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Date: 10th August 2016

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, 18 August 2016** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs Brown, Coe, Ford, Mrs Hall, Mrs Patten, Roberts and Stanton.

Labour Group

Councillors Chahal, Shepherd, 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 Meeting held on 2nd June 2016.

Environmental and Development Services Committee 2nd June 2016 Open Minutes **4 - 8**
- 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 (1 APRIL – 30 JUNE 2016) **9 - 44**
- 8** UPDATE TO PRIVATE HIRE LICENSING POLICY **45 - 74**
- 9** COMMITTEE WORK PROGRAMME REPORT **75 - 80**

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 Meeting held on 2nd June

2016.

Environmental and Development Services Committee 2nd June

2016 Exempt Minutes

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



ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

2nd June 2016

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman), Atkin (for Councillor Mrs. Brown), Coe, Ford, Mrs Hall, Roberts, and Stanton.

Labour Group

Councillors Rhind (for Cllr. Shepherd), Richards (for Councillor Chahal), Taylor and Tilley.

EDS/1 **APOLOGIES**

Apologies for absence from the meeting was received from Councillor Mrs Brown (Conservative Group), Chahal and Shepherd (Labour Group).

EDS/2 **MINUTES**

The Open Minutes of the Meetings held on the on 3rd March and 14th April 2016 were approved as a true record.

EDS/3 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a pecuniary interest in Item 12 on the agenda by way of owning land featured in the report and would leave the Chamber whilst item was discussed.

Councillor Ford declared a personal interest in item 12 on the agenda in by way of being a member of the Derby & Derbyshire Mineral's Advisory Board.

EDS/4 **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/5 **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/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

MATTERS DELEGATED TO COMMITTEE

EDS/7 CORPORATE PLAN 2009-16: PERFORMANCE MANAGEMENT REPORT (1 JANUARY – 31 MARCH 2016)

The Director of Community and Planning Services presented the report to inform Members of the progress made during the final quarter 1 January to 31 March 2016, in relation to the Council's Corporate Plan 2009 –2015, and that all targets for relevant projects and performance measures were achieved or were on track, apart from:

- GP03 – Promote inward investment and business development
- GP07 – Progress the South Derbyshire Local Plan
- GM 04 - Percentage of all household waste recycled and composted
- GM09 – Number of quality development schemes delivered
- GM10 – Satisfaction with planning application process.

Members were asked to note that from this point forward the Performance Management Framework for the Corporate Plan 2016-2021 would be used.

Comments and queries raised by Members in relation to; where set targets regarding household waste, originate from and the incorrect use of bins were noted and responded to by the Director of Housing and Environmental Services.

RESOLVED:

That progress against performance targets be considered and approved.

EDS/8 SERVICE PLANS 2016/17

The Director of Community & Planning Services and the Director of Housing & Environmental Services gave a brief overview of the most successful development areas in 2015/16, such as The progression of Local Plan 1 and 2, Swadlincote Townscape Heritage Project; the continuation of a sound recycling performance and successful fly-tipping prosecutions.

The Director of Community & Planning highlighted areas, which would be looked at in detail during the next municipal year such as: reviewing the housing needs data including rural housing; a review of the monitoring of Section 106 contributions; the development of Neighborhood Plans and a cultural events plan. The Director of Housing & Environmental Services highlighted areas in his directorate such as: the Safer Neighborhood Wardens, the use of existing tools to take appropriate crime enforcement actions, to protect and help the most vulnerable and the delivery of services to help maintain a clean and healthy district.

Progress reports on the Service Plans for 2016/17 would be made to Elected Members as part of the Performance Management Framework monitoring process.

Positive comments were raised by Members in relation to the review of the Section 106 contributions and the usefulness of Service Plans, where set targets regarding household waste originate from and the incorrect use of bins; were noted and responded to by the Director of Community and Planning Services and Housing and Environmental Services.

Queries regarding the current use and collection of a 'red recycle sack' were raised, the Director of Housing and Environmental Services would ensure an answer would be sought after the meeting and forwarded to Members of the Committee.

RESOLVED:

That the Service Plans for Community and Planning Services and Housing and Environmental Services be approved as the basis for service delivery over the period 1 April 2016 to 31 March 2017.

EDS/9

STREET TRADING

The Senior Licensing Officer presented the report to inform Members that since the Council adoption Schedule 4 in 1991 (that any person trading in these streets would require a consent from the Council) recent changes to Swadlincote Town Centre had highlighted the need to pass a resolution to increase the number of designated consent streets to include all streets within the boundary of the Town Centre.

Members requested that a map showing the original designated consent streets be available in the future, the Senior Licensing Officer responded that she would ensure this would be included in the consultation.

Queries raised by Members in relation to what affect an increase in designated consent streets would have on disabled parking spaces, and town centre events such as the annual Festival of Transport and the Wedding Fair, were noted and responded to by the Senior Licensing Officer.

RESOLVED:

That Members approved the publication of a notice of the Council's intention to increase the number of streets designated as consent streets for street trading purposes.

EDS/10

KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT

The Senior Licensing Officer provided Members with an update on the Licensing Department Key Performance Indicators for the previous two quarters

A question was raised in relation to what South Derbyshire Licensing Policy states concerning Guide Dogs in Taxis. The Senior Licensing Officer stated that it is a criminal offence for any Private Driver to refuse to carry any assistance dog alongside the passenger, unless a medical certificate of exemption had been issued by a Doctor.

RESOLVED:

That Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.

EDS/11 **AIR QUALITY ANNUAL STATUS REPORT – FINDINGS AND IMPLICATIONS**

The Environmental Health Manager presented the report to provide Members with; new evidence of the health impacts of air pollution and the changing role of local authorities following the release of new statutory guidance; information on latest measured air quality levels and air quality trends over the last 5 years.

Comments and queries were raised by Members in relation to; the improvements measured across most of the monitoring locations; their ongoing concerns regarding the High Street in Woodville; and why Repton was no longer monitored, were noted and responded to by the Environmental Health Manager.

RESOLVED:

1.1 That Members agreed to the issuing of the Annual Status Report (ASR) as the Council's submission to DEFRA outlining the current status of air quality in South Derbyshire.

1.2 That Members agreed to proposals 1 and 2 on page iv of the ASR (section titled Local Priorities and Challenges) and to receive a further report later in 2016/17 on specific proposals arising from this work prior to the development of the 2017-18 Performance Board for the Corporate Plan.

EDS/12 **MINERALS LOCAL PLAN FOR DERBY AND DERBYSHIRE**

The Planning Policy Officer presented the report to Committee seeking the approval of the response to the consultation.

That Members agreed with the recommendation that the comments made under the Section 7 of the report "Conclusions", be forwarded to Derby City Council and Derbyshire County Council as the Council's response to the consultation exercise.

Councillor Atkin left the meeting whilst this item was discussed.

Councillor Ford abstained from voting on this item.

EDS/13 **WORK PROGRAMME 2016/17**

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

RESOLVED:

That the Committee considers and approves the updated work programme for 2016/17.

EDS/14 **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.

MINUTES

The Exempt Minutes of the Meeting held on the on 3rd March 2016 were approved as a true record.

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

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

The meeting terminated at 6.50 p.m.

COUNCILLOR P. WATSON

CHAIRMAN

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES	AGENDA ITEM: 7
DATE OF MEETING:	18th AUGUST 2016	CATEGORY: DELEGATED
REPORT FROM:	CORPORATE MANAGEMENT TEAM	OPEN DOC:
MEMBERS' CONTACT POINT:	MIKE HAYNES (EXT. 5775) STUART BATCHELOR (EXT. 5820)	
SUBJECT:	CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 APRIL – 30 JUNE 2016)	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

- 1.1 That progress against performance targets is considered.

2.0 Purpose of Report

- 2.1 To report progress against the Corporate Plan for the period 1 April to 30 June 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 our work – it sets out our values and visions for South Derbyshire and defines our 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*

