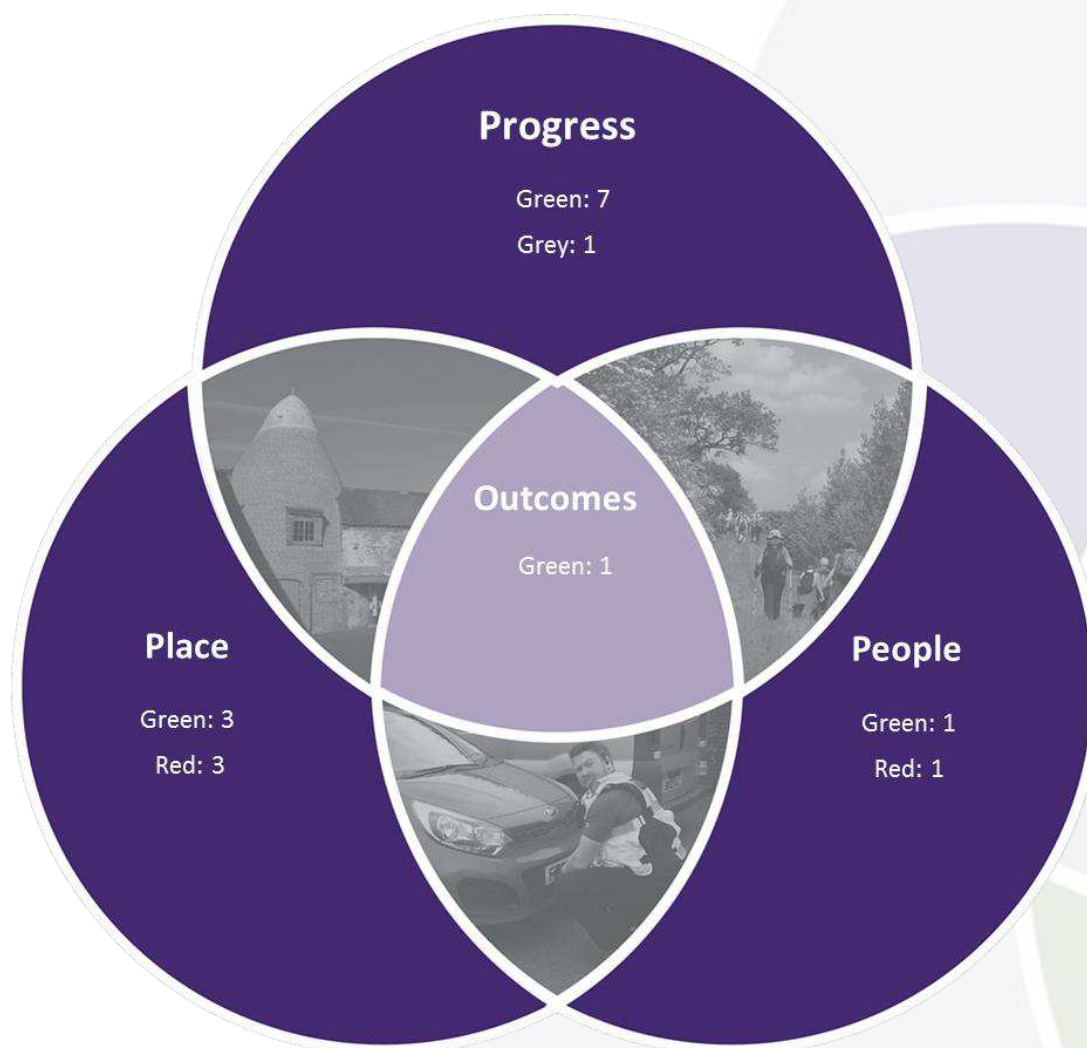
Progress

- *Work to attract further inward investment*
- *Unlock development potential and ensure the continuing growth of vibrant town centres*

- *Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists*
- *Help to influence and develop the infrastructure for economic growth*
- *Provide business support and promote innovation and access to finance*

These aims are underpinned by outcomes including financial health, improved customer focus, good governance, enhanced environmental standards and maintaining a skilled workforce.

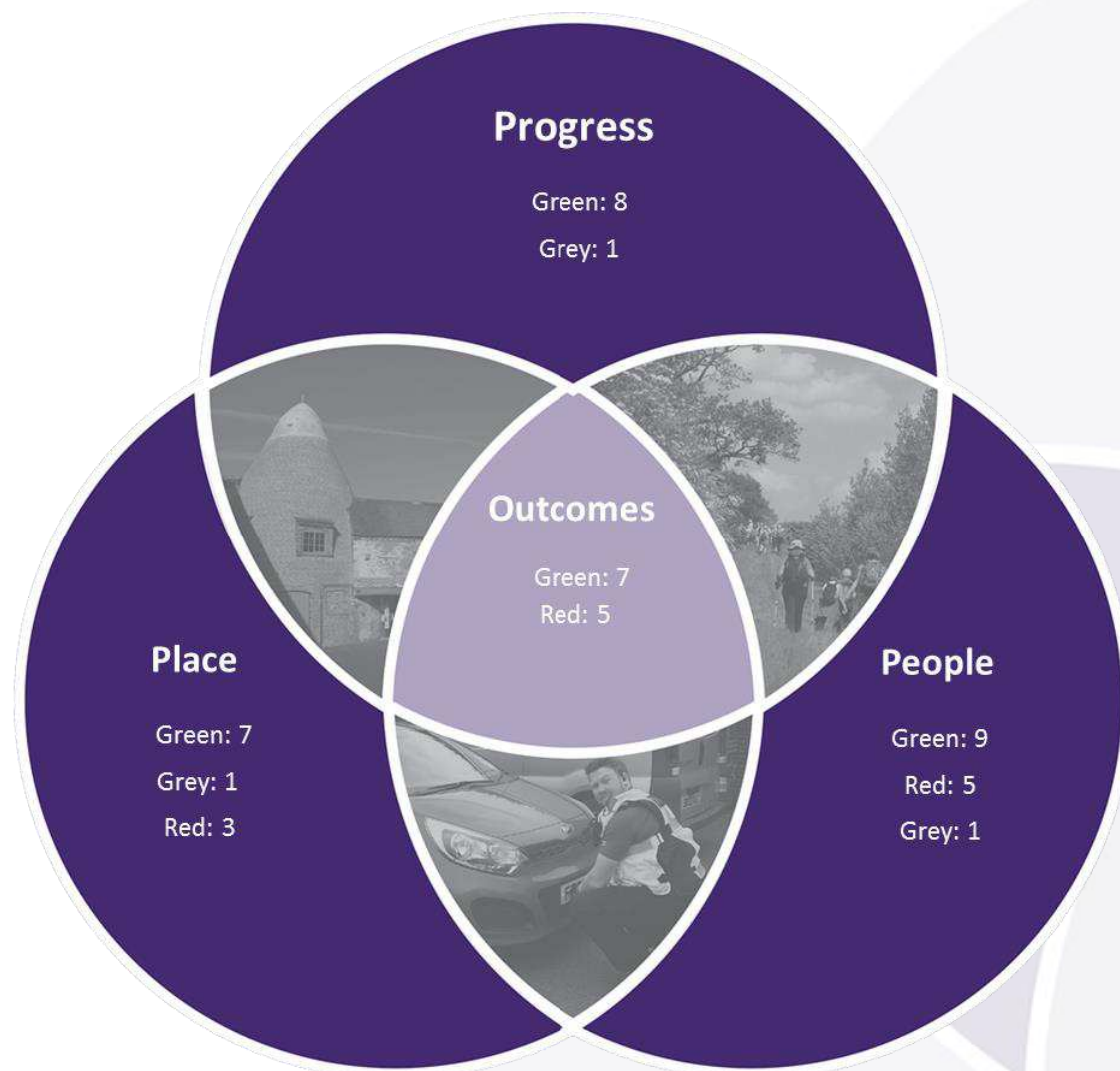
- 3.3 Of the 17 measures and projects under the jurisdiction of the Environmental and Development Services Committee, 12 are green, four red and one grey. More information can be found in the Performance Board in **Appendix A**. A detailed breakdown of performance for the committee is available in the Success Areas and Action Plan documents (**Appendices B and C respectively**).



- 3.5 The Risk Register for the Committee's services is detailed in **Appendix D**. As reported last quarter, this has been amended since the start of the year to make it easier to understand and to enable a consistent format for assessing and reporting risk across Policy Committees.
- 3.6 Each risk has been identified and assessed against Corporate Plan aims and are considered to be the most significant risks to the Council in achieving its main objectives. The Risk Registers detail a matrix to show how each identified risk has been rated.

4.0 **Overall Council performance – Year End 2018/19**

Of the 47 Council projects/measures, there are 31 green, three grey and 13 red at the end of 2018/19.



5.0 **Financial and Corporate Implications**

5.1 None directly.

6.0 **Community Implications**

6.1 The Council aspires to be an excellent Council in order to deliver the service expectations to local communities. This report demonstrates how priorities under the People, Place, Progress and Outcomes themes contribute to that aspiration.

7.0 **Appendices**

- Appendix A – Performance Board
- Appendix B – Environmental and Development Services: Success Areas
- Appendix C – Environmental and Development Services: Action Plan
- Appendix D – Service Delivery Risk Register

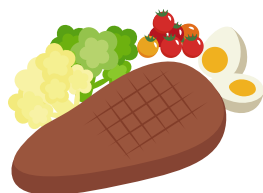
Theme	Ref	Key Aim	Strategic Measure / Project	Q4 target	Q4 performance	Year performance	Detail
Outcomes	O1	Maintain financial health	O1.1 Identify £1m of budget savings and additional income by March 31, 2023	O1.1 Detailed spending review and update projections for New Homes Bonus and Business Rates income following growth analysis.	As reported to Finance and Management Committee on 10 January 2019.		As reported to Finance and Management Committee on 10 January 2019.
Outcomes	O1	Maintain financial health	O1.2 Maximise rental income. Rent arrears as a % of rent due.	O1.2 Rent arrears as a % of the rent due. Target <2.5%.	2.26%	2.26%	We collected a cash amount of £6,032,872 from current tenants this year which is £129,074 more than 2017/18. Based on the latest benchmark position this result places us in Upper Quartile performance.
Outcomes	O2	Maintain proper corporate governance	O2.1 An unqualified opinion in the Annual Audit Letter. Annual target. F&M	O2.1 An unqualified opinion in the Annual Audit Letter. Annual target. F&M	Performance for the year previously reported.		As reported to Full Council on 20th September 2018, the Auditor gave a qualified, "except for" conclusion on the Council's Value for Money arrangements for 2017/18. - Action Plan submitted in Quarter 2
Outcomes	O3	Enhance environmental standards.	O3.1 Uphold strong environmental management standards.	O3.1 Implement the approved environmental management option.			ISO14001 recertification received in Nov 2018. Work is nearly complete in meeting all of the minor non-conformities and observations made during the audit
Outcomes	O4	Maintain a skilled workforce.	O4.1 The average working days lost per employee.	O4.1 less than 8 days per year (2 days per quarter). To be broken down into short and long term sickness absence.	2.93 days (1.69 days long term, 1.24 days short term). Target - 2 days.	11.38 days (6.82 days long term, 4.56 days short term). Target - 8 days.	See Action Plan
Outcomes	O4	Maintain a skilled workforce.	O4.2 Use the decision-making methodology identified by the Local Government Association review.	O4.2 Commence Local Government Association Peer Review	Review to be completed during 2019/20	Review of Councils' Management structure has been approved and implemented. The LGA review has been rescheduled to be completed during 2019/20.	See Action Plan
Outcomes	O5	Maintain customer focus.	O5.1 Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required	O5.1 80% of telephone calls answered within 20 seconds.	76.60%	77.60%	See Action Plan - 77.60% was average achieved over the year
Outcomes	O5	Maintain customer focus.	O5.2 Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required	O5.2 Call abandonment rate of less than 8% (Number of visitors to Civic Offices to be recorded).	8% (7997 customers visited)		Abandoned rate target was reduced from 10%< to 8% < for 2018/19. This has still been achieved averaging 7% for the year
Outcomes	O5	Maintain customer focus.	O5.3 To gather customer satisfaction data in a cost effective way and use the data to manage and improve services	O5.3 Implement the new satisfaction data collection method. Submit report to H&CS Committee sharing the STAR Survey results and key actions. Incorporate into Corporate Action Plan for 2019/20			The STAR survey was completed and has been reported to members. A new forum for tenants was held during Quarter 4 from which a new Tenant Involvement Strategy will emerge during the first two quarters of 2019/20
Outcomes	O5	Maintain customer focus.	O5.4 To provide a value for money service that fully meets the needs of our tenants and delivers high levels of customer satisfaction	O5.4 Implement outcomes of review following committee.			See Action Plan - The Final Report and action plan was received from HQN during Quarter 4 and will be reported to Members during Quarter 1 of 2019/20
Outcomes	O6	Minimise business risks and realise the benefits of technological opportunities.	O6.1 Build IT infrastructure resilience to support change and minimise business risks.	O6.1 Q2-4 Support channel shift and mobile working projects.			New servers were procured before the end of the quarter with delivery expected Quarter 1 2019/20.
Outcomes	O6	Minimise business risks and realise the benefits of technological opportunities.	O6.2 Agree and deliver business change programme to support core objectives.	O6.2 Q2-4: Delivery of digital transformation, business improvement, service reviews and corporate transformation projects. Q4 Establish programme for 2019-2020 to help mitigate £1m estimated Medium Term Financial Plan revenue shortfall.			Business Cases are being completed for several core ICT systems to invest in hosted platforms. Current projects, including Planning and Land Charges system replacement are running according to schedule.
People	PE1	Enable people to live independently	PE1.1 % Of residents satisfied with the quality of their new home	PE1.1 >90%	100%	90%	The target has been achieved in spite of issues with current repairs contractors and contract supervision. We now have new contractors in place for cleaning services and repairs.
People	PE1	Enable people to live independently	PE1.2 Average time taken to re-let Council homes (excluding major voids)	PE1.2 <21 days.	53.3	40.8	See Action Plan
People	PE1	Enable people to live independently	PE1.3 Average length of time for current voids	PE1.3 <21 days.	99	99	See Action Plan
People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.1 Total number of tenancy audits completed.	PE2.1 250 Quarterly target	279	2215	See Action Plan
People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.2 Number of successful introductory tenancies	PE2.2 97%.	100%	97%	Improvements made to the rent recovery processes have supported this performance indicator.
People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.3 Average time for processing new Benefit claims.	PE2.3 <18 days.	18.5 days	17.5 days	Redesign of methodology necessary as indicator now adversely affected by Department of Work and Pensions (DWP) Universal Credit processing over which SDDC has no control. Performance however remains in national upper quartile .