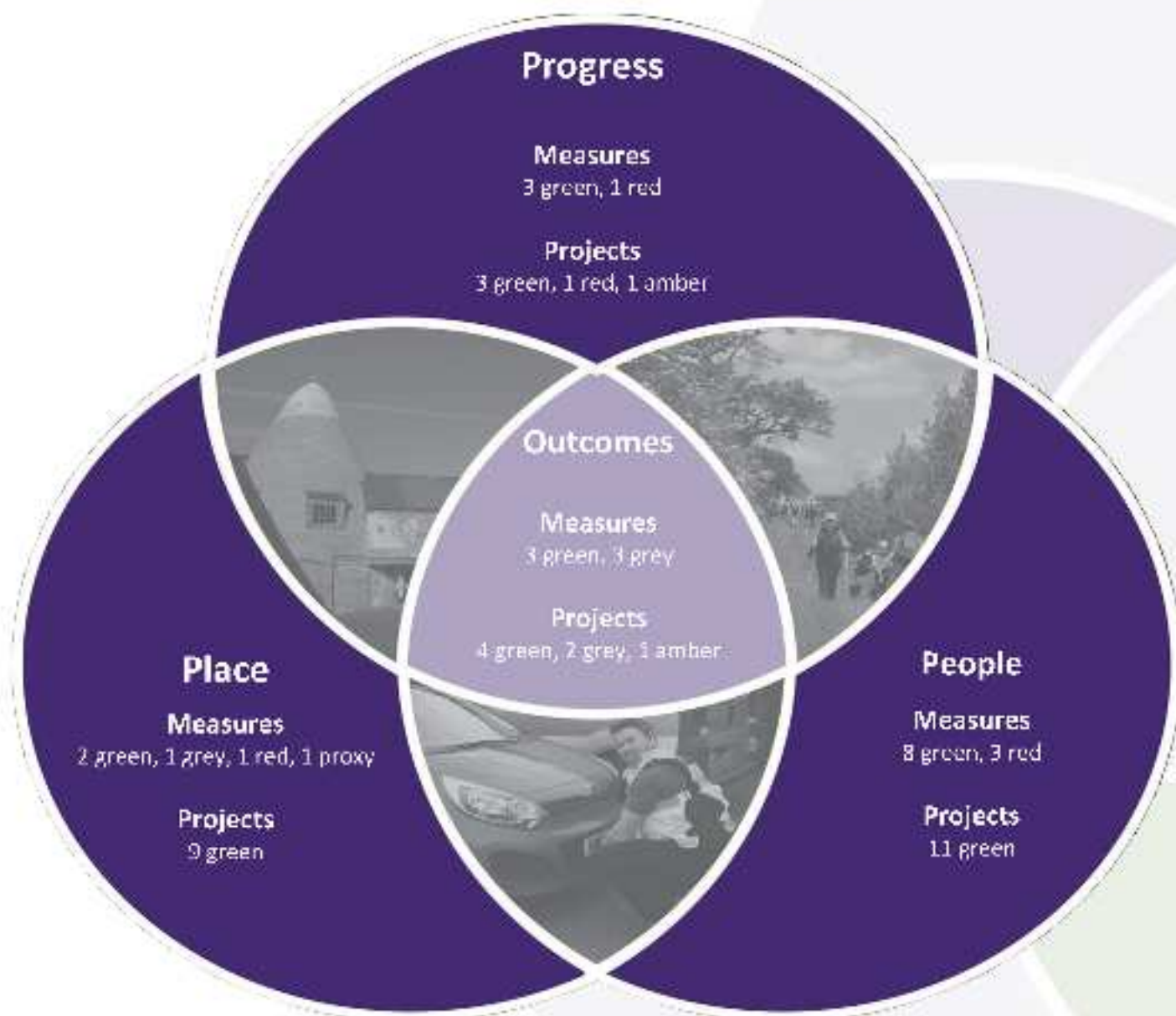
- *Provide business support and promote innovation and access to finance*

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 26 measures and projects under the jurisdiction of the Environmental and Development Services Committee, 19 are showing green, two are amber and four red. One is a proxy measure.

3.4 More information can be found in the Performance Board in **Appendix A**. A detailed breakdown of performance for Environmental and Development Services is available in the Success Areas and Performance Action Plan documents (**Appendices B and C respectively**), while associated risks are contained in the risk registers in **Appendix D**.

4.0 **Overall Council performance – Quarter one (April 1 to June 30, 2016)**



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 and Progress and Outcomes themes contribute to that aspiration.

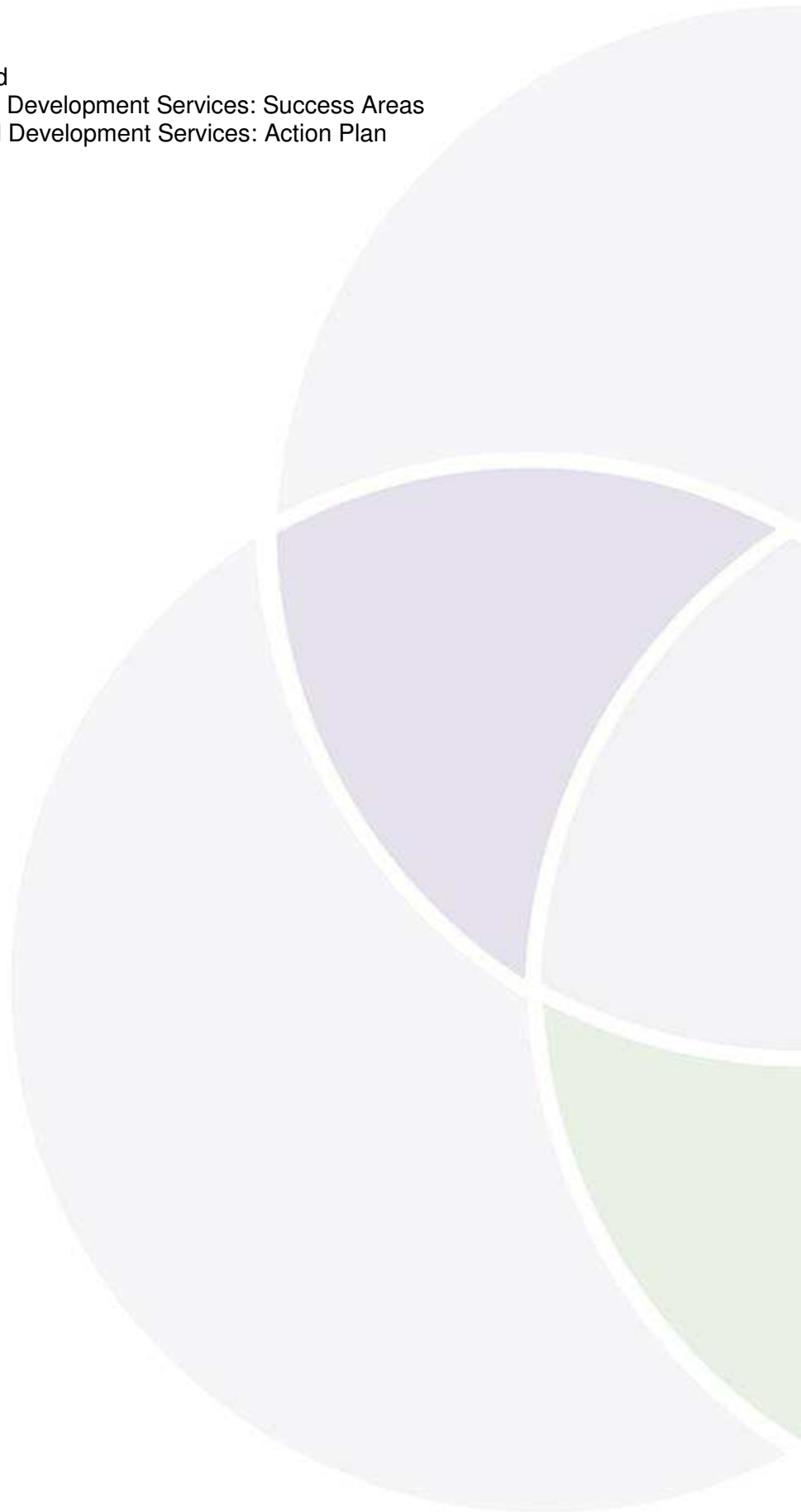
7.0 **Appendices**

Appendix A – Performance Board

Appendix B – Environmental and Development Services: Success Areas

Appendix C – Environmental and Development Services: Action Plan

Appendix D – Risk Registers



Appendix A – Performance Board

Quarter 1 (April 1 to June 30 2016)

People Measures						
Action	Measure	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
PE1: Enable people to live independently						
Provide an efficient and well-targeted adaptation service	% of adapted properties allocated on a needs basis PE1.1	>90%	88.24%	>90%	N/A	See Action Plan. H&CS
	% of residents very or fairly satisfied with the quality of their new home PE1.2	>88%	90%	>88%	N/A	67 surveys returned. 43 from re-let properties and 24 from new builds. H&CS
PE2: Protect and help support the most vulnerable, including those affected by financial challenges						
Maintain regular contact with tenants, with a focus on those identified as 'vulnerable'	Total number of tenancy audits completed PE2.1	250	298	1,000	N/A	The tenancy audit visits have identified that 203 tenants are deemed to be 'low risk', 78 are 'medium risk', 6 are 'high risk' and 11 are at 'acute risk'. Action plans are completed for all medium, high and acute risk tenants and referrals are made to the relevant support agencies. H&CS

	Number of successful introductory tenancies PE2.2	>85%	98%	>85%	N/A	50 tenancy visits due to be carried out during Q1, 49 successfully completed and transferred to secure tenancies. One tenancy was terminated during Q1 due to arrears/ASB. H&CS
Process benefit claims efficiently	Average time for processing new Benefit claims PE2.3	<18 Days	33 days	<18 days	N/A	See Action Plan. F&M
	Average time for processing notifications of changes in circumstances PE2.4	<8 Days	7.8 Days	<8 Days	N/A	Although new claims were over target, the automation of changes notified to the Council continues to help performance in this area. F&M
PE4: Increase levels of participation in sport, health, environmental and physical activities						
Delivery of sport, health and physical and environmental activity opportunities	Number of sport, health, physical activity and play scheme participations PE4.1	5,450	10,445	27,400	N/A	Target numbers were initially reduced for 2016/17 due to externally funded projects coming to an end. However, with delivery partners continuing with provision and the successful introduction of parkrun, increased participation has been achieved. H&CS

	Number of Environmental Education participations PE4.2	1,250	4,103	5,250	N/A	The Waste less, Save more project has added more than 1,400 participations to the totals for this quarter. H&CS
	Number of Parklife opportunities PE4.3	100	780	500	N/A	A wide variety of activities have been delivered on the parks including wildlife surveys, the Queen's 90th birthday beacon lighting, Newhall Park activity day, the weekly senior tennis group and the outdoor table tennis launch. H&CS
PE5: Reduce the amount of waste sent to landfill						
Minimise waste sent to landfill	Household waste collected per head of population PE5.1	<125 kgs	120kgs	<510 kgs	N/A	We need to average less than 127.5kgs per quarter to achieve annual target. E&DS
	% of all collected waste recycled and composted PE5.2	>55%	52.9%	>50%	N/A	Above target but slightly low for the first quarter. Stickers urging people to think before throwing away food are to be applied to wheelie bins at 18,000 homes in Q2 as part of Waste less, Save more. E&DS

People Projects

Action	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
PE1: Enable people to live independently					
Support the voluntary and community sector to enable people to maintain living independently	Support promotion of voluntary and community sector to Elected Members	On track. See Detail column.	Maintain SDDC grant funding to the voluntary and community sector PE1.3	N/A	Members appointed to voluntary sector bodies and officer attending meetings. Citizens Advice presented project at Parish Liaison Group. F&M
Continue to contribute to the county wide review of Disabled Facilities Grants (DFGs)	Implementation of appropriate recommendations	On track. See Detail column.	All recommendations implemented by April 1, 2017 PE1.4	N/A	Final confirmation from Derbyshire County Council of the 2016/17 budget commitment is pending. Estimated budget requirement submitted to DCC is £350K. Once the budget has been confirmed and the restructure of the Housing department has taken place this project can be progressed further. H&CS
Expand the use of Telecare services to increase independence	Conduct a full review of our current supported housing products and services	On track. See Detail column.	Provide a value for money Supported Housing product. PE1.5	N/A	Local GP services mapped to assess localities covered. Meetings held with GP groups to discuss referral routes to Careline. H&CS
PE2: Protect and help support the most vulnerable, including those affected by financial challenges					
Approval and implementation of South Derbyshire as a Dementia friendly District	Develop SDDC DAA (Dementia Action Alliance) action plan	On track. See Detail column.	Work progressed towards Dementia Friendly Community status PE2.5	N/A	SDDC Dementia Action Plan developed and approved at Committee. H&CS

Provide a service for homeless applicants which is nationally recognised as delivering 'best practice'	Conduct peer reviews of neighbouring authorities	On track. See Detail column.	To attain NPSS Standard for Homelessness PE2.6	N/A	North East Derbyshire visited and assessed. Learning disseminated to SDDC action plan for National Practitioner Support Service (NPSS) accreditation. H&CS
Develop a Community Champion Scheme through volunteer development	Review council and voluntary sector volunteering structure	On track. See Detail column.	Establish approved scheme PE2.7	N/A	Draft SDDC volunteering policy and action plan produced. Meetings held with CVS to discuss future of volunteering. H&CS
PE3: Use existing tools and powers to take appropriate enforcement action					
Publish and annually review a single Enforcement Policy covering all SDDC regulatory activity	Identification of all services which fall within scope. Quarterly report on enforcement activity to Overview and Scrutiny Committee	On track. See Detail column.	Develop and publish a Corporate Enforcement Policy PE3.1	N/A	All services relevant to the project have been scoped and contacted. A draft Enforcement Policy has been issued for internal consultation. All services deemed likely to make a contribution have been contacted and a draft Committee report format circulated for consultation. H&CS/E&DS
PE4: Increase levels of participation in sport, health, environmental and physical activities					
Develop a Healthy Communities approach for SD	Submit SDDC application	On track. See Detail column.	Work towards Healthy Communities Accreditation PE4.4	N/A	SDDC successfully awarded Healthy Communities Status and is now a full member of the Healthy Cities network http://healthycities.org.uk Key priorities for the year are: <ul style="list-style-type: none"> • Physical activity • Urban planning and growth H&CS

Develop a Sport, Health and Physical Activity Strategy	Agree strategy framework	On track. See Detail column.	Strategy developed and implemented PE4.5	N/A	Strategy timeline and framework agreed at H&CS Committee in June and at South Derbyshire Sport. On track at quarter one - research to be conducted behind the scenes to help inform strategy direction. H&CS
PE6: Develop the workforce of South Derbyshire to support growth					
Stage a careers fair for young people and jobseekers	Stage Jobs and Skills Fair 2016 Minimum of 50 exhibitors to attend Minimum of 100 attendees	On track. See Detail column.	Deliver event, review and plan for 2017 fair PE6.1	N/A	Fair staged with 50 exhibitors. 644 adults and 238 young people attended. Exhibitors offered job opportunities, plus a range of apprenticeships, training courses, volunteering places and self-employment support. The early part of the day was reserved for school pupils to 'have a go' at new skills, explore future education and training opportunities and learn about local employers. E&DS
Increasing school engagement to raise aspirations	Project to report to South Derbyshire Partnership Board	On track. See Detail column.	Schools agree to work with SDDC PE6.2	N/A	Work ongoing with SDDC supporting both strategic and operational working groups. Progress update scheduled for the next South Derbyshire Partnership Board meeting. H&CS

Place Measures

Action	Measure	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
PL1: Facilitate and deliver a range of integrated and sustainable housing and community infrastructure						
Increase the supply and range for all affordable housing provision	Increased supply of affordable homes PL1.1	Proxy	45	Proxy	N/A	<p>Work is now complete at three sites in the District, including the 23 affordable home development in Cotton Park, Linton; eight semi-detached houses and two semi-detached bungalows in Pennine Way, Swadlincote and 12 semi-detached family homes in Lullington Road, Overseal.</p> <p>H&CS/E&DS</p>
Deliver Housing Asset Management Strategy	Deliver against targets set out in the Asset Management Strategy Action Plan PL1.2	Targets to be finalised once strategy is adopted at the end of Q1.	Not possible to set targets in Q1.	Targets to be finalised once strategy is adopted in Q3	N/A	<p>The Asset Management Strategy, with the action plan, is due to be completed in October and presented to H&CS. Consultation with tenants and Members has taken place and priorities agreed. Progress against the objectives and measures will be reported in Q3.</p> <p>H&CS</p>

PL3: Help maintain low crime and anti social behaviour levels in the District

Deliver a programme of proactive interventions to reduce environmental crime and anti-social behaviour	Downward trend in fly-tipping incidents PL3.1	<168	142	<673	N/A	20% reduction in fly-tipping compared to the same period last year. Four prosecutions in the last 12 months, extensive local and national media coverage plus recent adoption of the use of Fixed Penalty Notices for rapid case conclusions in lower level offences. E&DS
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PL4: Connect with our communities, helping them to feel safe and secure

Reduce number of noise complaints	Reduce number of noise complaints. PL4.1	<5.2 complaints per 1,000 people	5.7	Q2 <5.5 Q3 <4.8 Q4 <4.6	N/A	See Action Plan. E&DS
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PL6: Deliver services that keep the District clean and healthy

Reduce contaminated risk rating of land	Number of contaminated land assessments PL6.1	One contaminated land assessment completed	1	Four contaminated land assessments completed	N/A	Assessment completed for the Rowley Court development in Swadlincote. This identified a 'medium' risk of the presence of contaminants from its former use as a railway and pipeworks. Further assessment and mitigation will be undertaken proportionate to the risk. E&DS
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Place Projects

Action	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
PL1: Facilitate and deliver integrated and sustainable housing and community infrastructure					
Deliver an adopted South Derbyshire Local Plan, Parts 1 and 2	Complete Part 1. Main modifications/consultation. Adoption of Part 1.	On track. See Detail column.	Plan adopted PL1.3	N/A	Main modifications consultation completed and Local Plan Part 1 adopted. E&DS
Increase the supply and range of affordable housing provision	Preparatory work on Supplementary Planning Document (SPD).	On track. See Detail column.	Framework to review rural housing needs developed. Develop affordable housing SPD. PL1.4	N/A	Draft Supplementary Planning Document completed and subject to due diligence. H&CS
Consider the introduction of a Community Infrastructure Levy	Review of action plan	On track. See Detail column.	Informed decision made PL1.5	N/A	Research being undertaken to enable completion of report. Draft report to committee commenced. E&DS/F&M
PL2: Enhance understanding of the planning process					
Support the development of Neighbourhood Plans	Assistance promoted via Parish Briefings	On track. See Detail column.	Level of support provided to interested parties PL2.1	N/A	Meetings held with Neighbourhood Plan groups. Draft plans being considered for Repton and Melbourne. E&DS
PL3: Help maintain low crime and anti-social behaviour levels					
Review, publish and deliver the Safer South Derbyshire Community Safety Partnership Plan	Deliver the actions and objectives within the Partnership Plan	On track. See Detail column.	Plan published. Actions within the plan delivered. PL3.2	N/A	Plan adopted. Delivery underway including: hate crime awareness sessions, domestic violence campaign and leaflet drops to combat acquisitive crime. H&CS