People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.4 Average time for processing notifications of changes in circumstances.	PE2.4 <8 days.	4.1 days	6,4 days	Target met and performance remains in national upper quartile. However review of methodology required to avoid any potential negative impact of Universal Credit
People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.5 Successful roll out of Universal Credit in South Derbyshire.	PE2.5 Q4 Monitor progress and impact on throughputs, rent arrears and resources.			All targets met. Multi-agency welfare reform user group successfully established. Transitioning support arrangements to Citizens Advice effective from April 2019. Managed migration of remaining Housing Benefit cases to commence following DWP trial scheme in 2019
People	PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.6 Deliver the Pilot Hospital Avoidance Scheme	PE2.6 Q4 Launch Hospital Discharge scheme in South Derbyshire and sign and seal lease agreements			See Action Plan
People	PE3	Use existing tools and powers to take appropriate enforcement action.	PE3.1 Number of empty home intervention plans for dwellings known to be empty for more than two years.	PE3.1 ≥4	5	12	Of the 12 interventions, seven of the properties are confirmed as now being reoccupied, two are currently for sale, two have been sold and one is being redeveloped
People	PE4	Increase levels of participation in sport, health, environmental and physical activities.	PE4.1 Throughput at Etwall Leisure Centre, Green Bank Leisure Centre and Rosliston Forestry Centre.	Target for Rosliston = 45,000. Target for leisure centres - 172,108.	Rosliston 55,622 Visitors Leisure Centre participations 278,799	Leisure Centres 1,089,816 participations - Rosliston 213,389 visitors	Record numbers at both leisure centres and Rosliston Forestry Centre helped by good weather.
People	PE4	Increase levels of participation in sport, health, environmental and physical activities. H&CS	PE4.2 Delivery of the Physical Activity, Sport and Recreation Strategy.	PE4.2 Q4 Increase number of volunteers through Active South Derbyshire.			The number of volunteers / group members who have undertaken some form of training through Active South Derbyshire (ASD) offer has almost doubled for 2018-19. Volunteers have also increased in a range of areas including community groups and organisation, those supporting Get Active in the Forest and those through ASD are engaging through partners such as CVS. Environmental education project volunteering hours delivered over the course of the year equates to 862 hours.
People	PE5	Reduce the amount of waste sent to landfill.	PE5.1 Household waste collected per head of population (kg)	PE5.1 <100kgs.	92.27	413.85kg	
People	PE5	Reduce the amount of waste sent to landfill.	PE5.2 % of collected waste recycled and composted.	PE5.2 >45%	40%	45%	As reported previously, the exceptional dry spell resulted in less material for composting.
People	PE6	Develop the workforce of South Derbyshire to support growth.	PE6.1 Deliver the RISE project to help young people to flourish and achieve their potential.	PE6.1 Q4 Critically evaluate project and reach. Set action plan for 2019/20		Work progressed but in a slightly different direction than that originally anticipated	Raising Aspirations (RISE) project developed, awards event held and work to date has identified a need for further research and information to help inform the forward trajectory of the project. Q4 Social mobility work being further extended with partners and future actions within RISE to be determined following this.
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.1 Total number of affordable dwellings delivered.	PL1.1 >150 for the year.	45	219	During Q4, six units were delivered under shared ownership, 23 were affordable rent and 16 were social rent.
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.2 Number of new homes added to the HRA (this indicator incorporates new builds and also acquired properties into the HRA).	PL1.2 Proxy	0	0	Six units at Lullington Road are due to be completed by the end of June. This site was delayed due to Weston Power Distribution re: the relocation of the power supply. Two units at Aston On Trent are due to exchange contracts at the end of April and a further four units have been secured at Milton Road, Repton.
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.3 Relevant documents adopted	PL1.3 Submission of Local Green Spaces Document to the Planning Inspectorate			See Action Plan
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.4 Number of decisions made in time over number of decisions made	PL1.4 . Target - 90%	85%	89%	See Action Plan
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.5 Maximise delivery of housing units	PL1.5 Q4 Report to E&DS committee on progress of housing delivery			Annual Monitoring Report reported to Environment and Development Services Committee on the 13th January 2019. Ongoing interventions, monthly update meeting with case officers held to review this situation.
Place	PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.6 Proportion of good quality housing development schemes (defined using Build for Life criteria) approved.	PL1.6 Target - 90%.		89% (8/9 schemes)	See Action Plan
Place	PL3	Help maintain low crime and anti-social behaviour (ASB) levels	PL3.1 Downward trend in fly-tipping incidents.	PL3.1 Target <688	171 (target <173)	642 (target <688)	At year end there has been a 9.3% reduction in fly tipping compared to 2017/18 and a 15.4% reduction compared to 2016/17
Place	PL3	Help maintain low crime and anti-social behaviour (ASB) levels	PL3.2 Number of ASB incidents in Swadlincote Centre (reported as a rolling figure)	PL3.2 <400 incidents per quarter	337	337	Due to cold winter weather, few major issues in the Town Centre during Quarter 4. Plans are being worked on to be more be proactive to combat likely increase in anti-social behaviour brought about by the warmer weather in Spring and Summer.
Place	PL4	Connect with our communities, helping them feel safe and secure.	PL4.1 Review and update existing plan. Develop and deliver action plan.	PL4.1. Q4 Deliver online safety campaign as part of Safer Internet Day 2018. Review Partnership Plan and develop action plan for 2019/20.			Plan reviewed, refreshed and published. Safer internet packages sent to all schools in District and social media campaign completed. Minor changes made to the plan including updating the Chair of the Community Safety Partnership (CSP), updated the Derbyshire operational and community risks. Provided overview of action taken by the CSP over the last 12 months and provided a performance report with statistics.
Place	PL5	Support provision of cultural facilities and activities.	PL5.1 Promote participation in cultural activities and provide quality facilities to support communities.	PL5.1 Q4 Progress construction of new Stenson Community Facility	Handover of centre from developer scheduled for end of April. Preparations for kicking out prior to opening in hand.	Progress made on all key facilities and activities	Core cultural facilities and activities progressed or delivered as required including key events and build of Stenson Fields Community Centre.

Place	PL6	Deliver services that keep the District clean and healthy.	PL6.1 Invest additional resources in street scene services and maintain and improve standards as the District grows.	PL6.1 Q3 and Q4 New performance monitoring in place.			Additional performance measures in place. % of grounds maintenance cuts completed in accordance with Service standard. % of fly tips removed within 48 hours. LEQS undertaken by Keep Britain Tidy. Provisional targets of 85% for fly tips and 90% for grounds maintenance have been set.
Progress	PR1	Work to attract further inward investment.	PR1.1 Net additional commercial/employment floor space created	PR1.1 Number of Square metres (proxy). E&DS		-25,020 m2	This is an annual figure that reflects the loss of some units to housing developments. There is a lot of additional floorspace in recent consents but this indicator only looks at completions.
Progress	PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	PR2.1 Undertake a five-year progress review of strategy	PR2.1 Q4 Implement committee decisions.			Approval granted to progress initiatives including: Town benchmarking - annual monitoring of key indicators and views; and, the creation of a new Community Safety Enforcement Warden post focused on the town centre.
Progress	PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	PR2.2 Vacant premises in Swadlincote, Hilton and Melbourne .	PR2.2 - Proxy To be reported twice a year.		100%	Melbourne: vacant units: three, = 5.5%; Swadlincote: vacant units: eight, = 6.3%; Hilton: vacant units: one, = 7.14%
Progress	PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	PR2.3 Pursue the development of transport solutions for a West Link (Swadlincote, Newhall, Ashby, Melbourne, East Midlands Airport) in collaboration with East Midlands Enterprise Gateway	PR2.3 - Seek approval for involvement and potential investment from Elected Members and set project milestones accordingly.			Approval granted by F&M Committee. Interested operators have submitted proposals to the East Midlands Enterprise Gateway partnership. Points of further detail and clarification are currently being pursued to identify the funding gap.
Progress	PR3	Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists.	PR3.1 Promote entrepreneurial opportunities to improve employability skills and raise awareness of self-employment.	PR3.1 Q4 Develop and implement a workshop for educational institutions to explore setting up a tourism business/activity as part of Tourism week.			Fourteen students from William Allitt School visited the Hilton Hotel at St George's Park as part of Tourism Week to learn about careers in the sector, visiting the departments and meeting the staff. The students were able to attend the morning staff briefing which they found particularly interesting.
Progress	PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.1 Food businesses which have a Food Hygiene Rating score of five.	PR5.1 >83%.	85.20%	85.20%	At the year end the proportion of businesses with a five rating is the highest it has ever been
Progress	PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.2 Registered food businesses active in the District	PR5.2 ≥810.	842	842	
Progress	PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.3 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Business Advice Service).	PR5.3 Target Q4 40.	82	266	82 advisory sessions were undertaken in Quarter 4 and a total of 266 in 2018/19. 'Thinking of Starting a Business?' workshop held in Swadlincote attracted 38 participants. 'New roads to Japan - forging better business links through the Toyota-Derbyshire Partnership' event held with Japan Local Government Centre.
Progress	PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.4 Deliver the Community Partnership Scheme and award capital funding totalling £250k to meet local need.	PR5.4 Q4 Hold third grant panel. Submit report of successful applicants to Committee.			15 Projects funded over the course of the year. Smallest project funded was £1,980 and several received the maximum grant of £25,000. All £250,000 allocated to Capital Projects across the District. Committee reports detailing funded recommended projects completed after each Panel

Environmental and Development Services Strategic and Service Success Areas Year End 2018 - 19

Appendix B



85.20%

Target - =>83%

Food businesses with Food Hygiene Rating score of five is the highest it has ever been.



266

Target - >140

Number of businesses and potential new businesses offered advice or support.



Environment

ISO14001

Re-certification achieved. Work almost complete in addressing minor observations made.



413.85kgs

Target - <440kgs

Kgs of household waste collected per head of population.



642 incidents

Target - <688

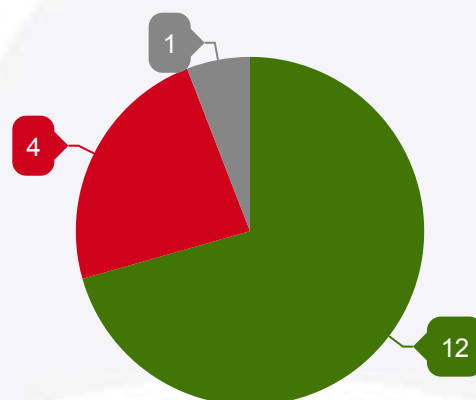
Fly-tipping incidents are down by 9.3% compared to 2017/18 and by 15.4% compared to 2016/17.



Housing delivery

Ongoing interventions, monthly update meeting with case officers held to review this situation.

Performance Overview



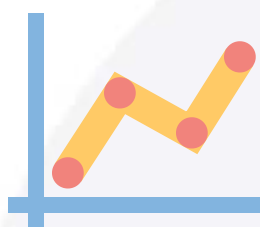
Green (70.59%) Red (23.53%) Grey (5.88%)



Cleaning

Street scene

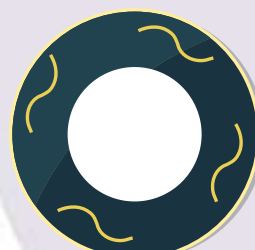
New street cleaning performance monitoring put in place.



Monitoring

Town development

Approval granted for annual monitoring of key indicators and views for Swadlincote.



842

Target >810

Number of registered food businesses active in the District



Japan

Business links

New roads to Japan - business links event held with Japan Local Government Centre.

Environmental and Development Services Performance Action Plan - Year End 2018 - 19

Appendix C

Theme – People

Action – PE5.2 - % of collected waste recycled and composted.

Annual target - >50%

Performance - 45%

Trend (compared to last quarter) - 39.8% achieved in Quarter 4 2018/19



45%

% of collected
waste recycled
and
composted.

Target - >50%

Background - The exceptional weather conditions have led to a significant reduction in the amount of green waste sent for composting, around 8% less than the average for the year. Encouragingly, recycling tonnages are slightly higher than the corresponding quarter in 2017/18.

The current recycling and composting schemes have been in place since 2013 and 1996 respectively. Whilst at the commencement of both schemes recycling and composting increased significantly, performance on both have stabilised but are not improving. Previous years outturns have been around 48%. The general trend nationally has been for tonnages to slightly decline.

Key actions underway – Operational Services will continue to work through the Derbyshire Waste Partnership on promoting recycling and composting and work with current contractor on ensuring compliance from residents on presenting acceptable materials.