PL5: Support provision of cultural facilities and activities

Introduce and progress the Sport, Recreation and Open Space Facility Strategy	Adopt strategy	On track. See Detail column.	Number of facilities enhanced PL5.1	N/A	Key strategy principles established and priority actions for open space, sports and community facilities approved. H&CS
Implement and manage the leisure facility capital build programme	Open Grove Hall Active Zone	On track. See Detail column.	Facilities completed. External investment and grants brought to district PL5.2	N/A	Grove Hall Active Zone fully operational with Apex Climbing Centre opened in June. H&CS/F&M
Introduce and progress the District Cycle Plan, including an annual cycle event	Produce cycling promotional plan	On track. See Detail column.	Develop and implement action plan. Number of opportunities offered PL5.3	N/A	Promotional plan and activity programme for Women's Tour produced. Event saw significant public support along the route. H&CS

PL6: Deliver services that keep the District clean and healthy

Ensure that food, water, housing, land and air all meet designated standards for human health	Publish an air quality progress report for 2015	On track. See Detail column.	Air Quality meets Directive 2008/50/EC and the Air Quality Strategy standard PL6.2	N/A	Annual Status Report approved by E&DS on June 2. The report evidenced air quality across South Derbyshire met all statutory standards in 2015. E&DS
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Progress Measures

Action	Measure	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
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PR2: Unlock development potential and ensure the continuing growth of vibrant town centres

Delivery of Swadlincote Townscape project	Number of target buildings offered grants. Number of shops improved. PR2.1	1	0	2	N/A	See Action Plan. E&DS
PR3: Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend to tourists						
Support the development of the tourism sector	Tourist centre enquiries handled. PR3.1	>5,000	12,303 enquiries handled.	>20,000	N/A	The TIC has supported a range of Council events and initiatives, including handling enquiries and bookings for The National Forest Walking Festival, assisting the organisers of the Maker's Market at Mercia Marina and working with partners to develop new walking and cycling routes. E&DS
PR5: Provide business support and promote innovation and access to finance, including in rural areas						
Maximise the prosperity of businesses in South Derbyshire through the delivery of the Better Business Regulation Partnership action plan	Number of food businesses which have a Food Hygiene Rating score of 5 PR5.1	>75%	80.6%	>75%	N/A	Continued improvement in businesses meeting the highest standards as we continue to develop positive relationships with retail food businesses. E&DS
	Number of registered food businesses active in the District PR5.2	>790	803	>790	N/A	Food and drink is one of the eight regional priority business sectors for growth. Through our food

						<p>hygiene inspection service we support business sustainability as well as enforce the law.</p> <p>E&DS</p>
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Progress Projects					
Action	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
PR1: Work to attract further inward investment					
Launch new Economic Development Strategy	Strategy preparation complete	See Action Plan.	New five-year strategy launched and actions from it delivered PR1.1	N/A	See Action Plan. E&DS

PR2: Unlock development potential and ensure the continuing growth of vibrant town centres

Delivery of Swadlincote Townscape Project	Recruit Town Crier.	See Action Plan.	Delivery of Activity Plan PR2.2	N/A	See Action Plan. E&DS
	Initiate tender process	On track. See Detail column.	Enhancement of Diana Memorial Garden PR2.2	N/A	Consideration of tenders pending. E&DS
Organise and/or support town centre events	Wedding Fair Farmers' Market Festival of Transport Mercia Market	On track. See Detail column.	Events delivered and/or supported PR2.3	N/A	All events held. A town centre Wedding Fair was staged for the first time and saw 50+ wedding-related businesses, from florists to travel agents. open on the Sunday. The Town Hall staged a catwalk display of wedding outfits and suppliers took stalls at the Ski Centre and Sharpe's Pottery. E&DS

PR4: Help to influence and develop the infrastructure for economic growth

Review and update the Infrastructure Delivery Plan	Review the current plan.	On track. See Detail column.	Plan published. PR4.1	N/A	Review is underway. Assessment of amendment requirements for Part 2 to be reviewed. E&DS
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Outcomes Measures

Action	Measure	Q1 target	Q1 actual	2016/17 target	Last quarter	Detail
O1: Maintain financial health						
Deliver a balanced general fund	5-year General Fund reserve balance is minimum of £1m by 2021. O1.1	Annual target	Annual target	General Fund Reserve Balance at £6.2m as at 31 st March 2017.	N/A	Target as per the Financial Strategy. The longer-term target will be regularly monitored as part of the MTFP. F&M
	A balanced General Fund budget by 2018/19. O1.2	Annual target	Annual target	A strategy and savings plan agreed by the Council.	N/A	Target as per the Financial Strategy. The longer-term target will be regularly monitored as part of the MTFP. F&M
Maximising income	Generate income from New Homes Bonus, Business Rates and sweating of assets. O1.3	Annual target	Annual target	Income from Business Rates and New Homes Bonus is £6m at March 2017.	N/A	Target included in the MTFP. F&M
Maximise rental income to help the Council achieve its aim of doing more with less	Rent collected from current and former tenants as % rent due (excluding arrears b/f) O1.4	99.9%	101.44%	99.9%	N/A	Rent and service charges due for Q1 was £3,123,304.32. Total rent and service charges collected from current and former tenants including housing benefit overpayments is £3,133,897.95.

						<p>This does not include current and former tenants arrears brought forward from previous year.</p> <p>H&CS/F&M</p>
O3: Enhance environmental standards						
<p>Strive to be more energy efficient.</p>	<p>Annual improvements in the energy consumption of public buildings O3.1</p>	3%	5.89%	3%	N/A	<p>63.30 MWh reduction on Q1 2015/16. Continues positive performance at the Civic Offices and Etwall LC. Etwall realised a 23% reduction in gas consumption.</p> <p>E&DS</p>
O4: Maintain a skilled workforce						
<p>To strengthen measures and support employees to reduce absence due to sickness/ill-health and to promote a healthy workforce.</p>	<p>The average working days lost per employee is less than 8 days per year (2 days per quarter) O4.1</p>	<2 days	1.55 days	<8 days	N/A	<p>Based on performance to date, the out-turn for the year is projected at 6.2 days and would better the 2015/16 figure of 7.9 days. Although this is early in the year, performance continues the positive trend in reducing absence across the Council.</p> <p>F&M</p>

Outcomes Projects

Action	Q1 target	Q1 actual	2016/17 target	Last quarter	Details
O1: Maintain financial health					
Keep under review priorities into which available funds may be invested in communities	Annual target	Annual target	Key priority areas evaluated and agreed by Finance and Management Committee. To be considered as part of 2017/18 Budget round. O1.5	N/A	To be considered as part of 2017/18 Budget Round in Q3. F&M
Explore potential commercialisation opportunities and identify areas for competing with the private sector	Establish Business Improvement team within Community and Planning	On track. See Detail column.	Deliver process reviews O1.6	N/A	Committee approval secured to establish team. Recruitment underway for Business Improvement Assistant. All Committees
O2: Achieve proper corporate governance					
Maintain a proper Risk Management Framework	Update Risk Registers in accordance with new Corporate and Service Plans	On track. See Detail column.	Strategic and service risk registers reviewed, updated and reported to Committees on a quarterly basis O2.1	N/A	Updated registers shown as appendices to the Performance Board. All Committees
O3: Enhance environmental standards					
Maintain ISO 14001 certification in environmental management	Hold annual senior environmental management review	See Action Plan.	Achieve ISO 14001 certification O3.2	N/A	See Action Plan. E&DS

O4: Maintain a skilled workforce					
Maintain a skilled workforce	Annual target	Annual target	Investors in People standard for staff development maintained O4.2	N/A	Job competencies to be reviewed during Q2 and Q3 following review of current training and development programme F&M
O5: Maintain customer focus					
Design and deliver a new website that allows customers to search and find information easily and quickly	Specification drawn up, tender process started.	On track. See Detail column.	New website launched O5.1	N/A	Soft market testing undertaken. Formal procurement exercise in progress with tenders currently being evaluated. F&M
O6: Be aware of and plan for financial, legal and environmental risks					
Improve resilience to the local impacts of climate change and emergency responses.	Continue to monitor and evaluate opportunities for proactive climate change mitigation and adaptation across the District and internally.	On track. See Detail column.	Deliver campaigns to mitigate and aid adaptation of climate change and flooding O6.1	N/A	Programme of internal (departmental) evaluation underway, timeframes established for a proposed climate change mitigation and adaptation strategy across SDDC. E&DS

Measures and projects outlined in green are on track.

Measures and projects outlined in grey have a single, annual target and are not measured on a quarterly basis.

Measures and projects outlined in purple are proxy.

Actions being taken on indicators currently not on target (coloured in red and amber) are outlined in the Action Plan in Appendix C.

Environmental and Development Services Strategic and Service Success Areas Quarter 1 2016

Appendix B



644

100 target

adults and 238 young people attended the Jobs and Skills Fair in Swadlincote.



20%

168 target

reduction in fly-tipping incidents (142) compared to the same period last year.



5.89%

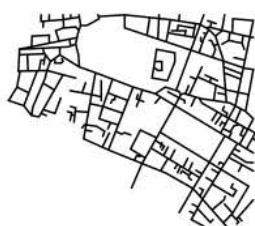
3% target

Energy improvements are being made across our public buildings.



1st

Wedding Fair held in Swadlincote. More than 50 businesses took part.



Local Plan

The Local Plan Part 1, outlining development requirements up to 2028, was adopted at Full Council.

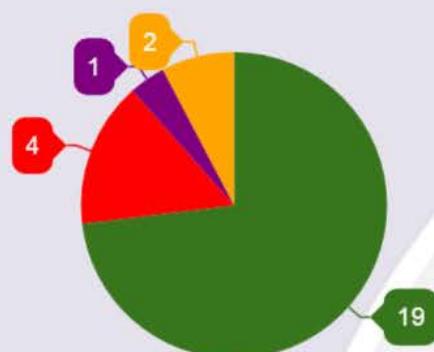


80.6%

75% target

of food businesses are meeting the highest possible food hygiene standards.

E+DS Performance Overview



Green (73.08%) Red (15.38%) Proxy (3.85%)
Amber (7.69%)



Air quality

Air quality across South Derbyshire met all statutory requirements in 2015, according to the Annual Status Report.



120kgs

<125kgs

Household waste collected per head of population.



300

properties identified as vacant for more than two years, 15 for over five years. Draft procedure produced to unlock the potential of empty homes.



12,303

5,000 target

enquiries have been handled by Swadlincote Tourist Information Centre. This has included assisting the Maker's Market at Mercia Marina.

Appendix C



preparation
incomplete

Theme – Progress **Action** – PR1.1 Launch new Economic Development Strategy.

Target vs performance – Q1 target - to complete preparation of the update of the South Derbyshire Economic Development Strategy. Q1 actual – preparation incomplete.

Trend (compared to last quarter) – N/A

Background – Substantial progress has been made but it is not complete due to competing Council priorities. **Key actions underway** – Work continues and the aim remains to adopt the Strategy in autumn 2016.

Opportunities/risks – The completion of the new strategy will reiterate the Council's commitment to being 'open for business'.



5.7

complaints per
1,000 people

Target 5.2

Theme – Place **Action** – PL4.1 Long term reduction in noise complaints

Target vs performance – Q1 target - <5.2 complaints per 1,000 people. Q1 actual - 5.7.

Trend (compared to last quarter) – N/A

Background - Main increase is in relation to construction noise and noise from SDDC tenants. In late May we released guidance for residents and developers on controlling and mitigating construction noise. **Key actions underway** – 143 complaints were made, 12 above target. We received 11 complaints about tenants. New tenancy conditions have been introduced which will provide officers with a more robust process for addressing noise problems and an article on noise control has been produced for the next Housing News.

Opportunities/risks - Until there is more clarity about trends and underlying causes we do not consider it appropriate to implement significant change. We will continue to monitor trends to determine other appropriate intervention methods as data volume increases.



0

grant offers
made

Target 1

Theme - Progress

Action – PL2.1 Number of target buildings offered grants as part of Swadlincote Townscape project

Target vs performance – Q1 target - one grant offer made. Q1 actual - 0 offers made

Trend (compared to last quarter) - N/A

Background – grants panel was not created until this quarter. **Key actions underway** – Grants panel to meet in Q2. Townscape Project Officer is continuing to promote the scheme.

Opportunities/risks - Risk is that no grants will be awarded during Q2 but funds can be allocated in the following two quarters.



0

Town Crier
recruited

Target 1

Theme – Progress

Action – PL2.2 Recruit Town Crier as part of Swadlincote Townscape project.

Target vs performance – Q1 target – Recruit Town Crier. Q1 actual – Not recruited.

Trend (compared to last quarter) - N/A

Background - Job advertised three times. Publicity has been extensive and has included East Midlands Today, Daily Mirror; BBC News online and Radio 5 Live. **Key actions underway** – One remaining shortlisted candidate, who is currently on holiday, will be interviewed on return.

Opportunities/risks. If re-advert is required we have five potential candidates.

Update: A candidate has been recruited early in Q2.



0

annual
environmental
management
review

Target 1

Theme - Outcomes

Action – 03.2 Maintain ISO14001 certification in environmental management

Target vs performance – Q1 target – Hold annual environmental management review. Q1 actual – Review did not take place.

Trend (compared to last quarter) – N/A

Background - Review postponed due to unforeseen unavailability of key site representatives. **Key actions underway** – Review rescheduled to July 28.

Opportunities/risks – The delay will have no adverse impact on our recertification application. The review is vital to demonstrate management commitment and that we are effectively reviewing the system and its performance.



52.9%

all all waste
was recycled
or composted

Target 55%

Theme - People

Action – Minimise waste sent to landfill

Target vs performance – Target 55% Actual 52.9%

Trend (compared to last quarter) – N/A

Background - Slightly below Q1 target. **Key actions underway** – Stickers urging people to think before throwing away food are to be applied to wheelie bins at 18,000 homes in Q2 as part of the Waste Less Save More campaign.

Opportunities/risks – Performance against this target was -2%. With the work underway in Q2 we are confident this PI can meet target in Q2.

Community and Planning Risk Register 2016-2017

Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
Outcomes/ Maintain Financial Health	Reduced Planning Fees (DM1)	Low	High	Treat	Careful attention to forecasts/setting budgets and budget monitoring - Forecast for 2016/17 is continued high levels of income.	Tony Sylvester
Outcomes/ Maintain Financial Health	Judicial review of Planning decisions (DM2)	Low	High	Treat	Weekly case review with all case officers for early identification of high-risk cases, legal opinion sought when necessary. On-going review of new statutory procedures, continued advice from legal when required. New planning officer structure in place 1/7/15 provides better capacity to monitor cases.	Tony Sylvester
Outcomes/ Maintain Financial Health	Maladministration leading to injustice via LGO (DM3/BC4/PP2)	Low	Low	Treat	Some documented process of procedures Training in processes Close monitoring of report recommendations	Tony Sylvester

Outcomes/ Maintain Financial Health	Judicial Review of Building Control Decision (BC1)	Med	Med	Treat	Ongoing review of new statutory procedures, continued advice from counsel when required.	Tony Sylvester
Outcomes/ Maintain Financial Health	Loss of Market share below sustainable level (BC2)	Med	High	Treat	Frequent monitoring of market share, app numbers, fee income. Frequent marketing events /direct mail.	Tony Sylvester
Outcomes/ Maintain Financial Health	Negligence resulting in loss to personal property (BC3/DM4)	Low	High	Treat	Insurance Professional training Maintain sound procedures and act speedily to recover ground when mistakes are made.	Tony Sylvester
Outcomes/ Maintain Financial Health	Failure to collect financial contributions or to enforce the delivery of obligations within Section Agreements (DM5)	High	Very High	Treat	Committee approval to replace Section 106 monitoring software	Helen Frazer
Outcomes/ Maintain Financial Health	Appeal against refusal of major planning applications (DM6)	High	High	Treat	Careful consideration of all major application refusals. Legal opinions where necessary Members training Employ consultants	Tony Sylvester
	High volume of	High	Med	Treat	New planning	Tony

Outcomes/ Maintain Financial Health	planning applications (DM7)				officer structure in place 1/7/15 provides better capacity to monitor cases = optimum use of resources Closely monitor inward investment related applications	Sylvester
Outcomes/ Maintain Financial Health	Loss of knowledge in department relating to specialist IT solutions, GIS and others (DM8)	High	Medium		Specialist GIS knowledge outside of service e.g. specialist knowledge within IT/Corporately	Tony Sylvester
Outcomes/ Maintain Financial Health	Loss of public access to PA on website (DM9)	High	Medium	Treat	Reduce reliance on single contractor Ensure Central IT can administer Seek alternative solution	Tony Sylvester
Place/ Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Technical and Legal problems/threats leading to delays in the adoption of the Local Plan Documents (PP1)	High	High	Treat	Early liaison with Planning Inspectorate Maintaining an up-to-date evidence base Maintaining cross boundary communication Taking legal advice On-going political engagement in process	Tony Sylvester
Place/Facilitate and deliver a range of integrated and sustainable	Judicial review of any aspect of the Local Plan affecting adoption (PP3)	High	High	Treat	Up-to-date evidence base Continued cross boundary communication	Tony Sylvester

housing and community infrastructure					Obtain legal opinion when required	
People/ Increase levels of participation in sport, health, environmental and physical activities	Reduction of council funding into Sport and Health Service Unable to source external funding to service Reserve fund being depleted for other sources other than the sport and health service delivery. (SP1)	High	High	Treat	Forward Budget Planning over a number of years. Lobby to maintain current funding contribution that the council makes towards the service and for an increased contribution if members want the current levels of service to be maintained. Continually seek external funding options	Hannah Peate
Place/ Support provision of cultural facilities and activities throughout the District	Managing large Capital projects (CS1)	Med	V High	Treat	Ongoing dialogue with funders Support from internal and external specialists re legal and financial issues Financial monitoring/attendance of CPAM meetings	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Contracts e.g. leisure centres (CS2)	Med	High	Treat	Contracts in place or held over. Regular (monthly) contract monitoring meetings for main contracts	Malcolm Roseburgh
Place/ Support provision of cultural	Memorial monuments falling causing injury (CS3)	Low	Med	Treat	Informal checks undertaken and programme of rolling checks	Malcolm Roseburgh

facilities and activities throughout the District					reintroduced	
Outcomes/ Maintain Financial Health	Accidents at Play Areas (CS4)	Med	High	Treat	<p>Inspections carried out by dedicated member of staff.</p> <p>Insurance company inspect annually</p> <p>Park keepers on some sites</p> <p>New play areas are designed to meet current standards. Need to arrange further back-up cover for inspections when Inspector is absent.</p>	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Dilapidation of Leisure/Community Facilities (CS5)	Med	High	Treat	Control measure in place: - securing internal and external funding, supporting VCS and parish councils with funding, improving planned preventative maintenance, transferring assets where possible, improved monitoring	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Business Plan for Rosliston Forestry Centre (CS6)	High	High	Treat	<p>Monthly performance meetings</p> <p>Annual Review of Business Plan</p> <p>Development and implementation of new strategy</p> <p>Increase involvement of</p>	Malcolm Roseburgh