Opportunities/risks – Initial planning for the introduction of the next recycling collection contract has commenced, as approved by Environmental and Development Services Committee. Operational Services will further explore joint working with other collection authorities and the waste disposal authority.



85%

Number of
planning
decisions
made over time
taken.

Target - 90%

Theme – Place

Action – PL1.4 Number of planning decisions made in time over number of decisions made.

Q4 target 90%

Performance 85%

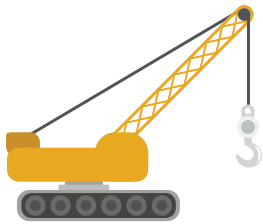
Annual target 90%.

Background - This figure is made up of three individual elements: major applications, minor applications and other applications. The latter category contains householder applications which make up about 65% of all the decisions made. This area of work is covered by a team of three officers one full-time equivalent (FTE), two job-shares = one FTE).

Key actions underway – Over the last two quarters, two of the three officers have been signed off from work due to long term illness. It has taken some time for a diagnosis and therefore to calculate a mitigation strategy to address workload pressures. One of the posts has not returned to work from illness from absence initiated in November. Also during this time the development management section has seen two other professional officer vacancies which were subsequently filled in Quarter 3. In the short-term an agency planner started in Quarter 4 on a full- time basis to address capacity issues. This leaves other members of staff to cover as far as is practicable. Nevertheless, notwithstanding efforts by the team to assist in covering the vacancies, decisions have slipped for the quarter to 5% below target (similar to that in Quarter 3).

The Council has recently secured two temporary contractors to start soon to replace the agency staff contract which should help to improve performance in the first half of 2019/20.

Opportunities/risks – Opportunities are few. A shortage of professional officers in this part of the team cannot be easily compensated. However, the risk of falling below target again for the first half of the year should be mitigated to some extent with the current strategy.



89%

Further improve the design quality of developments in South Derbyshire.

Target - 90%

Theme – Place

Action – PL1.6 Further improve the design quality of developments in South Derbyshire.

Annual target - 90%

Performance - 89%

Background -A number of years ago the Council decided to adopt a 'quality' measure for all new major housing developments. At the time the Building for Life Standard comprising 20 criteria was the industry standard. Although the criteria have now changed, the Council considers that the original standard is still the most 'testing' for gauging the quality of new housing developments and therefore retains it as a preferred measure.

Key actions underway – Nine developments were tested using the 20 criteria and of those only one fell short of the 'good' standard. Although this is a very high compliance rate it remains that the target could only have been reached with all nine schemes reaching the high standard rendering the margin for non-compliance obsolete. As such the current target is probably too prone to the highly geared nature of the statistic and as such needs reviewing going forward.

Opportunities/risks – The opportunity exists to update the standard and to feed the results of the past year into the review mechanism for the Council's lead design officer to consider.



0

Submission of Local Green Spaces Document to the Planning Inspectorate.

Target - 1

Theme – Place

Action – Deliver key development plan documents to accompany adopted South Derbyshire Local Plan, parts 1 and 2.

Q4 target Submission of Local Green Spaces Document to the Planning Inspectorate
Performance Document not submitted.

Annual target Deliver key development plan document to adopted South Derbyshire Local Plan, parts 1 and 2.

Background - The Local Green Spaces Development Plan Document (DPD) is subordinate to the adopted Local Plan but as a DPD carries significant weight when determining applications once adopted. The Consultation stage for this document finished on 19 March 2019. Subsequently a couple of issues came up on which the Council needed to consult with the Planning Inspectorate thus slightly delaying submission.

Key actions underway

The intention now is to submit the document for adoption to the Planning Inspectorate in May 2019. The Council will then await the outcome of an Examination in Public and any subsequent modifications required/recommended.

Opportunities/risks

There is an opportunity now for the document to be adopted before the end of the year. The main risk would be if an unforeseen problem with the process was to arise thereby delaying the adoption.
Key actions underway – The document was presented to committee early in Q4.

There are four actions for Environmental and Development Services

SERVICE DELIVERY RISK REGISTER (AS AT Q4 2018/19)

Appendix D

Risk	Corporate theme/aim	Rating and current position	Risk treatment	Mitigating actions	Change since last quarter (Q3)
SD1 - Loss of income to the Housing Revenue Account	Outcomes Maintain Financial Health	On-going potential reduction in income through 1% rent reduction for general needs tenancies until 2020/21. Performance on rent collection still in top quartile in quarter one. Likelihood is low and impact is significant.	Treat the risk through continuous action and review.	Income policies/processes are being revised. The Council has invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty. Increased focus on collection of rent and other housing debt. New dwellings mitigate revenue lost through Right to Buy (RTB) Implementation of Universal Credit has slowed, although pressure from other benefit changes remains.	No change to rating or treatment.
SD2 - Failure to collect financial contributions or to enforce the delivery of obligations within Section 106 Agreements.	Outcomes Maintain Financial Health	Failure to collect financial contributions or to enforce obligations within Section 106 Agreements. Likelihood is unlikely but the impact is significant.	Treat the risk through continuous action and review.	Implementation of new software is now complete. New team leader now in post and in control of the process The service has been recently audited and has put in place actions to address the minor recommendations	No change to likelihood or impact but the risk has changed from amber to green following a review of the Council's risk matrix

SD3 – Safety standards	<p>People Protect and help support the most vulnerable, including those affected by financial changes.</p>	<p>Failure to comply with basic safety standards in flats/blocks with communal areas.</p> <p>Work has been undertaken to put specialist fire and asbestos contracts in place.</p> <p>Likelihood is medium and impact has potential to be significant.</p>	<p>Treat the risk through continuous action and review.</p>	<p>Process underway to update safety procedures for fire, gas, electricity, legionella and asbestos to ensure the Council has appropriate controls in place to manage risks. Progress made so far includes:</p> <ul style="list-style-type: none"> • Fire safety contractor appointed • Gas servicing 100% compliant • Electrical testing contractor appointed • Legionella - sheltered schemes testing in place, void properties shower heads/deadlegs removed • Asbestos testing contractor appointed • Asbestos removal contractor appointed <p>Whilst the likelihood reduces as contracts are in place, works programmes to the value of £250,000 pa are required for the next two years to achieve full compliance, so the overall likelihood remains medium.</p>	<p>No change to likelihood or impact but the risk has changed from red to amber following a review of the Council's risk matrix.</p>
SD4 – Universal Credit	<p>People Protect and help support the most vulnerable, including those affected by financial changes.</p>	<p>Loss of income to the Housing Revenue Account through full roll out of Universal Credit (UC) from November 2018.</p> <p>There is still uncertainty as to the financial impact of this but the Council has plans in place working with internal/ external stakeholders to manage this process.</p> <p>Likelihood is medium and the impact is moderate.</p>	<p>Treat the risk through continuous action and review.</p>	<p>Welfare Reform Group, including key internal/external partners, meets on a monthly basis to manage roll-out against an agreed action plan.</p> <p>Invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.</p> <p>Allocations Policy review underway and will be completed in 2019.</p> <p>The changes to the 'roll out' of 'UC' may</p>	<p>No change to rating or treatment.</p>

				<p>delay the full impact. 2018/19 performance demonstrates that actions have assisted in mitigating the impact of Welfare Reform changes.</p> <p>Potential likelihood is reducing but remains medium and impact remain.</p>	
SD5 – Reduction in funding for Culture and Communities	<p>People</p> <p>Increase levels of participation in sport, health, environmental and physical activities.</p>	<p>Reduction of Council funding into Culture and Communities Service. Unable to source external funding to service.</p> <p>Likelihood is low and the impact is moderate.</p>	<p>Treat the risk through continuous action and review.</p>	<p>Forward budget planning over a number of years. Approvals for reserve spend to secure staffing positions up to March 2020 initially for Active Communities.</p> <p>Lobby to maintain current funding contribution that the Council makes towards the Active Communities service and for an increased contribution if current levels of service are to be maintained post-March 2020.</p> <p>The Council is in the final year of a three-year funding agreement with the Police and Crime Commissioner (PCC) for £25,000 per year Community Safety Funding.</p> <p>The Council receives £35,000 per year Basic Command Unit funding from the Chief Superintendent. This is received annually with no long-term commitment.</p> <p>Ongoing dialogue with Rolls Royce to secure continued sponsorship of the Environmental Education Project.</p> <p>Continually seek external funding opportunities to support service delivery.</p>	<p>SD5 and SD11 are now combined as risk on the impact of external funding on the Culture and Communities service.</p>

SD8 - Failing infrastructure at Rosliston Forestry Centre.	Place Support provision of cultural facilities and activities.	Failing Infrastructure at Rosliston Forestry Centre. Rosliston Forestry Centre project team meets on a fortnightly basis to manage ongoing issues at the facility. Regular meetings held with the Forestry Commission. Likelihood is low but the impact would be moderate	Treat the risk through continuous action and review.	Condition survey updated as part of procurement exercise for new contractor. Focus on implementing infrastructure requirements identified in consultant's report. Make invest to save business cases. Collaboration with Public Building Officer on improvements to the Planned Preventative Maintenance (PPM). Engage tenants and keep senior management team informed.	No change to rating or treatment.
SD9 - Failure to meet housing delivery targets set out in the five year supply.	Place Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Failure to meet housing delivery targets. Local Plan is in place which sets out the five year supply. Latest monitoring for 18/19 indicates the Council was performing above target with an upward trajectory. Likelihood is low but the impact would be significant.	Treat the risk through continuous action and review.	Monitoring/review of performance ongoing. Active pursuit of schemes and opportunities. Develop action plan(s) where necessary.	No change to rating or treatment.
SD10 - Failure of IT infrastructure that supports Planning Systems, LLPG and Land Charges.	Place Facilitate and deliver a range of integrated and sustainable	Ongoing issues with IT infrastructure that supports Planning systems. Likelihood is medium and the impact would be significant.	Treat the risk through continuous action and review.	A new solution has been selected and contract awarded. An accelerated project plan has been formulated and is underway. Work is on track to ensure that the new solution goes live over the next two quarters.	No change to likelihood or impact but the risk has changed from red to amber following a review of the Council's risk matrix

	housing and community infrastructure.				
SD11 – Community Safety Partnership funding	People Protect and help support the most vulnerable, including those affected by financial changes.	Potential funding shortfall for the Community Safety Partnership. The Safer South Derbyshire Partnership currently obtains annual funding totalling £60,000 from the Derbyshire Police and Crime Commissioner and Derbyshire Police. Likelihood is medium but the impact would be moderate.	Tolerate the current situation and keep under review.	<p>There is no long-term commitment to continue this funding. However, there are Partnership reserves in place which would assist in a gradual decrease in budget rather than a major cut to all initiatives.</p> <p>The Council is in the final year of a three-year funding agreement with the Police and Crime Commissioner (PCC) for £25,000 per year Community Safety Funding.</p> <p>The Council receives £35,000 per year Basic Command Unit funding from the Chief Superintendent. This is received annually with no long-term commitment.</p>	This risk will be removed and issues have been incorporated into SD5.
SD12 – Melbourne Sports Park	Place Support provision of cultural facilities and activities throughout the District. People Increase levels of participation in sport, health, environmental and physical activities.	Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP). Ongoing discussions with national funders. Likelihood is low but the impact would be significant.	Treat the risk through continuous action and review.	<p>Regular Artificial Grass Pitch (AGP) Steering Group meetings.</p> <p>Matter under regular review at MSP Board meetings. Key funder in attendance at AGP steering group meetings.</p> <p>Specialist consultants, MSP representatives and SDDC officers progressing site drainage solutions. Planning permission sought and procurement plans advanced.</p> <p>Engagement with landowner on site permissions progressed.</p>	No change to rating or treatment.

SD13 – Sinfin Waste Plant	People Reduce the amount of waste sent to landfill.	<p>Impact on delivery rounds of diverting all residual waste to Sinfin Waste Plant.</p> <p>Move to Sinfin now to be phased over three years, giving time to minimise impact on delivery rounds.</p> <p>Likelihood is low the impact would be moderate.</p>	Treat the risk through continuous action and review.	<p>Derbyshire County Council and Derby City Council have issued a formal notice to their long-term waste management project's funders (the banks) to take action under the contract to secure the future of the delayed Waste Treatment Facility at Sinfin.</p> <p>Both councils continue to be committed to completing the facility; the banks funding the project now have the opportunity to step in and resolve these issues under the contract. If the banks decide against taking action then the councils will bring their long-term waste management contract with Resource Recovery Solutions (Derbyshire) RRS to an end and put measures in place to fix problems at the site so that the facility can be made fully operational.</p> <p>For the time being it is business as usual and there should be no change to the District Council's nominated delivery points.</p> <p>If the contract with RRS comes to an end, contingency plans will be put in place to make sure recycling centres continue to operate.</p>	Likelihood increased to low and impact remains at moderate.
SD14 – Tree Management	Outcomes Enhance Environmental Standards	<p>Failure to manage the Council's tree stock in line with adopted Tree Management policy.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Review of approved Tree Management Policy underway.</p> <p>The Council has engaged additional temporary support from outside the organisation to undertake essential inspections of tree stock.</p>	No change to rating or treatment.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	30th MAY 2019	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@southderbyshire.gov.uk	DOC:
SUBJECT:	UPDATE TO PRIVATE HIRE LICENSING POLICY AND CONDITIONS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That the proposed changes to the Private Hire Licensing Policy and Private Hire Vehicle, Driver and Operator Conditions are approved to come into effect on 1st July 2019.
- 1.2 That the proposed fee for a private hire vehicle licence for a hire vehicle is approved to come into effect on 1st August 2019.