					Forestry Commission in business planning	
Place/ Support provision of cultural facilities and activities throughout the District	Urban Core Cemetery Space running out (CS7)	V High	Med	Treat	Continued internal meetings with Planning and Property Services to identify land opportunities	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failing infrastructure at Rosliston Forestry Centre. (CS8)	V High	High	Treat	Complete condition survey Seek estimates for priority work. Alert senior management team Six monthly review of risk	Malcolm Roseburgh
People/Protect and help support the most vulnerable, including those affected by financial challenges	Sustainability of the voluntary sector (CM1)	V High	Med	Treat	Service Development proposal to continue community partnership scheme in future years. Continue partnership working with CVS and rest of VCS	Chris Smith
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Sharpe's Pottery Museum (CM2)	Med	Med	Treat	Councillor representation on board Attendance on board meetings by Officers Support from Community Partnership Officer when required	Chris Smith

Economic Development Risk Register

Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
Progress/ Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists	Failure of National Forest & Beyond tourism partnership leading to an adverse impact on businesses in local visitor economy	Low	Medium	Treat	<ul style="list-style-type: none"> Proactive engagement in partnership and with individual partners Commitment of Officer time and resources to partnership activities Monitoring of projects and performance 	Mike Roylance
Progress/ People/ Place	Failure of the South Derbyshire Partnership leading to non-delivery of the community's vision and priorities as set out in the Community Strategy and Action Plan	Low	Medium	Treat	<ul style="list-style-type: none"> Proactive support for partnership Commitment of Officer time and resources to Partnership facilitation Engagement of partners in policy-making and project design and delivery 	Mike Roylance
Progress/ Work to attract further inward investment	Downturn in the local economy leading to a loss of jobs, business failures, and a reduction in income to the Council (e.g. Business Rate income; take-up of commercial properties, etc)	Medium	High	Treat	<ul style="list-style-type: none"> Monitoring of economic trends Economic Development Strategy designed to increase robustness of local economy Delivery of economic development activities including provision of 	Mike Roylance

					South Derbyshire Business Advice Service	
Progress/ Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists	Failure of Sharpe's Pottery Heritage & Arts Trust, leading to a loss of service to visitors and residents through the Tourist Information Centre	Medium	High	Treat	<ul style="list-style-type: none"> • Officer advice and support available to Trust • Member involvement in Trust Board • Monitoring of services and performance 	Mike Roylance

Housing and Environmental Services Risk Register

Risk Code	Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
HES1	Maintain Financial Health	Loss of income to the Housing Revenue Account through 1% rent reduction for general needs tenancies	High	Major	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Revise all income policies and procedures to ensure they are fit for purpose</p> <p>Invest in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty</p> <p>Review 'back office' functions to ensure frontline staff are able to work effectively</p>	Chris Holloway
HES2	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Loss of income to the Housing Revenue Account through roll out of Universal Credit	High	Major	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Revise all income policies and procedures to ensure they are fit for purpose</p> <p>Invest in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty</p> <p>Review 'back office' functions to ensure frontline staff are able to work effectively</p>	Chris Holloway

HES3	Keep residents happy, healthy and safe	Loss of Supporting People funding for the supported housing service	High	Severe	Treat	<p>Conduct full review of supported housing service to ensure financial viability</p> <p>Increase service delivery to private customers</p> <p>Explore new income streams working in collaboration with healthcare partners</p>	Chris Holloway
HES4	Enable people to live Independently	Loss of Supporting People funding for the sheltered housing service	High	Severe	Treat	<p>Conduct full review of supported housing service to ensure financial viability</p> <p>Increase service delivery to private customers</p> <p>Explore new income streams working in collaboration with healthcare partners</p>	Chris Holloway
HES5	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Increase in homeless applications / presentations as Universal Credit rolls out	Low	Significant	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Attain National Practitioner Support Service (NPSS) standard for Homeless Service</p>	Chris Holloway
HES6	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Failure to fulfil statutory homeless duty	Very Low	Significant	Tolerate	<p>Ensure policies and procedures are compliant with statute</p> <p>Ensure staff are well trained and briefed on changes to the Council's statutory obligations</p>	Chris Holloway
HES7	Maintain Financial Health	Failure to follow	Very Low	Significant	Tolerate	<p>Ensure procedures are reviewed regularly and staff are well trained</p>	Chris Holloway

		Council procedures / policies leading to Ombudsman finding of 'maladministration'					
HES8	Achieve proper Corporate Governance	Failure to fulfil Resident Scrutiny statutory duty	Very Low	Significant	Treat	Ensure Resident Scrutiny Panel in place and undertakes regular reviews of services	Martin Guest
HES9	Achieve proper Corporate Governance	Failure to meet statutory deadlines when reporting performance and statutory information to Government agencies	Very Low	Significant	Treat	Ensure deadlines are met and that ownership for each reporting deadline is identified and project managed	Martin Guest
HES10	Maintain a skilled workforce	Loss of IT Systems and lack of specialist IT knowledge in department	Very Low	Significant	Treat	Ensure IT disaster recovery plan is in place Have alternative options available with suppliers Restructure services to ensure required resources in place	Martin Guest
HES11	Maintain financial health	Failure to deliver the planned maintenance and new build programme	Medium	Significant	Treat	Ensure income team is suitably resourced to ensure maximum income. Continually review asset management data to target programme effectively.	Lee Carter
HES12	Maintain financial health	Increase in the cost of contracts	Medium	Severe	Treat	Ensure procurement of goods and services are as lucrative as possible to potential suppliers so they can see the longevity of potential contracts	Lee Carter
HES13	Maintain a skilled workforce	Failure to retain staff	Low	Significant	Treat	Ensure pay and grading review accurately remunerates staff and ensure training and development opportunities are maximised	DMT

HES14	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Lack of funding for development and regeneration programme.	Medium	Significant	Treat	Investigate all avenues for funding new build and regeneration via differing routes to ensure stock levels are maintained or increased	Mike Haynes/Lee Carter
HES15	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Insufficient supply of affordable homes Increase use in temporary accommodation/ increased homelessness/ loss of new homes bonus	High	Significant	Treat	Up-to-date housing needs data/ ensure maximise delivery through planning gain/ support Registered Providers with building new homes/ increase a supply through Council House building	Beverly Wagstaffe
HES16	Deliver services that keep the District clean and healthy	Major incident (disease outbreak, pollution, severe weather)	Low	Significant	Tolerate	Backfill the staff resources with agency staff	Matt Holford/ Adrian Lowery
HES17	Maintain financial health	Loss of revenue	Low	Severe	Tolerate	Main income streams are from export certificates. Volumes are entirely outside our control	Matt Holford
HES18	Achieve proper Corporate Governance	Legal challenge over statutory function	Medium	Significant	Treat	Effective governance and review of officer decisions	Matt Holford
HES19	Deliver services that keep the District clean and healthy	Failure to deliver minimum statutory service duties	Low	Minor	Tolerate	Continuously keep under review and deploy available resources based on areas of highest potential failure	Matt Holford
HES20	Deliver services that keep the District clean and healthy	Temporary loss of fuel supply at depot	Medium	Minor	Treat	Contingency suppliers in place	Adrian Lowery

HES21	Deliver services that keep the District clean and healthy	National loss of fuel supply	Low	Significant	Treat	Business continuity plan, comply with emergency planning guidance	Adrian Lowery
HES22	Deliver services that keep the District clean and healthy	Loss of vehicle fleet through theft or fire	Low	Significant	Treat	Local and national vehicle hire companies on list of suppliers	Adrian Lowery
HES23	Deliver services that keep the District clean and healthy	Loss of service delivery from contractors	Medium	Significant	Treat	Contingency plans in place to deliver service internally or back-up contractors available	Adrian Lowery
HES24	Maintain financial health	Loss of revenue	Low	Severe	Tolerate	Main income from commercial waste collections cannot compel customers to use our service	Adrian Lowery
HES25	Deliver services that keep the District clean and healthy	Loss of depot operating centre	Low	Significant	Treat	Temporary base for depot Build a new modern depot	Adrian Lowery

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	18th AUGUST 2016	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south- derbys.gov.uk	DOC:
SUBJECT:	UPDATE TO PRIVATE HIRE LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That the proposed changes to the Private Hire Licensing Policy are approved to come into effect on 1st October 2016.

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

Annual Criminal Record Checks for Private Hire Drivers

- 3.1 The Deregulation Act 2015 came into force on 1st October 2015 and made it mandatory for private hire driver's licences to be issued for a period of 3 years and private hire operator licences for a period of 5 years. The Private Hire Licensing Policy was amended last year to reflect the changes under the Deregulation Act 2015.
- 3.2 Currently, criminal record checks are carried out every 3 years and private hire drivers must notify the Licensing Authority when they are arrested, convicted or cautioned. Since the introduction of the 3 year private hire driver's licence, not all drivers have been notifying the Licensing Authority of any convictions received in accordance with the requirements under the current Policy. In order to address this, the Licensing Authority has amended the Private Hire Licensing Policy to include the following provision:

It will be mandatory for all private hire drivers to be signed up for the DBS online checking service. This will enable the Council to carry out annual

criminal record checks. Further online criminal checks may also be carried out if the Council have reasonable cause to do so.

- 3.3 The Disclosure and Barring Service (DBS) offer an online checking service which drivers can sign up to in order to keep their DBS certificate 'live'. This will cost the driver £13 per year and enables them to use their certificate for other authorities i.e. Derbyshire County Council in order to obtain a school contract. New and existing private hire drivers have been made aware of this service during their DBS application appointment and strongly advised to sign up for the service.
- 3.4 By making the online checking service mandatory, the Licensing Authority will be able to carry out an annual criminal record check on all drivers to ensure that they remain a fit and proper person to hold a private hire driver's licence. If the annual online check indicates that the driver has any convictions or cautions, the driver will have to apply for a new DBS certificate and the Licensing Authority may take action as necessary against the private hire driver's licence.
- 3.5 If the driver has not signed up for the online checking service, they will be required to apply for a new DBS certificate regardless of when their existing certificate was received. Once received, the driver will then have to sign up for the online checking service so that future checks can be carried out on an annual basis.

Wheelchair accessible vehicles

- 3.6 Under the current Private Hire Licensing Policy, all vehicles, except limousines, novelty, vintage and classic cars, must be less than 8 years old from the date of first registration. A vehicle may continue to be licensed until it reaches 10 years of age from the date of first registration. This currently applies to wheelchair accessible vehicles however, following a request from several private hire operators at the Driver's Forum, the age limit has been reconsidered and the Private Hire Licensing Policy has been amended to include the following provision:

Wheelchair accessible vehicles may continue to be licensed until they reach 15 years of age. All other vehicles, except non-standard private hire vehicles, will remain at 10 years of age. A MOT certificate will be required every 6 months for wheelchair accessible vehicles.

- 3.7 The number of wheelchair accessible vehicles licensed as private hire vehicles has dropped in recent years so the proposed increase to 15 years is to make the purchase of a wheelchair accessible vehicle financially beneficial to a private hire driver whilst being subject to additional tests to ensure roadworthiness and public safety. The proposal should increase the number of wheelchair accessible vehicles available for the community.

Knowledge Test

- 3.8 Due to a high volume of new applications for a private hire driver's licence, the knowledge test is booked up several months in advance however/ many applicants fail to attend the test on the day and fail to notify the Licensing Authority. This means that applicants are waiting a long time for a test even though there are spaces available on the day. In order to address this issue, the Private Hire Licensing Policy has been amended to include the following provision:

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.

- 3.9 Applicants will be notified of this when booking their knowledge test which should reduce the number of failed appointments thereby speeding up the application process for new applicants. The current fee for a knowledge test is £27.

Right to Work – Existing Drivers

- 3.10 Currently new applicants have to prove their right to work in the UK on their initial application appointment. The Immigration Act 2016 which is due to come into force in 2017 makes it mandatory for the Licensing Authority to ensure that all private hire drivers have the right to work in the UK. In preparation for the Act, the Licensing Authority has amended the Private Hire Licensing Policy to include the following provision:

Existing drivers will be required to provide their proof of their right to work in the UK. The proof will be requested in line with the annual DVLA driving licence check. Evidence of the right to work will be stored securely on file.

Consultation

- 3.11 Officers conducted a 6 weeks consultation exercise on these proposals with all existing licence holders and members of the public via the Council's website. No responses were received during the consultation period.
- 3.12 The annual criminal record check was discussed at the Driver's Forum and all drivers and operators in attendance were supportive of the proposed amendments to the Policy.
- 3.13 A copy of the draft Policy is attached as **Appendix 1**.

4. Financial Implications

- 4.1 The online checking service will cost less than the current 3 year check.
- 4.2 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
Immigration Act 2016



SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE LICENSING POLICY

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

| Issue **56: November 2015#**

1 INTRODUCTION

Powers and Duties

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

Objectives

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

Background to Policy

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

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

- 1.10 In light of this and in order for the Council to maintain a modern, forward thinking licensing function, a full review of the Policy has been undertaken. This new Policy is intended to ensure that both the trade, public and Officers have a document that fully explains the licensing procedures in a clear and transparent manner.

Policy Duration

- 1.11 This Policy will take effect from 10th November 2014 for a period of three years.
- 1.12 Prior to the end of the three year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than the date of expiry of the existing Policy.
- 1.13 The Policy will be kept under constant review and amended as and when necessary to reflect changes in legislation and case law.
- 1.14 The Policy was updated in October 2015 to incorporate the changes introduced by the Deregulation Act 2015 as well as some minor changes to the Policy.
- 1.15 The Policy was updated in # to make it mandatory for private hire drivers to be signed up to the DBS online checking service for an annual criminal record check to be carried out, to amend the age of wheelchair accessible vehicles and other minor amendments to the Policy.

2 VEHICLES

Specifications and Conditions

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

Appearance of the Vehicles

- 2.4 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of dents;
 - (ii) be free of visible rust;

- (iii) be free of any scratches over 10cm in length;
- (iv) be free of unrepaired accident damage;
- (v) have uniform paintwork equivalent to that applied by the manufacturer;
- (vi) not be missing any exterior trim;
- (vii) have all 4 hub caps (if part of the original specification) present, matching and scuff free; and
- (viii) be maintained in an acceptable state of cleanliness.

2.5 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- (i) be free of stains to the upholstery including carpets, and door trim;
- (ii) be free of splits and tears to the passenger seats;
- (iii) be maintained in an acceptable state of cleanliness;
- (iv) have no edges or damaged items likely to cause injury to a passenger;
- (v) be free from damp and odour that may cause passenger discomfort; and
- (vi) provide seats functioning in accordance with the manufacturers' specification.

Liquid Petroleum Gas (LPG)

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

Wheelchair Accessible

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

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

- 2.10 The 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.
- 2.11 The licence holder and all other drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in the licensed vehicle and how to handle a person in a wheelchair. The DVSA Wheelchair Test Assessment pass certificate will be required for all drivers of the wheelchair accessible vehicle. The pass certificates must be provided to the Council on application.
- 2.12 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.
- 2.13 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 2.14 below except for (ii) as a MOT pass certificate is required every 6 months for a wheelchair accessible vehicle.

Age of Vehicles

- 2.13 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.
- 2.14 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).
- 2.15 Once a licensed vehicle reaches ten years old, the licence will not be renewed.

Vehicle Testing

- 2.16 All vehicles over 3 years of age must have a valid MOT pass certificate upon first application and annually thereafter.
- 2.17 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's depot every 6 months.
- 2.18 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.

- 2.19 The licence of any vehicle which fails its inspection requirements will be immediately suspended on public safety grounds until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The licence plate must be returned to the Authorised Officer within 7 days of receipt of the suspension notice. The licence holder must not use the vehicle after they have been served this suspension notice until such time as the inspection requirements are met and the suspension is lifted by an Authorised Officer.
- 2.20 In addition to the above testing requirements, all licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Officer. These tests will be undertaken at the Council Offices, or any other location. The tests may be conducted in conjunction with the Police and/or VOSA 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.
- 2.21 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.
- 2.22 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

- 2.23 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.
- 2.24 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.
- 2.25 Once any changes have been made, the licence holder will need to provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

Insurance

- 2.26 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.
- 2.27 Any person named on an insurance certificate should be a licensed private hire driver with this Council. The Council will not accept any insurance certificates that name any person other than a licensed private hire driver.

Taximeters

- 2.28 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.
- 2.29 A tariff card must be displayed in the vehicle showing the current fares payable.
- 2.30 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

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

Signage and Advertising

- 2.32 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.
- 2.33 All licensed vehicles must display signs stating the name of the private hire operator, their telephone number, and the statement, "Advanced Bookings Only" on both sides of the vehicle. The signs should be legible for members of the public to read easily. The signs must be displayed on the licensed vehicle at all times during the period of the licence.
- 2.34 For any signage in addition to the above, approval must first be obtained from the Council in writing.
- 2.35 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.
- 2.36 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.
- 2.37 Written permission must be obtained from the Council prior to any commercial advertising being placed on or in the vehicle.
- 2.38 No signage must be placed in or on the rear window of the licensed vehicle so as to avoid the driver's view from being obscured.