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 In light of local and national changes to the private hire trade, the Private Hire Licensing Policy and Conditions have been reviewed and updated.
- 3.2 Prior to consultation, in summary, the main proposed amendments were:
 - Vehicles aged between 8 years and 10 years (or 15 years if wheelchair accessible vehicle) will not automatically be renewed. The vehicle must be maintained in an exceptional condition and be inspected by an Authorised Officer who will determine if the vehicle licence will be renewed. In addition, any vehicle aged between 8 years and 10 years (or 15 years if wheelchair accessible vehicle) may have their renewal application refused or their vehicle licence revoked if the vehicle fails its Depot test on any issues which could undermine the public safety objective.

- Vehicles that have tinted windows that prevent clear vision into the vehicle will not be licensed. All windows in a private hire vehicle must have a minimum light transmission of 70%.
- Internal stickers to be displayed in the back of the vehicle as well as the wind screen.
- Vehicles licensed by hire companies will only be issued a licence for a period of 3 months.
- Applicants for a private hire driver's licence will have to demonstrate a good level of English which will be assessed at the initial application appointment.
- The knowledge test will include questions on giving the correct change to customers.
- New applicants must provide their disability awareness training certificate before a licence is granted.
- All drivers must undertake refresher Safeguarding Training every 3 years.
- Online criminal record checks will be carried out every 6 months.
- Any applicant who has lived overseas for more than 6 months since the age of 18 will be required to submit a certificate of good conduct as part of their application.
- The Council will be a member of the National Register of Taxi Licence Refusals and Revocations enabling the Council to carry out a check on new and existing drivers to establish if they have had a licence revoke or refused at another Council.
- A private hire operator must demonstrate what steps they take to ensure that drivers remain fit and proper to hold a driver's licence. An operator must carry out basic criminal record checks on any booking staff.
- A driving history check will be completed on all private hire operators.
- The Conviction Policy has been updated and reflects the Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensed Drivers.

In addition, further minor amendments have been made to internal and external procedures.

Consultation

- 3.3 Officers conducted an 8 weeks consultation exercise on these proposals with all existing licence holders and members of the public via the Council's website.
- 3.4 Seven responses were received during the consultation period. A summary of the responses is attached as **Appendix 1**.

- 3.5 During the consultation period, a Driver's Forum was held where 29 operators and drivers were in attendance. The proposals were discussed and a summary of the responses is attached as **Appendix 2**.
- 3.6 A copy of the draft Policy and Conditions with the proposed changes highlighted are attached as **Appendix 3 to 6**.

Hire Vehicle Fee for Private Hire Vehicle Licence

- 3.7 Under the Local Government (Miscellaneous) Provisions Act 1976, the Council may charge such fees to cover in whole or part of the reasonable cost of the administration of determining an application and the control and supervision of a private hire vehicle.
- 3.8 As a private hire vehicle licence for a hire company will only last 3 months, the fee for a hire vehicle has been reviewed and it is proposed to charge £121 per application. The proposed fee must be advertised so the new fee will come into effect on 1st August 2019 if no objections to the proposed fees are received.

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 that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of private hire licensing seriously, which contributes to the theme of safety and security.

6. Background Papers

Local Government (Miscellaneous Provisions) Act 1976

Consultation Responses Log

Response	Summary of points raised	Amendment to Draft Policy
Response 1 (Councillor)	Full support for proposed amendments	No changes to the Policy
Response 2 (Councillor)	Clarification on what 'a good standard of English' means. Explanation of proposed internal procedures provided. Full support for proposal once clarification provided.	No changes to the Policy
Response 3 (Parish Council)	Full support for proposed amendments	No changes to the Policy
Response 4 (Councillor)	<p>Objection to the proposal regarding tinted windows for the following reasons:</p> <ul style="list-style-type: none"> • Could result in legal challenges to the Council • Luxury vehicles have standard factory fitted legal privacy glass so would these not be licensable? • Privacy glass is within the law in the rear of vehicles • Drivers can see out of the rear windows • Privacy glass is needed for protection for children and adults from dangerous sun rays. • Executive clientele do require the privacy that the glass supplies • One man private hire drivers use luxury vehicles as they can't compete with large run around private hire companies and go for quality not quantity. • Barring this vehicle would penalise the small one man businesses. 	<p>With regards to tinted windows, amendments have been made to include an exemption for executive cars. The proposal will only apply to new vehicle licences issued after 1st July 2019.</p> <p>With regards to the stickers in the rear of the vehicle, wording has been amended so the sticker is not 'dual sided'. The Council have sourced 'stickers' that will not peel off when the window is opened. In addition, the stickers in the rear of the vehicle are for the benefit of the passengers in the vehicle so doesn't need to be seen outside of the vehicle.</p>

	<ul style="list-style-type: none"> • Drivers have a responsibility to report any suspicious treatment of vulnerable people etc. • The Council has to balance to reactions of keeping people safe and destroying good private hire drivers' livelihood. We should not be telling these drivers that they have to buy lower standard of basic vehicles that don't have privacy glass. <p>Objection to the displaying of internal plates on the rear passengers windows:</p> <ul style="list-style-type: none"> • The rear windows are fully opening so would not stay stuck to the window. • Stickers cannot be seen through legal privacy glass. <p>Unable to support these two proposals as drivers can easily license themselves with less picky licensing authorities and we shouldn't be encouraging that.</p>	
Response 5 (Licence Holder)	Objection to the proposal that hire companies are only licensed for 3 months rather than one year as this will cost hire companies money, time and will not be able to provide the same level of service to the licensed drivers.	This amendment has been proposed due to the amount of Officer time that is being spent on ensuring hire companies comply with the legislation. No amendment to the Policy made as the concerns raised will be covered by internal procedures.
Response 6 (County Council)	Full support for the proposal regarding tinted windows as they support any measure taking by Licensing Authorities that is aimed at improving safeguarding of their passengers.	No amendments to the Policy
Response 7 (County Council)	<p style="text-align: center;">Page 35 of 108</p> Full support for the proposal regarding tinted windows in	No amendments to the Policy

	<p>the interest of safety and safeguarding as there is no reason why a licensed vehicle should require tinted glass and given that some vulnerable service users are transported without a passenger assistant on board, it is essential that parents/carers, the public, other road users and schools/day centres can clearly see into the rear of the licensed vehicle.</p>	
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Driver's Forum

Proposed Amendment	Summary of Discussion	Amendment to Draft Policy
<p>Paragraph 2.17</p> <p>Vehicles aged between 8 years and 10 years (or 15 years if wheelchair accessible vehicle) will not automatically be renewed. The vehicle must be maintained in an exceptional condition and be inspected by an Authorised Officer who will determine if the vehicle licence will be renewed.</p> <p>Paragraph 2.18</p> <p>In addition, any vehicle aged between 8 years and 10 years (or 15 years if wheelchair accessible vehicle) may have their renewal application refused or their vehicle licence revoked if the vehicle fails its Depot test on any issues which could undermine the public safety objective.</p>	<p>Concerns as the checks are to be carried out by Officers rather than the Depot; what is the discretion and what are Officers qualifications to be able to check a vehicle.</p> <p>Definition of exceptional condition would assist in deciding whether to carry out the work or not.</p> <p>Drivers will not spend lots of money on improving a vehicle if it will not be worth it on the resale value.</p> <p>The Officer check was to assist the vehicle proprietor however the majority would prefer a check by the Depot than Officers to decide if the vehicle meets the exceptional condition. If there is a clear definition then it is up to the vehicle proprietor to decide if they comply or not and run the risk of a failed depot test.</p>	<p>Agreed that the check will still be carried out by the Depot rather than an Officer. Reminder letters will be sent out two months before renewal (currently one month) with the exceptional condition definition detailed in the letter to provide time for any required works to be completed.</p> <p>If a vehicle fails the re-test after failing an initial inspection on grant, renewal or the 6 monthly checks then the vehicle licence will be refused or revoked.</p> <p>The standards required of a private hire vehicle are already detailed at paragraph 2.3, 2.4 and 2.5 of the Policy.</p> <p>Proposed paragraph 2.17 deleted.</p> <p>Proposed paragraph 2.18 amended to read:</p> <p>Any vehicle aged between 8 years and 10 years (or 15 years if wheelchair accessible vehicle) may have their renewal application refused or their vehicle licence revoked if the vehicle fails its Depot re-test on any issues which could undermine the public</p>

		safety objective. If the vehicle proprietor is aggrieved by the decision of the Depot then any concerns can be raised with a Licensing Officer to determine whether the requirements of the Council have been met or not.
<p>Paragraph 2.30</p> <p>For safety reasons, it must be possible to observe the driver of a licensed vehicle and the passenger(s) being carried. Many licensed vehicles are used for the carriage of children and vulnerable adults and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed. The minimum light transmission permitted for the wind screen and all of the windows in the licensed vehicle is 70%. It is advisable to contact the Licensing Department for further clarification.</p>	<p>Some school contracts demand privacy windows as part of the contract.</p> <p>Factory tinted windows comes as standard on higher specification models so drivers will not purchase this type of vehicle.</p> <p>Some minibuses don't even have windows.</p> <p>If buy second hand then there is no way of knowing if the tints are factory fitted or retro fitted.</p>	<p>Officers have had confirmation from Staffordshire and Leicestershire County Council that they have never issued a school contract with a requirement for tinted windows. Derbyshire County Council has confirmed that one contract has been issued to a company in Chesterfield whereby tinted windows are required due to the pupil having light sensitivity and eye/skin problems.</p> <p>The County Councils have provided their full support for the proposed amendment.</p> <p>The Policy has been amended at paragraph 2.30 to include an exemption for executive cars and to amend a discrepancy. The exemption will apply in the same way as the exemption for executive vehicles from displaying the plates and signs on a licensed vehicle.</p> <p>To avoid any cost to vehicle proprietors in relation to any currently licensed vehicles, it</p>

		<p>is proposed that this amendment will only apply to new vehicle licences granted after 1st July 2019.</p> <p>Proposed section on tinted windows amended to read:</p> <p>2.30 For safety reasons, it must be possible to be able to observe the driver and the passenger(s) being carried in a licensed vehicle. Many licensed vehicles are used for the carriage of children and vulnerable adults and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed. The minimum light transmission permitted for the wind screen is 75% and all other windows in the licensed vehicle shall be 70%.</p> <p>2.31 The only exception to this requirement is for executive type vehicles being used exclusively for executive hire, corporate contracts or work of a similar nature. A request for exemption should be submitted in writing with supporting evidence.</p> <p>2.32 When purchasing new or used vehicles for use as a private hire vehicle, vehicle proprietors are advised to contact the Licensing Department to ensure the vehicle is compliant with the required light</p>
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		<p>transmission values.</p> <p>2.33 The above requirement for tinted windows will only apply to private hire vehicle licences issued after 1st July 2019. Existing private hire vehicle licences may continue to have tinted windows that do not meet the required light transmission values as long as the tints are manufacture fitted. Any licensed vehicle with retro fitted tinted windows will have to remove the additional tints.</p>
<p>Paragraph 2.48</p> <p>Licensed vehicles are required to display licence plates externally on the rear of the vehicle and a dual sided plate in the front windscreen and rear passenger windows. 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 vehicle at all times.</p>	<p>Could block the view</p> <p>Suggestion about QR codes on window stickers for people to link direct to the Council's website</p>	<p>No amendments to Policy</p>



SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE LICENSING POLICY

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Issue **8: # 7: November 2017**

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 operators and](#) 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 Statutory Guidance for Licensing Authorities](#) (“the Guidance”) has been ~~re-~~ issued by the Department for Transport [under Section 177 of the Policing and Crime Act 2017](#) 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 was undertaken in 2014. The Policy was further amended in 2015, ~~and 2016~~ [and 2017](#) to incorporate changes introduced by legislation and amendments to criminal record checks and wheelchair accessible vehicles. This 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](#) ~~#~~ 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.

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.

- 2.11 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.
- 2.12 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. A 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 [and before any additional driver drives the wheelchair accessible vehicle.](#)
- 2.13 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.
- 2.14 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 2.16 below except for (ii) as a MOT pass certificate is required every 6 months for a wheelchair accessible vehicle.

Age of Vehicles

- 2.15 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.
- 2.16 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).
- 2.17 [Any vehicle aged between 8 years and 10 years \(or 15 years if wheelchair accessible vehicle\) may have their renewal application refused or their vehicle licence revoked if the vehicle fails its Depot re-test on any issues which could undermine the public safety objective. If the vehicle proprietor is aggrieved by the decision of the Depot then any concerns can be raised with a Licensing Officer to determine whether the requirements of the Council have been met or not.](#)

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

Vehicle Testing

- 2.48-19 All vehicles over 3 years of age must have a valid MOT pass certificate upon first application and annually thereafter.

2.2019 — In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's depot every 6 months.

2.2021 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.

2.2122 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, the relevant fee paid and the licence holder is in receipt of a letter confirming that the suspension has been lifted by an Authorised Officer.

2.23 Any vehicle licence suspended due to failing to meet its inspection requirements will automatically be revoked two months after the date of suspension in line with the legislative requirements.

2.224 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 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.

2.253 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.

2.264 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

2.275 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.

2.286 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.

2.2927 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).

Tinted Windows

- 2.30 For safety reasons, it must be possible to be able to observe the driver and the passenger(s) being carried in a licensed vehicle. Many licensed vehicles are used for the carriage of children and vulnerable adults and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed. The minimum light transmission permitted for the wind screen is 75% and all other windows in the licensed vehicle shall be 70%.
- 2.31 The only exception to this requirement is for executive type vehicles being used exclusively for executive hire, corporate contracts or work of a similar nature. A request for exemption should be submitted in writing with supporting evidence.
- 2.32 When purchasing new or used vehicles for use as a private hire vehicle, vehicle proprietors are advised to contact the Licensing Department to ensure the vehicle is compliant with the required light transmission values.
- 2.33 The above requirement for tinted windows will only apply to private hire vehicle licences issued after 1st July 2019. Existing private hire vehicle licences may continue to have tinted windows that do not meet the required light transmission values as long as the tints are manufacture fitted. Any licensed vehicle with retro fitted tinted windows will have to remove the additional tints.

Insurance

- 2.3428 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.
- 2.3529 Any person named on an insurance certificate ~~must 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.
- 2.36 If a licensed driver is added to the insurance policy during the term of the licence, an updated insurance certificate must be sent to the Council as soon as possible.

Taximeters

- 2.379 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.
- 2.384 A tariff card must be displayed in the vehicle showing the current fares payable.
- 2.392 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

2.4033 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, collision or damage, 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.

2.41 If the vehicle is not fit for purpose due to accident damage, the vehicle licence will be suspended with immediate effect. The licence holder must not use this vehicle after they have been served this suspension notice until such time as the inspection requirements are met, the relevant fee paid and the licence holder is in receipt of a letter confirming that the suspension has been lifted by an Authorised Officer.

2.42 Any vehicle licence suspended due to accident damage will automatically be revoked two months after the date of suspension in line with the legislative requirements.

Signage and Advertising

2.4334 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.

2.4435 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 external 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.

2.4536 For any signage in addition to the above, approval must first be obtained from the Council in writing.

2.4637 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.

2.4738 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.

2.4839 Written permission must be obtained from the Council prior to any commercial advertising being placed on or in the vehicle.

2.490 No signage must be placed in or on any of the the rear windows of the licensed vehicle so as to avoid the driver's view from being obscured.

Plate exemption

2.5044 Licensed vehicles are required to display licence plates externally on the rear of the vehicle and a dual-sided plateplate in the front windscreen and rear passenger windows. 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.

- 2.5142 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

- 2.5243 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.
- 2.5344 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 test.

Hire Vehicles

- 2.54 A hire vehicle is a vehicle provided to a licensed driver when their own vehicle cannot be used for private hire purposes usually after an accident. This vehicle must be licensed as a private hire vehicle in order to be used for private hire purposes. Hire vehicle companies license vehicles as private hire and/or hackney carriage with different Licensing Authorities throughout the country.
- 2.55 As a hire vehicle is only used for a short period of time and to avoid any offences being committed under the private hire legislation, a private hire vehicle licence issued to a hire company will be issued for a period of 3 months only.
- 2.56 The Council must be notified in writing as soon as the nominated licensed driver is no longer using the hire vehicle. On receipt of this notice, the private hire vehicle licence will be suspended until notification is received of any new driver. The licence plate must be returned to the Council within 7 days of the date of the suspension notice. The vehicle should not be used for private hire purposes until the licence holder has received written confirmation that the suspension has been lifted and that the proposed driver is a licensed driver with this Authority.
- 2.57 Before any hire vehicle is licensed with any other Licensing Authority, the licence must be surrendered and the plate returned to the Council.

Application Procedures

- 2.5845 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.
- 2.5946 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.
- 2.60487 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.

- | 2.6148 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.
- | 2.6249 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.
- | 2.6350 _____ 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.
- | 2.6451 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.
- | 2.6552 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

- | 2.6653 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)

- | 2.6754 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.
- | 2.6855 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.
- | 2.6956 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.

- | 2.7057 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.
- | 2.7158 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.
- | 2.7259 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.
- | 2.7360 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

- | 2.7464 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 Private hire drivers are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Private hire drivers should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances, should private hire drivers take the law into their own hands. Private hire drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- | 3.32 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

- | 3.43 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.

3.54 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 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.

3.6 All private hire drivers are required to demonstrate a good level of English in order to fulfil their duties including in any emergency or challenging situations. A good level of English is required for passengers and the driver's safety.

3.7 An applicant's level of English will be assessed during the initial application appointment by assessing their ability to hold a conversation with the Licensing Officer. If there are any concerns, the applicant will be advised to take steps to improve their English language proficiency. If any concerns are raised by the Licensing Officer then a further assessment will be carried out at the knowledge test to assess if their English has improved. This will be in the format of a conversation with the Licensing Officer. If there are still concerns over an applicant's level of English when a full application has been submitted then their application will be referred to the Licensing and Appeals Sub-Committee for determination.

Driver Knowledge Tests

3.85 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.

3.96 The knowledge test will consist of:

- (i) Writing a receipt;
- (ii) Questions on giving the correct change to customers;
- (iii) Questions on the Council's private hire conditions and Policy;
- (iv) Questions on the highway code;
- (v) Questions on the legislation relating to private hire;
- (vi) Shortest route questions;
- (vii) Identifying the location of places of interest;
- (viii) Road signs

3.107 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.

3.118 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.

3.129 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.

- 3.139 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

- 3.140 All applicants must complete and pass a 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 pass certificate must be less than 12 months old when submitted to the Council.
- 3.154 With regards to existing licensed drivers, there is no requirement to pass the taxi/private hire assessment 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 test. A maximum time limit of 6 months is allowed to pass the test. A copy of the pass certificate must be provided to the Council. Failure to pass the test within the 6 month period will result in the ~~immediate~~ suspension of the private hire driver's licence until a certificate has been submitted.

Disability Awareness Training

- 3.162 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 applicant Council. A fee will be payable by the licensed driver. If ~~the applicant 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.
- 3.137 Existing drivers were required to have completed the disability awareness training by November 2016.
- 3.184 For all new applicants, the training certificate must be provided by the applicant before their application can be considered. must be completed within the first year of being licensed as a private hire driver. If a driver has not completed the training within the first year, the private hire driver's licence will be suspended until the training has been completed.

Medical and Eyesight Examination

- 3.195 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.

- | 3.2046 The applicant is responsible for the payment of all fees required for any medical or eye examination.
- | 3.2147 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.
- | 3.2248 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.
- | 3.4923 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.
- | 3.2420 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

- | 3.2524 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. Medical evidence will be required to support the exemption request.
- | 3.2622 Once an exemption has been granted, the driver will be issued with a medical exemption certificate. The driver must display a notice of exemption [here](#) 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.
- | 3.237 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. [This Council takes complaints of this nature very seriously and will look to take action against a private hire driver and/or operator on any complaint received.](#)

Disclosure and Barring Service (DBS) Disclosures

- | 3.284 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, [except protected cautions and convictions](#), must be declared on the application form and failure to do so will be treated as a dishonest act.
- | 3.295 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure upon first application-. [A check of the barred lists is also](#)

carried out by this Council. 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 certificate has been received.

3.3026 Any applicant who has lived overseas for more than a period of six continuous months since the age of 18 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.

3.3127 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.

3.3228 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 every 6 months. The Council may carry out further checks if they have reasonable cause to do so.

3.2339 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 including a check of the barred lists and checked to the required workforce;
- (iii) consent form signed by the driver permitting the Council to carry out an online check.

3.340 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.

3.354 If the Council is unable to carry out ~~an annual~~ online criminal record check prior to the due date then notification will be sent to the driver so a new DBS certificate can be obtained. ~~†~~The private hire driver's licence will be suspended if until a satisfactory check can ~~not~~ be carried out before the due date.

3.36 The licence holder must notify the Council immediately if their subscription to the DBS online checking service lapses. A new DBS certificate will have to be applied for. If the online check is due 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

3.372 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.

3.383 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.

3.394 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

- | 3.4035 The Council requires all licence holders who are arrested, [receive a summons or a postal requisition notice](#) to report this fact to the Council within 72 hours. A representative may fulfil this requirement if the licence holder is unable to.
- | 3.4136 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.
- | 3.4237 In the case of a deferred sentence, the penalty must be disclosed to the Council within [7seven](#) 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

- | 3.3843 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.
- | 3.4439 From October 2016, [all](#) existing drivers ~~were~~[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.~~[All right to work checks on existing drivers were completed within one year of October 2016.](#)
- | 3.450 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.
- | 3.464 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 driver after this date. Proof of their right to work will be required as part of the renewal application.
- | 3.472 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 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

- | 3.483 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.
- | 3.494 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.

3.4550 For all new applicants, the training must be completed prior to the grant of a private hire driver's licence.

3.51 Every licence holder will have to complete refresher training every 3 years in line with the renewal of their private hire driver's licence. An application to renew the private hire driver's licence will not be determined until the refresher training has been completed.

DVLA Licence Checking

3.5246 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.

National Register of Taxi Licence Refusals and Revocations (NR3)

3.53 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority; that is, assessing whether an individual is a fit and proper person to hold a private hire driver's licence.

3.54 The Council will provide information to NR3 in the following circumstances:

- when a private hire driver's licence application is refused;
- when a private hire driver's licence is revoked.

3.55 All applications for the grant or renewal of a private hire driver's licence will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the Licensing Authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

3.56 The information recorded on NR3 itself will be limited to:

- name;
- date of birth;
- address and contact details;
- national insurance number;
- driving licence number;
- decision taken;
- date of decision;
- date decision effective.

3.57 Information will be retained on NR3 for a period of 25 years.

3.58 Details of how the Council will deal with requests by other Licensing Authorities for further information about entries on NR3, and about the use it will make of any further information provided to it can be found at Appendix 3 of this Policy.

3.59 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the Council's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

Application Procedure

3.6047 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.

3.6148 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.

3.6249 _____ 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.

3.6350 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.

3.6451 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

3.6552 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. The operator must ensure that all drivers of a licensed vehicle are named on the insurance policy in place for that vehicle.

4.4 An operator must also be able to demonstrate what steps he is taking to ensure that any licensed driver remains a fit and proper person. The operator shall be able to demonstrate that they are taking steps to ensure that all private hire vehicles operated by the operator remain fit for purpose to continue to hold a private hire vehicle licence.

4.54 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.

4.65 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. The operator must be able to demonstrate that he has taken steps to ensure that the operator, vehicle and driver are licensed.

4.67 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.

4.87 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.

4.98 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

4.109 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 and a certificate of good conduct from the relevant embassy where the applicant has lived in the UK for less than 5 years overseas for more than six continuous months. The certificate must be less than one month old and be submitted with the application form. Applicants that hold a current private hire driver's licence with the Council will be exempt from this requirement.

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

4.12 If the operator is a limited company, a basic disclosure certificate will be required from all directors and partners of the company on initial application and on an annual basis if these individuals are not a licensed private hire driver. It is a requirement that the Council is notified of any change of director and/or partner within a company in order that a basic disclosure certificate can be obtained from any new individuals. If any of the individuals are not fit and proper to hold a private hire operator's licence then the licence will be referred to the Licensing and Appeals Sub-Committee for consideration.

4.13 If the operator employs any ancillary staff to take bookings in person or over the telephone or to dispatch any bookings, a register of all staff that will take bookings or dispatch vehicles must be kept. A basic disclosure certificate will be required from all members of staff who take bookings or dispatch vehicles. These members of staff

have access to information about customers that needs to be protected by way of ensuring that the people in these positions do not impose an undue risk to the public and are not liable to be exploited by criminals. The register of members of staff must be updated by the operator when someone joins or leaves the operator's employment. A basic disclosure certificate should be obtained and provided to the Council on request.

- 4.14 An operator must produce and maintain a policy on employing ex-offenders in roles that are required to be on the register at 4.12 above.

DVLA Licence Checking

- 4.15 It will be necessary for a DVLA mandate to be signed which enables the Council to obtain an operator'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.

Right to work

- 4.164 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.
- 4.172 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.
- 4.183 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.
- 4.149 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

- 4.2045- 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.
- 4.2146 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

4.2247 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. [Proof of ownership or contract of use must be provided to the Council with the application form.](#)

4.2348 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, ~~[proof of ownership or contract of use as well as and](#)~~ proof of planning permission status. A fee will be payable for the change of address.

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

4.2449 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

4.250 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.

4.246 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.

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

4.283 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

4.294 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—Corporate](#) 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, 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-derbyshire.gov.uk

DOCUMENT HISTORY

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1	January 2009	Council
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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	November 2017	Council
8	#	#

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 driving assessment certificate;
 - (xi) safeguarding training certificate, arranged through the Council;
 - ~~(x)(xii)~~ disability discrimination awareness training certificate;
 - ~~(xi)(xiii)~~ 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) DBS online checking service consent form.

2.4

- 2.4 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.
- 2.5 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 10 working days.
- 2.6 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) proof of road tax;
 - (iii) insurance certificate for hire and reward purposes for all proposed drivers;

~~(iii)~~(iv) depot pass certificate;
~~(iv)~~(v) the specified fee;
~~(v)~~(vi) SVA or IVA certificate (limousines and novelty vehicles only);
~~(vi)~~(vii) MOT certificate (if more than 3 years old);
~~(vii)~~(viii) Meter certificate (if applicable);
~~(viii)~~(ix) LPG certificate (if applicable);
~~(ix)~~(x) Tailgate certificate (if applicable);
~~(x)~~(xi) 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 If the vehicle is aged between 8 years old and 10 years old (or 15 years for a wheelchair accessible vehicle), the applicant must contact the Licensing Department prior to submitting an application so a check of the vehicle can be carried out and a decision made as to whether a renewal application will be accepted.

- 4.34 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).

- 4.54 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.

- 4.65 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.

- 4.67 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.

- 4.87 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.~~

~~5.34~~ A fee is payable.

~~5.45~~ 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 reasonable administration costs incurred in granting the licence.

6.3 A new vehicle application will be required with all the supporting documentation and relevant fee.

7 Hire Vehicles

7.1 The application process is the same as a new vehicle licence application as detailed above.

PRIVATE HIRE OPERATORS

78 New Operators

87.1 An application for a private hire operator's licence may be made at any time of the year.

87.2 Applications must be made on the form called New Private Hire Operator Licence.

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

(i) Relevant B~~asic~~ disclosure certificates (if not a private hire driver. The certificate must be less than one month old);

~~(+)(ii)~~ completed DVLA mandate form;

~~(ii)(iii)~~ the specified fee;

~~(iii)(iv)~~ proof of right to work;

(v) proof of planning permission for the proposed operator base;

~~(iv)(vi)~~ proof of ownership or a contract of use for the proposed operator base;

~~(v)(vii)~~ public liability insurance (if applicable);

~~(vi)(viii)~~ employees liability insurance (if applicable).

~~78.4 An appointment must be made with the Licensing Department for the right to work checks to be carried out. Original documents should be submitted for the right to work and these can be sent through the post or presented at the Customer Contact Centre for verified copies to be taken. The Council accepts no responsibility for original documents sent through the post.~~

87.5 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.

89 Renewals

98.1 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.

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

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

- (i) Basic disclosure certificate (if not a private hire driver. The certificate must be less than one month old);
- ~~(i)~~(ii) [completed DVLA mandate form;](#)
- ~~(ii)~~(iii) the specified fee;
- ~~(iii)~~(iv) public liability insurance (if applicable);
- ~~(iv)~~(v) employees liability insurance (if applicable).

89.4 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.

109 GENERAL PROCEDURES

109.1 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.

109.2 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. [DBS application forms will not be completed without an appointment.](#)

109.3 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 [including the barred lists check](#) and checked to the required workforce;
- (iii) consent form signed by the driver permitting the Council to carry out an online check.

109.4 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.

- | [910.5](#) 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.
- | [109.6](#) 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.

| [110](#) **CONSIDERING APPLICATIONS**

- | [110.1](#) The Council will only consider complete applications with all the necessary documentation and fee.
- | [110.2](#) When submitting applications, applicants should be aware that it may take up to **ten** working days to process and issue a licence.
- | [110.3](#) 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 DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSED DRIVERS IN THE PRIVATE HIRE TRADES

1 General

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

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

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

1.2 In all the cases, the Council will consider the conviction or behavior in question and what weight should be attached to it and Each case will be considered-determined on its own merits having regard to this Guidance.

1.3 This Guidance is the baseline for acceptability and it shall only be departed from in exceptional circumstances. Where it is necessary-appropriate 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. As the Council has the power to suspend or revoke a licence, this Guidance will also relate to the consideration of convictions and/or cautions received during the course of a licence.

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.

1.5 'Fit and proper' means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is 'safe and suitable' to hold the licence.

1.6 In determining safety and suitability, the Council is entitled to take into account all matters concerning that applicant or licensed driver. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be

considered. This can include, but is not limited to, the individual's attitude and temperament.

1.7 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

1.8 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

1.9 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

2. Crimes resulting in death

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

3. Exploitation

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

4. Offences involving violence

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

5. Possession of a weapon

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

6. Sex and indecency offences

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

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

7. Dishonesty

7.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

8. Drugs

8.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

8.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

9. Discrimination

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

10. Motoring convictions

10.1 Private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensed driver does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

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

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

Other motoring offences

10.4 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

10.5 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

11. Hackney carriage and private hire offences

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

Vehicle use offences

11.2 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

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.

APPENDIX 3

Policy for in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this Policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

Overarching principles

This Policy covers the use that the Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, renew or revocation of a hackney carriage or private hire driver's licence. This information is important in the context of a subsequent application to another Licensing Authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

The Council has signed up to the NR3. This means that when an application for a private hire drivers' licence is refused, or when an existing private hire drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the Council will make a search of the NR3. The search will only be made by an Officer who has been trained in the use of the NR3 and who is acting in accordance with this Policy. If details are found that appear to relate to the applicant, a request will be made to the Licensing Authority that entered that information for further details.

Any information that is received from any other Licensing Authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application. Where an appeal to the Magistrates' Court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the Magistrates' Court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court or the Crown Court, it is possible to appeal the decision by way of case

stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the Magistrates' Court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with the Council's general policy on the secure retention of personal data which is available at #. At the end of the retention period, the data will be erased and/or destroyed in accordance with Council's general policy on the erasure and destruction of personal data which is available at #.

Making a request for further information regarding an entry on NR3

When an application is made to the Council for the grant of a new or renewal of a private hire driver's licence, the Council will check the NR3.

The Council will make and retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If the Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the Licensing Authority that entered those details (the first authority) for further information about that entry. That request will also include details of Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the prescribed form. It will be posted or emailed to the contact address of the Licensing Authority that entered those details (the first authority) which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3

When the Council receives a request for further information from another Licensing Authority, a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

The Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

The Council will conduct a Data Protection Impact Assessment. This will consider how the other Licensing Authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second

authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Council is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a licensed driver. Data is held on the NR3 register for a period of 25 years, but Council (the first authority) may not disclose information relating to every entry. Each application will be considered on its own merits.

The Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Conviction Policy detailed at Appendix 2 above. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this Policy.

Any information about convictions will be shared in accordance with this Policy under part 2 of Schedule 1 of the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. The Council will make and retain a clear written record of every decision that is made as a result of a request from another Licensing Authority. This will detail:

- the date the request was received;
- how the data protection impact assessment was conducted and its conclusions;
- the name or names searched;
- whether any information was provided;
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made);
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting Licensing Authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Using any information obtained as a result of a request to another Licensing Authority

When the Council receives information as a result of a request that has been made to another Licensing Authority, it will take that information into account when determining the application for the grant or renewal of a private hire drivers' licence. This will be in accordance with the usual process for determining applications as detailed above.

The Council will make and retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that the Council will make in relation to the applicationⁿ.



**South
Derbyshire
District Council**

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the Act")

The following conditions are made by South Derbyshire District Council (["the Council"](#)) in pursuance of the powers conferred by Part II of the Act to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

1 GENERAL

- 1.1 The licence holder shall ensure that he or she complies in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice implemented by the Council.

2 MAINTENANCE OF THE VEHICLE

- 2.1 The licence holder shall:
- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed, all equipment fittings and fixtures are present and serviceable and complies with the conditions attached to the licence relating to the vehicle before the commencement of any journey.
 - Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
 - Report any defect discovered by the licence holder to the proprietor of the vehicle.

3 CONDUCT OF THE [LICENSEE/LICENCE HOLDER](#)

- 3.1 The licence holder shall:
- at all times be clean and respectable in his or her dress;
 - [behave in a civil and orderly manner;](#)
 - [work cooperatively with and be civil and respectful towards Officers of any Licensing Authority who are carrying out their duties;](#)
 - confirm the name, destination, ~~and~~ method of payment [and fare](#) with every passenger prior to commencing any journey;
 - take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
 - assist any passenger in gaining access to or from the vehicle;

- assist any passenger with the loading and unloading of luggage into and out of the vehicle;
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person;
- unless otherwise directed by the passenger, proceed to the destination requested by the passenger by the shortest possible route;
- not drive the vehicle without the written consent of the proprietor of the vehicle. The written consent must be kept in the vehicle at all times;
- not drink, eat, or play audio equipment in the vehicle without the express permission of the passenger;
- ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the passenger that the driver is waiting for the passenger;
- not drive a vehicle in a manner that may intimidate or have the potential to intimidate another road user;
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any vehicle; and not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any vehicle;
- not smoke or permit a passenger to smoke in the vehicle;
- ensure that "No Smoking" signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle;
- not use a mobile phone, [PDA, or similar communication device](#) whilst the engine of the vehicle is running unless it is connected to a suitable handsfree device, and the use of such a device would not infringe any road laws;
- not initiate [and/or engage in](#) any inappropriate dialogue with a passenger.

4 TAXIMETER

- 4.1 If the vehicle to be driven by the licence holder is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition, has been sealed by a company with a calibration certificate being held by the Council and the tariff of the taximeter has been submitted to the Council. If the vehicle being driven by the licence holder is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- 4.2 The licence holder shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The licence holder shall ensure that when the vehicle is not in use the taximeter is switched off.
- 4.3 The licence holder shall submit to the Council a new calibration certificate and tariff if they change private hire operator or the tariff changes during the course of the licence.

5 WRITTEN RECEIPT

- 5.1 The licence holder shall, if requested by the hirer, provide a written receipt of the fare paid. This receipt should include the name of the private hire operator, the name of the driver, the name of the passenger, the date, time and details of the journey and the fare paid.

6 ACCIDENTS AND DAMAGE TO THE VEHICLE

- 6.1 All accidents, collisions and damage involving the licensed vehicle, however minor, must be reported to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, regardless of whether any party was injured.

7 PROMPT ATTENDANCE

- 7.1 When the vehicle has been hired to be in attendance at an appointed time and place, the licence holder shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hirer, the licence holder shall ensure that he or she is aware of the destination and how to reach the destination.

8 DRIVER'S IDENTITY BADGE

- 8.1 The licence holder shall wear the driver's identity badge issued by the Council in a position where it may be seen at all times. The licence holder shall return the identity badge within 7 days upon termination of the licence, whether such termination is through suspension, surrender, revocation or normal expiry.
- 8.2 Any loss of badge must be reported to the Council as soon as the loss becomes known. A fee will be payable for all replacement badges. The licence holder must not drive for hire or reward purposes until they receive their updated badge.

9 FARES

- 9.1 The licence holder shall:

- not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The licence holder shall not demand any fare higher than that shown on the face of the taximeter;
- contact the private hire operator for a new fare if the hirer alters the original route;
- not demand from any hirer their personal belongings in lieu of payment;
- cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

- 9.2 In the event of a customer being unable to pay the required fare, the licence holder shall contact the operator immediately.

10 PASSENGERS

- 10.1 The licence holder shall not:

- convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed on the licence for the vehicle;

- without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.

10.2 The licence holder shall ensure that all passengers ~~between three and twelve years of age or 135cm in height~~over three years of age wear an appropriate child restraint to travel in the front of a vehicle. ~~If not available, these passengers~~ must use an adult seat belt in the rear of the vehicle.

11 CARRIAGE OF ANIMALS

11.1 The licence holder shall not permit any animal belonging to or under the care of him or her to ride in the vehicle when using the vehicle for private hire, without the consent of the hirer.

11.2 Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.

11.3 The licence holder shall not refuse any request to carry an assistance or guide dog, accompanying a person with a disability, unless the licence holder has been exempted in writing from this requirement by the Council. An assistance or guide dog must be carried free of charge in the vehicle. The notice of exemption must be displayed in the licensed vehicle at all times.

12 PRIVATE HIRE VEHICLE OPERATOR

12.1 The licence holder shall not use the vehicle for private hire unless the bookings are invited and accepted by an operator. The licence holder shall ensure the operator has a current private hire vehicle operator's licence issued by the Council.

12.2 The licence holder shall notify the ~~Authorised Officer~~Council in writing of the name and address of the operator he or she is permitted or employed to drive for within 7 days from the date he or she commenced driving for that operator.

12.3 If the licence holder ceases driving for the operator, he or she shall notify the ~~Authorised Officer~~Council in writing within 7 days.

13 DEPOSIT OF PAPER LICENCE

13.1 The licence holder shall deposit a copy of his or her paper private hire driver's licence with the vehicle ~~licensee~~licence holder and operator before driving the vehicle.

13.2 The licence shall be retained by the vehicle ~~licensee~~licence holder and operator until such time as the driver ceases to drive that vehicle or ceases to be registered/employed by the operator.

13.3 Any loss of paper licence must be reported to the Council. A fee is payable for the replacement licence.

14 INSURANCE

14.1 The licence holder shall ensure that he or she is covered by a valid insurance policy for hire and reward before driving the vehicle.

- 14.2 The licence holder shall, on being requested to do so, produce the insurance certificate to a Police Officer or the Authorised Officer.

15 LOST PROPERTY

- 15.1 The licence holder shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein, and the operator informed immediately.

- 15.2 Any property found by the licence holder, or handed to the ~~licensee~~ licence holder, must be taken to any Police Station within the South Derbyshire District boundary if not claimed by or on behalf of the customer within in 24 hours. Licence holders must leave it in the custody of the officer in charge of the Police Station and obtain a receipt. If the Police do not accept any article of lost property, the licence holder must pass the property to the operator.

16 MEDICAL FITNESS

- 16.1 The licence holder must maintain the standard of medical fitness required by the Council which is ~~that normally associated with a DVLA group II driver's licence~~ DVLA Group 2 medical standards throughout the term of the licence.

- 16.2 The licence holder shall notify the ~~Authorised Officer~~ Council in writing as soon as possible, and in any event not later than 72 hours, of any illness or injury affecting his or her fitness to drive in any way.

- 16.3 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 applicant is responsible for the payment of all fees required for any medical examination.

17 CONVICTIONS AND DVLA DRIVING LICENCE

- 17.1 The licence holder shall immediately, and in event not later than 72 hours, disclose to the ~~Authorised Officer~~ Council in writing if they are arrested, receive a summons or a postal requisition notice during the term of their licence. The licence holder's representative may fulfil this requirement if the licence holder is detained.

- 17.2 The licence holder shall, within 7 days, notify the ~~Authorised Officer~~ Council in writing of any caution or conviction (including motoring offences) received during the term of their licence.

- 17.3 Fixed Penalty Notices (FPN) shall be reported to the ~~Authorised Officer~~ Council in writing upon acceptance from the ~~Police~~ Authorised Officer, as opposed to when the driving licence has been updated.

- 17.4 The licence holder shall notify the Council of any suspension or revocation of their DVLA driving licence within 72 hours. The licence holder shall make his or her DVLA/EU driving licence available for inspection by ~~the Council~~ an Authorised Officer or a Police Officer upon request.

- 17.5 The licence holder shall be signed up for the DBS online checking service for the length of the licence. The licence holder must notify the Council immediately if their subscription lapses.

18 CHANGE OF PERSONAL DETAILS

- 18.1 The licence holder shall notify the ~~Authorised Officer~~Council in writing of any change in his or her personal details within 14 days. Changes shall include changes of address, name, phone number, mobile number, and e-mail address.

~~19~~ COPY OF THE LICENCE AND CONDITIONS

- ~~19.1 The licence holder shall at times when driving the vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the hirer, any other passenger, the Authorised Officer or a Police Officer upon request.~~

~~2019~~ WHEELCHAIR ACCESSIBLE VEHICLES

- ~~1920~~.1 All drivers of wheelchair accessible vehicles must:

- (i) be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
- (ii) before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied;
- (iii) ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in Section 100 of the Road Vehicles (Construction and Use) Regulations 1986.

- 19.2 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The driver of the licensed vehicle must comply with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle at all times.

~~204~~ INTERIM DOCUMENTS

- ~~204~~.1 All necessary paperwork to support these conditions including medical, eye test, and online criminal record check~~DBS certificates~~ shall be kept up to date during the currency of any licence, and deposited with ~~the Authorised Officer~~the Council.

~~212~~ VARIATION OF CONDITIONS

- ~~212~~.1 The Council reserves the right to vary, delete or waive any of these conditions.

DOCUMENT HISTORY

Issue No	Issue Date	Approved by
1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
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**South
Derbyshire
District Council**

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the Act")

The following conditions are made by South Derbyshire District Council (["the Council"](#)) in pursuance of the powers conferred by Part II of the Act to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

1 CONDITION OF VEHICLE

- 1.1 The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle) is maintained in the condition required by the private hire vehicle licence requirements.

2 STANDARD OF SERVICE

- 2.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all times, and for this purpose shall:
- (i) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
 - (ii) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - (iii) Ensure that any waiting area provided by the operator has adequate seating facilities.
 - (iv) Ensure all employees act in a civil and courteous manner.
 - (v) Ensure that any telephone facilities and radio equipment provided are maintained in a safe working condition and that any defects are repaired promptly.
 - (vi) Not tout or solicit any person to hire or be carried in any vehicle and not cause or permit any other person to tout or solicit any person to hire or be carried for hire in any vehicle.

3 COMPLAINTS

- 3.1 In any part of the premises to which the public have access, the operator shall prominently display a notice stating that “All complaints, compliments and comments are welcomed and should be directed in the first instance to: (Name of the Nominated Person)”.
- 3.2 On receipt of a complaint, the operator shall document in a suitably bound book or on any other approved system, the following information:
- (i) date and time of complaint;
 - (ii) contact details of the complainant;
 - (iii) name of driver(s) against whom the complaint has been made;
 - (iv) badge number of driver;
 - (v) vehicle registration number [and plate number](#);
 - (vi) details of the complaint;
 - (vii) date investigation was completed;
 - (viii) action taken.
- 3.3 The complaint records referred to above shall be held and secured at the operator’s business address and shall be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times. Records shall be kept for a period of three years.
- 3.4 The operator shall, within 7 days from the date of receipt of any complaint, notify the Council in writing of any unresolved complaint received by the operator.

4 NOMINATED PERSON

- 4.1 If the operator is a limited company then a person(s) should be nominated who is in charge of the day to day running of the operator’s business. This nomination should be notified to the Council.
- 4.2 Any changes to the nominated person(s) should be notified in writing to the Council within 7 days.

5 CONVICTIONS AND CAUTIONS

- 5.1 The operator shall immediately, and in any event not later than 72 hours, disclose to the [Authorised OfficerCouncil](#) in writing if they are arrested during the term of their licence. The operator’s representative may fulfil this requirement if the operator is detained.
- 5.2 The operator shall, within 7 days, notify the [Authorised OfficerCouncil](#) in writing of any caution or conviction (including motoring offences) received during the term of their licence.
- 5.3 Fixed Penalty Notices (FPN) shall be reported to the [Authorised OfficerCouncil](#) in writing upon acceptance from the [Police-Authorised](#) Officer, as opposed to when the driving licence has been updated.
- 5.4 If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners are arrested, cautioned, or convicted of an offence.
- 5.5 The Council must be notified in writing of any change of director and/or partner within a company within 7 days and a basic disclosure certificate must be submitted to the Council within 28 days of the change of individual.

5.6 If the operator employs any ancillary staff to take bookings in person or over the telephone or to dispatch any bookings, a register of all staff that will take bookings or dispatch vehicles must be kept. A basic disclosure certificate will be required from all members of staff who take bookings or dispatch vehicles. The register of members of staff must be updated by the operator when someone joins or leaves the operator's employment. A basic disclosure certificate should be obtained and submitted to the Council.

5.7 An operator must produce and maintain a policy on employing ex-offenders in roles that are required to be on the register at 5.6 above.

6 RECORD OF BOOKINGS

6.1 The record required to be kept by the operator under section 56(2) of the Act shall be kept on a prescribed booking pad, spreadsheet, or on a trade specific computer system. This software must be capable of providing the information listed below and capable of showing when entries are entered, amended and/or cancelled. The entries must be numbered consecutively and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him before the commencement of each journey.

- (i) The time and date of the booking;
- (ii) The full name and address of the hirer;
- (iii) How the booking was made (i.e. by telephone, personal call etc.);
- (iv) The time of pick-up;
- (v) The point of pick-up;
- (vi) The destination;
- (vii) Fare or indication that the meter was used;
- (viii) The time at which a driver was allocated to the booking;
- (ix) The driver and the registration number of the vehicle allocated to the booking;
- (ix) Fare (if agreed at the time of booking) or indication that the meter was used;
- (x) Remarks (including details of any sub-contract).

6.2 All records kept by the operator shall be preserved for a period of not less than 18 months, following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand at the request of an Authorised Officer or Police Officer.

6.3 All records must be available for inspection and copying if required by an Authorised Officer or Police officer.

6.4 The operator shall have policies and procedures in place detailing how they will handle the sub-contracting of bookings and how they will ensure consumer protection of any sub-contracted bookings.

7 RECORD OF VEHICLES

7.1 In accordance with the provisions of section 56(3) of the Act, the operator shall keep a record of all private hire vehicles operated by him or her and such record shall include the following particulars:

- (i) The registration mark and licence number of each vehicle;
- (ii) The make, model, colour of the vehicle;
- (iii) The name and address of the vehicle proprietor;

- (iv) The name, address and licence number of the driver driving the vehicles;
- (v) Details of any radio call sign used;
- (vi) Expiry date of the vehicle plate, MOT, ~~and~~ certificate of insurance, road tax and 6 month depot test.

7.2 Such records shall be retained at all times the vehicle is used to fulfill bookings for the operator.

7.3 All vehicles used by the operator to fulfill any bookings shall be licensed with South Derbyshire District Council only.

7.4 The operator shall be able to demonstrate that they are taking steps to ensure that all private hire vehicles operated by the operator remain fit for purpose to continue to hold a private hire vehicle licence.

8 RECORD OF DRIVERS

8.1 In accordance with the provisions of section 56(3) of the Act, the operator shall keep an up to date record of all drivers ~~of private hire vehicles~~ operated by him or her and such record shall include the following particulars:

- (i) The drivers of the vehicles, ~~and~~ their call signs and their licence number;
- (ii) When any new driver begins service;
- (iii) When any drivers service ceases;
- (iv) Any change of address, email and telephone number of any driver in service;
- (v) The details of the vehicle driven by each driver;
- (vi) Any illness, disability or condition which may affect the driver's ability to safely carry out his duties (if the operator becomes aware of any such condition);
- (vii) Expiry dates of the driver's badge.

8.2 Such records shall be retained at all times the driver is used to fulfill bookings for the operator.

8.3 All drivers used by the operator to fulfill any bookings shall be licensed with South Derbyshire District Council only.

8.4 The operator shall be able to demonstrate that they are taking steps to ensure that all private hire drivers who receive bookings from the operator remain fit and proper to continue to hold a private hire driver's licence.

9 LOST PROPERTY

9.1 ~~The operator shall deliver any property left in the vehicle and handed to him by the driver to the local police station as soon as possible and, in any event, within 48 hours if not sooner claimed by or on behalf of the owner and shall, so far as is reasonably possible, supply the Police with all relevant particulars concerning such property.~~

9.21 Should the Police not accept any article of lost property, Any property left in a licensed vehicle and handed in by the driver, that article must be retained by the operator for a period of not less than three months, unless sooner claimed by or on behalf of its owner, and during that period the operator shall take all reasonable steps to return the item to its owner.

- | 9.32 The operator shall keep a record of all lost property retained by him at 9.21 above.

10 RADIO EQUIPMENT

- 10.1 The operator shall ensure that any radio equipment at his premises used in connection with his business shall be kept in a safe condition, in proper working order and not interfere with any radio or telecommunication equipment.

11 FARES AND FARE TABLE

- | 11.1 The operator ~~upon request~~ shall agree and confirm the fare for a journey booked, or explain that the journey will be metered. When a meter is to be used, an estimate of the fare should be given.
- 11.2 Should the operator dispatch a vehicle with a taximeter, they shall ensure that the vehicle is displaying the correct tariff, and the meter is calibrated to this tariff.
- 11.3 Where a meter is used, the operator shall ensure that the fare for such bookings does not exceed the rate on the meter.
- 11.4 The operator must provide a copy of their fare table to the Council. A new copy must be provided to the Council within 7 days if any changes are made to the fare table.

12 SMOKING

- 12.1 The operator shall ensure that:

- | (i) all licensed vehicles used to fulfill bookings display 'No Smoking' signs;
- (ii) no person smokes in any building or any private hire vehicle at any time; and
- (iii) all buildings display 'No Smoking' signs.

13 INSURANCE AND MOT

- 13.1 The operator shall retain a copy of the insurance and MOT certificate for any vehicle they use to fulfill private hire bookings.
- 13.2 Where the operator maintains a bookings office open to members of the public, they shall ensure that the premises is covered by a suitable level of public liability insurance of at least £1million during the term of the licence.
- 13.3 Insurance cover for employee's liability shall be in force for the full term of the licence.

14 COPY OF DRIVER AND VEHICLE LICENCES

- 14.1 Before the operator permits or employs any person, he or she shall have retained a copy of their private hire driver's licence and private hire vehicle licence. This shall be retained until such time as the driver ceases to be employed by the operator. On cessation of service or employment, the operator shall return the copy of the licence to the driver.
- | 14.2 The operator shall notify the ~~Authorised Authority~~Council within 7 days of the details of any new driver commencing work with them, and any drivers who no longer work for them.

15 CHANGE OF PERSONAL DETAILS

- 15.1 Should any person named on the licence change their personal details they shall within 7 days notify the ~~Authorised Officer~~[Council](#) in writing. Changes shall include change of address (personal and trading), name (personal and trading), phone number, mobile number and e-mail address.

16 COPY OF [OPERATOR](#) LICENCE AND CONDITIONS

- 16.1 A copy of the operator's licence and these conditions must be kept at the premises to which they relate, and shall be made available to any person upon request.
- 16.2 A replacement copy may be obtained from the Council by requesting one in writing. A fee will be payable.

17 WHEELCHAIR ACCESSIBLE VEHICLES

- 17.1 The operator shall ensure that no wheelchair accessible vehicle is used to fulfil bookings unless the driver, or a driver's assistant is trained, and fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

[17.2 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The operator shall ensure that the driver of the licensed vehicle complies with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle at all times.](#)

18 SIGNS AND ADVERTISING

- 18.1 The operator shall not use the word, "Taxi", "Cab", or any combination of these words on any sign, notice, website [including web address](#), e-mail, flyer, or advertisement displayed on or outside his/her premises, or on any stationary or business cards.
- 18.2 The operator shall ensure that all vehicles used to fulfill any bookings have the required signs on the vehicles with the correct wording.

19 BOOKING OFFICE ADDRESS

- 19.1 All bookings must be accepted at the address detailed on the licence.
- 19.2 The operator must maintain an office within the Council's area with a land line phone number at all times during the term of the licence.

20 ACCESS

- 20.1 Access to the premises must be given to an Authorised Officer for the purpose of checking and obtaining copies of records that an operator is required to keep. The Council will endeavour to make all inspection visits at a reasonable time.

21 SPECIFIC CONDITIONS FOR OPERATORS BASED IN DOMESTIC HOMES

- 21.1 No vehicles other than those directly owned by the registered occupier(s) of the property may be dispatched directly from the premises to fulfill a booking.
- 21.2 No restroom, or refreshment facilities shall be provided at the property for any drivers employed by the operator.
- 21.3 No employed or self-employed drivers shall visit the premises during their hours of work other than to drop off takings, or pick up wages.
- 21.4 No radio must be used, unless relevant planning permission has been obtained.

22 VARIATION OF CONDITIONS

- 22.1 The Council reserves the right to vary, delete or waive any of these conditions.

DOCUMENT HISTORY

Issue No	Issue Date	Approved by
1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
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**South
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PRIVATE HIRE VEHICLE LICENCE CONDITIONS

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The following conditions are made by South Derbyshire District Council ([“the Council”](#)) in pursuance of the powers conferred by Part II of the Act to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

1 GENERAL

- 1.1 The licence holder shall ensure that they comply in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice implemented by the Council.

2 APPEARANCE OF THE VEHICLE

- 2.1 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.

- 2.2 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.

- 2.3 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.

- 2.4 All licensed vehicles must be tested at the Council's depot every 6 months. Any vehicle not passing this depot check will be suspended until such time as a pass certificate is provided to the Licensing Department [and the relevant fee paid](#).

3 MAINTENANCE OF THE VEHICLE

- 3.1 The licence holder shall:
- ensure that the vehicle is in a roadworthy condition, thoroughly cleansed, all equipment fittings and fixtures are present and serviceable and complies with the conditions attached to the licence relating to the vehicle before the commencement of any journey;
 - record details of checks and inspections in the record book;
 - repair any reported defect before the commencement of any journey.

4 ALTERATION OF VEHICLE

- 4.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council prior to any changes to be made.
- 4.2 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.
- 4.3 Once any changes have been made, the licence holder must provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

5 SEAT BELTS

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 5.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

6 PASSENGER CAPACITY

- 6.1 The licence holder shall not convey or permit to be conveyed in the licensed vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- 6.2 The number of passengers must not exceed the number of restraints available in the vehicle.

7 FIRE EXTINGUISHERS

- 7.1 The vehicle shall contain a fire extinguisher which shall meet the requirements of the relevant legislation and be in the licensed vehicle at all times.
- 7.2 The fire extinguisher shall be indelibly marked with the licensed vehicle's plate number.

- 7.3 The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

8 FIRST AID KIT

- 8.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment. However, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 8.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.
- 8.3 The first aid kit should be indelibly ~~be~~ marked with the licensed vehicle's plate number and replenished as necessary to conform with any product expiry date.

9 LUGGAGE

- 9.1 Adequate clean storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.
- 9.2 No luggage may be carried on the roof of the licensed vehicle unless carried in an approved enclosed securely fitted device or secured to factory fitted roof rails with adequate protection for such luggage from adverse weather.
- 9.3 If the licensed vehicle is an estate, hatchback or multi-passenger type vehicle then whilst carrying luggage a grill or securely fitted net or manufacturers fitted parcel shelf must be fitted to prevent luggage entering the rear passenger compartments.

10 INSURANCE AND MOT

- 10.1 The licence holder must provide the Council with a continuous current insurance for the period of the licence. The insurance certificate must comply with the requirements of any relevant legislation. The insurance certificate must cover the licensed vehicle for use as a private hire vehicle and must insure 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 a new insurance certificate has been received.

10.2 If a licensed driver is added to the insurance policy during the term of the licence, an updated insurance certificate must be sent to the Council as soon as possible.

- 10.23 The licence holder must ensure that there is a current certificate of MOT provided to the Council in place for the period of the licence. Failure to provide proof of an updated MOT certificate before the expiry of the current document will result in the licence being suspended until such a time as proof of a new MOT certificate has been received.

11 LICENCE PLATES

- 11.1 At all times, the licensed vehicle must display the licence plate provided by the Council unless an exemption has been granted in writing by the Council. The plate should be securely fixed in an external prominent position on or above the rear

bumper of the vehicle. The ~~two-sided~~ internal plate must be displayed clearly in the front windscreen and in the rear passenger windows.

11.2 The licence plate remains the property of the Council and must be returned within 7 days upon termination of the licence which may be due to suspension, surrender, revocation or expiry.

11.3 If an exemption has been granted by the Council from displaying the licence plate as required in condition 11.1 above, the exemption letter issued by the Council and the licence plate must be carried in the vehicle at all times.

12 SIGNAGE AND ADVERTISING

12.1 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.

12.2 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 external sides of the vehicle. The sign 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.

12.3 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.

12.4 For any signage in addition to that detailed at condition 12.2, approval must be obtained from the Council in writing prior to any signage being added to the licensed vehicle.

12.5 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.

12.6 No signage must be placed in or on ~~the rear~~any of the windows of the licensed vehicle so as to avoid the driver's view from being obscured.

13 COMMUNICATIONS DEVICES

13.1 Any radio equipment fitted to the vehicle shall be kept in a safe condition, comply with statutory requirements and not interfere with any radio or telecommunication equipment.

13.2 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

13.3 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

13.4 Drivers relying on mobile phones, PDA or similar communication devices as their communication device shall ensure that ~~they are phone is~~ connected to a bluetooth device to enable hands free operation. Nothing in this section overrides the law regarding the use of mobile phones, PDA or similar communication devices whilst driving on a public highway.

14 TAXIMETERS

- 14.1 It is not compulsory to have a taximeter installed in a licensed 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.
- 14.2 A tariff card must be displayed in the vehicle showing the current fares payable.
- 14.3 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.
- 14.4 The taximeter must be maintained in sound mechanical condition at all times, be securely fixed in the licensed vehicle, be clearly visible to passengers at all times and be fitted with seals so that it is not practicable for any person to tamper with except by breaking, damaging or permanently displacing the seals or other appliances.
- 14.5 Where a taximeter is not used, ~~drivers must agree~~ the cost of the journey must be agreed with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

15 TRAILERS

- 15.1 Trailers may only be used with the prior written approval of the Council and subject to the following requirements:
- (i) The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation;
 - (ii) The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
 - (iii) The trailer must be presented for inspection at the Council depot every 6 months, with the licensed vehicle it is to be used with, the cost of which is to be paid by the licence holder;
 - (iv) The vehicle insurance must include the towing of a trailer;
 - (v) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
 - (vi) A suitable tow-bar, with working electrics must be fitted to the vehicle;
 - (vii) It must not be left unattended anywhere on the highway;
 - (viii) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use;
 - (ix) The trailer may only be used on the licensed vehicle that it was presented with at the Council Depot;
 - (x) No advertising shall be permitted anywhere on the trailer;
 - (xi) A spare wheel is carried at all times;
 - (xii) The trailer must be plated by the manufacturer stating the maximum load permitted
 - (xiii) The speed restrictions applicable to trailers must be observed at all times;
 - (xiv) Trailers must display an identical licence plate to the licensed vehicle at all times when attached to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.

16 WHEELCHAIR ACCESSIBLE VEHICLES

16.1 Any wheelchair accessible vehicle must comply with the following requirements:

- (i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- (iii) A suitable restraint must be available for the occupant of a wheelchair;
- (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper;
- (v) Ramps and lifts must be securely stored in the vehicle before it may move off;
- (vi) The licence holder and all drivers must be suitably trained on how to use the equipment, and how to handle a person in a wheelchair;

16.2 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.

16.3 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The driver of the licensed vehicle must comply with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle at all times.

17 LIQUID PETROLEUM GAS (LPG)

17.1 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.

17.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel), 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.

18 TINTED WINDOWS

18.1 ~~The licensed vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows. For licences granted after 1st July 2019, the minimum light transmission permitted for the windscreen is 75% and all other windows in the licensed vehicle shall be 70%.~~

18.2 No film or tints should be added to the windows of the licensed vehicle in addition to the manufacturer's original specification.

19 CHANGE OF DETAILS

19.1 The licence holder shall notify the Council in writing of any change of his name, address, telephone number or email address during the period of the licence within 7 days of such change. Upon receiving notification, relevant documentation and relevant fees, an amended paper licence shall be issued by the Council.

19.2 The licence holder should notify the Council in writing of any change of operator within 7 days of such a change.

20 INSPECTION

20.1 All private hire vehicles must be available for inspection at all times when requested by an Authorised Officer or a Police Officer.

20.2 All vehicle documentation must be produced within twenty four hours, or such other time as specified, when requested by an Authorised Officer or a Police Officer.

21 UNAUTHORISED USE

21.1 The licence holder shall not allow the vehicle to be driven by any person who does not hold an appropriate current private hire driver's licence issued by the Council.

21.2 A copy of the vehicle licence shall be lodged and will be held on record by the private hire operator until such time as the driver ceases to work for the operator. Upon such time the licence will be returned to the driver.

22 ACCIDENT AND DAMAGE TO THE VEHICLE

22.1 All accidents, collisions and damage involving the licensed vehicle, however minor, must be reported to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, regardless of whether any party was injured.

23 CARRIAGE OF ANIMALS

23.1 The licensee licence holder shall not permit any animal belonging to or under the care of the licensee licence holder to ride in the vehicle when using the vehicle for private hire, without the consent of the hirer.

23.2 Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.

23.3 The licensee licence holder shall not refuse any request to carry an assistance or guide dog, accompanying a person with a disability, unless the licensee licence holder has been exempted in writing from this requirement by the Council. An assistance or guide dog must be carried free of charge in the vehicle. The notice of exemption must be displayed in the licensed vehicle at all times.

24 LOSS OF LICENCE

24.1 The licence holder shall report the loss of the licence or licence plate to the Council in writing as soon as the loss becomes known. A replacement licence may be issued upon payment of a fee.

25 TRANSFER OF LICENCE

- 25.1 The licence holder shall notify the Council in writing of any transfer relating to the ownership of a vehicle within 14 days of the transfer taking place. Upon notification, [relevant documentation](#) and receipt of the current transfer fee, the Council will issue an amended licence to the new proprietor.

26 CONVICTIONS AND DLVA DRIVING LICENCE

- 26.1 The licence holder shall immediately, and in event not later than 72 hours, disclose to the ~~Authorised Officer~~[Council](#) in writing if they are arrested during the period of the licence. The licence holder's representative may fulfil this requirement if the licence holder is detained.
- 26.2 The licence holder shall, within 7 days, notify the ~~Authorised Officer~~[Council](#) in writing of any caution or conviction (including motoring offences) received during the period of their licence.
- 26.3 Fixed Penalty Notices (FPN) shall be reported to the ~~Authorised Officer~~[Council](#) in writing upon acceptance from the ~~Police~~[Authorised](#) Officer, as opposed to when the driving licence has been updated.
- 26.4 The licence holder shall notify the Council of any suspension or revocation of their DVLA driving licence within 72 hours. The licence holder shall make his or her DVLA/EU driving licence available for inspection by an ~~Authorised Officer~~[Council](#) or a Police Officer upon request.

27 DUAL PLATING

- 27.1 A licensed vehicle must not be licensed with another Council or subsequently be licensed with any other Council during the period of the licence.

28 HIRE VEHICLES

- 28.1 The Council must be notified in writing as soon as the nominated licensed driver is no longer using the hire vehicle. On receipt of this notice, the private hire vehicle licence will be suspended until notification is received of any new driver. The licence plate must be returned to the Council within 7 days of the date of the suspension notice. The vehicle should not be used for private hire purposes until the licence holder has received written confirmation that the suspension has been lifted and that the proposed driver is a licensed driver with this Authority.
- 28.2 Before any hire vehicle is licensed with any other Licensing Authority, the licence must be surrendered and the plate returned to the Council.

298 MISCELLANEOUS

- 298.1 The proprietor of a private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.
- 298.2 Nothing in these conditions shall be interpreted as overriding the provisions of:
- (i) the Town Police Clauses Act 1847, as amended;
 - (ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended;
 - (iii) the Transport Act 1986, as amended.

| **[3029](#) HEALTH ACT 2006**

| **[3029](#).1** It is the responsibility of the driver, the vehicle proprietor, and the operator to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in the private hire vehicles at all times.

| **[3029](#).2** No smoking by any person is permitted in the licensed vehicle at any time during the period of the licence.

| **[310](#) VARIATION OF CONDITIONS**

| **[310](#).1** The Council reserves the right to vary, delete or waive any of these conditions.

DOCUMENT HISTORY

Issue No	Issue Date	Approved by
1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
4	#	#

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	30th MAY 2019	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848/5722 democraticservices@southderbyshire.gov. uk	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 – 30th May 2019 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
Key Performance Indicators – Licensing Department	15 th November 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Gypsy And Traveller Site Allocations Development Plan Document	15 th November 2018	Nicola Sworowski Planning Policy Manager (01283) 595820
Swadlincote Town Centre Vision – Progress Review	15 th November 2018	Mike Roylance Economic Development Manager (01283) 595725
South Derbyshire Infrastructure Delivery Plan 2019	28 th February 2019	Richard Groves Planning Policy Officer (01283) 595738
Aviation 2050-The Future of UK Aviation	28 th February 2019	Richard Groves Planning Policy Officer (01283) 595738

Corporate Plan 2016-21: Performance Report Q3	28 th February 2019	Communications Team (01283) 228705
Our Waste, Our Resources: A Strategy for England	28 th February 2019	Adrian Lowery Direct Services Manager (01283) 595764
Planning Services Review Update	28 th February 2019	Tony Sylvester Planning Services Manager (01283) 595743
Key Performance Indicators – Licensing Department	17 th April 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Fixed Penalty Notices For Household Duty Of Care Offences	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Corporate Environmental Sustainability Group	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Business Support within the Environmental Health Service	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Service Plans	17 th April 2019	Communications Team (01283) 228705

Resources and Waste Strategy Consultation	17 th April 2019	Adrian Lowery Direct Services Manager (01283) 595764
Provisional Programme of Reports To Be Considered by Committee		
Corporate Plan 2016-21: Performance Report Q4	30 th May 2019	Communications Team (01283) 228705
Update to Private Hire Licensing Policy and Conditions	30 th May 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Corporate Plan 2016-21: Performance Report Q1	15 th August 2019	Communications Team (01283) 228705
Annual Enforcement Report	15 th August 2019	Matt Holford Head of Environmental Services (01283) 595856
Environmental Awareness and Local Community Action	15 th August 2019	Matt Holford Head of Environmental Services (01283) 595856
Corporate Plan 2016-21: Performance Report Q2	14 th November 2019	Communications Team (01283) 228705

Corporate Plan 2016-21: Performance Report Q3	5 th March 2020	Communications Team (01283) 228705
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