Plate exemption

- 2.39 Licensed vehicles are required to display licence plates externally on the rear of the vehicle and a dual sided plate in the front windscreen. Exemptions may be given for certain types of private hire vehicle not to display the rear plate, however, a letter of

exemption from the Council and the licence plate must be carried in the boot of the vehicle at all times.

- 2.40 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

- 2.41 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.
- 2.42 Once the application has been received, a plate and licence will be issued. The plate must be displayed on the rear of the trailer at all times that the trailer is in use. The trailer must only be used with the licensed vehicle that it was presented with at the Depot.

Application Procedures

- 2.43 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.
- 2.44 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.
- 2.45 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.
- 2.46 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.
- 2.47 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.
- 2.48 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.
- 2.49 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.

- 2.50 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

- 2.51 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)

- 2.52 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.
- 2.53 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.
- 2.54 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.
- 2.55 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.
- 2.56 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.
- 2.57 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.

- 2.58 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

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

3 DRIVERS

Licences

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

Age and Experience

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

Driver Knowledge Tests

- 3.5 The Council recognises that private hire drivers require a working knowledge of the District as a whole, and an understanding of the laws and conditions they are required to comply with. To this extent, the Council requires all applicants to undertake a knowledge test.
- 3.6 The knowledge test will consist of:
- (i) Writing a receipt;
 - (ii) Questions on the Council's private hire conditions and Policy;
 - (iii) Questions on the highway code;
 - (iv) Questions on the legislation relating to private hire;
 - (v) Shortest route questions;
 - (vi) Identifying the location of places of interest;
 - (vii) Road signs-

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

Driving Practical Test

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

Disability Awareness Training

- 3.12 To ensure compliance with the Equality Act 2010, the Council requires all drivers to undertake disability awareness training. The training will be provided by an external provider and will be arranged by the Council. A fee will be payable by the licensed driver. If a driver has undertaken an equivalent training course, they will not need to complete the training as long as a certificate has been provided to the Council.
- 3.13 Existing drivers will have until 1st November 2016 to complete the disability awareness training. If a driver has not completed the training by this date, the application for a renewal of the driver's licence will not be determined until the training has been completed.
- 3.14 For all new applicants, the training must be completed within the first year of being licensed as a private hire driver. If a driver has not completed the training within the first year, the application for a renewal of the driver's licence will not be determined until the training has been completed.

Medical and Eyesight Examination

- 3.15 All drivers are required to provide a prescribed certificate signed by a registered medical practitioner, and a registered ophthalmic practitioner to the effect that they are physically fit to be the driver of a private hire vehicle:

- (i) on initial application;
- (ii) for medicals, every 5 years* until the age of 65, and every 12 months thereafter;
- (ii) for eye tests, every 2 years* until the age of 65, and every 12 months thereafter.

* unless the driver is restricted to a shorter period for medical reasons.

- 3.16 The applicant is responsible for the payment of all fees required for any medical or eye examination.
- 3.17 The Council will follow the DVLA Group 2 medical standards when considering the medical fitness of new applicants with insulin dependent diabetes and other illnesses or existing licence holders diagnosed with insulin dependent diabetes or other illnesses during the period of their licence.
- 3.18 A medical and eye test document required under section 3.15 above must be no older than 3 months at the time a valid new driver or renewal application is submitted.
- 3.19 Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The licence holder will be responsible for the payment of all fees required for any medical examination.
- 3.20 The Council requires all licence holders, who have an illness or injury that affects their fitness to drive, to notify the Council of this fact in writing within 72 hours.

Medical Exemption Certificates

- 3.21 Private hire drivers must allow assistance dogs to be carried in their vehicles. However, it is possible to apply for an exemption from carrying assistance dogs on medical grounds. Any request for an exemption must be submitted in writing to the Council. Medical evidence will be required to support the exemption request.
- 3.22 Once an exemption has been granted, the driver will be issued with a medical exemption certificate. The driver must display a notice of exemption, which will include a photograph of the driver, on the windscreen of their private hire vehicle facing outwards.
- 3.23 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for a private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

Disclosure and Barring Service (DBS) Disclosures

- 3.24 Under the Rehabilitation of Offenders Act 1974, private hire drivers are an exempt occupation therefore all convictions even if they are considered spent can be taken into consideration when determining an applicant's fitness and propriety. All convictions must be declared on the application form and failure to do so will be treated as a dishonest act.

- 3.25 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure upon first application ~~and every three years throughout the period of their licence~~. The applicant or licence holder will be responsible for any associated fees. Please note that the Council will not receive a copy of the DBS certificate therefore the applicant must submit their copy to the Council. No application will be granted until a DBS reply has been received.
- 3.26 Any applicant who has not been registered in the UK for at least 5 years at the point of application will be required to submit a certificate of good conduct or similar document from the relevant embassy before an application will be considered valid. This certificate must be in English and the applicant will be responsible for any fees incurred in obtaining the certificate.
- 3.27 It is mandatory for all private hire drivers to be signed up to the DBS online checking service. The private hire driver will be responsible for any associated fees.
- 3.28 As all private hire drivers will be signed up to the DBS online checking service, the Council will carry out an annual criminal record check. The Council may carry out further checks if they have reasonable cause to do so.
- 3.279 If a driver has paid a yearly fee to the DBS for the facility of online checkingIn order to carry out an online check, the Council will still require the following:
- (i) confirmation of ID in line with a DBS check;
 - (ii) original DBS certificate to an enhanced level and checked to the required workforce;
 - (iii) consent form signed by the driver permitting the Council to carry out an online check.
- 3.30 Please note that if the online check shows that the licence holder has received any convictions or cautions since the issue of the DBS certificate then a new DBS certificate will have to be applied for and obtained. The licence holder will be responsible for any associated fees. The Council may suspend the private hire driver's licence pending the receipt of the DBS certificate.
- 3.31 If the Council is unable to carry out an annual online criminal record check prior to the due date then the private hire driver's licence will be suspended until a satisfactory check can be carried out.
- 3.28 A new DBS certificate will be required every 3 years in line with the renewal of the private hire driver's licence. Notification of the expiry of the DBS certificate will be sent to licence holders 3 months prior to the expiry date along with the renewal paperwork. It is advised that the DBS application form is submitted at least 8 weeks prior to the expiry of the licence. If the new DBS certificate is not received back prior to the expiry of the licence then the renewal application will not be determined until the DBS certificate is received and the licence holder will not be permitted to work as a private hire driver until their application has been determined.

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Relevance of Convictions and Cautions upon initial application

- 3.29 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.

- 3.30 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.
- 3.31 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

- 3.32 The Council requires all licence holders who are arrested to report this fact to the Council within 72 hours. A representative may fulfil this requirement if the licence holder is unable to.
- 3.33 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.
- 3.34 In the case of a deferred sentence, the penalty must be disclosed to the Council within seven days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

Right to work

- 3.35 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.
- 3.36 From October 2016, existing drivers are required to submit proof of their right to work in the UK. The proof will be requested in line with the annual DVLA driving licence check.
- 3.37 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.
- 3.36 If the right to work is for a limited period then the licence holder must submit further proof of right to work prior to the expiry of the existing documentation. If the proof is not received then the private hire driver's licence will be suspended until satisfactory documentation has been received.
- 3.37 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. The private hire driver's licence will then be suspended until satisfactory documentation has been received to prove the right to work.

DVLA Licence Checking

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

Application Procedure

- 3.39 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.
- 3.40 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.
- 3.41 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.
- 3.42 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.
- 3.43 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

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

4 PRIVATE HIRE OPERATORS

Requirements and Obligations

- 4.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a private hire operator's licence.
- 4.2 A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.3 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver's licence, and that the vehicle is fit for purpose before being used to fulfil a booking.
- 4.4 All three licences; private hire operator's licence, private hire driver's licence and private hire vehicle licence must be issued by the same Council.
- 4.5 Sub-contracting to other operators licensed by this Council and other Councils is permitted under the Act. It is advised that an operator takes steps to ensure that the operator is licensed along with the driver and vehicle dispatched to carry out the sub-contracted booking.

- 4.6 Applications for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will decide whether the applicant is a fit and proper person to hold an operator's licence.
- 4.7 Applicants for an operator licence must provide proof that planning permission has been obtained, or that it is not required for the location they wish to license before an application will be considered.
- 4.8 All private hire operator licences will be issued for a period of five years. A private hire operator's licence may be issued for a lesser period if the Licensing and Appeals Sub-Committee think it is appropriate in the circumstances of the case.

Criminal Record Checks

- 4.9 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. In order to satisfy the public safety objective, the Council will require a basic disclosure certificate from Disclosure Scotland and a certificate of good conduct from the relevant embassy where the applicant has lived in the UK for less than 5 years. The certificate must be less than one month old and be submitted with the application form. References may be requested depending upon the applicant's specific circumstances. Applicants that hold a current private hire driver's licence with the Council will be exempt from this requirement.
- 4.10 A basic disclosure certificate will be required annually from any operator who is not a licensed private hire driver.

Insurance

- 4.11 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.
- 4.12 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

- 4.13 Upon the grant of a private hire operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form.
- 4.14 The operator must notify the Council in writing of any change of trading or home address during the period of the licence by submitting the necessary form within 7 days of such a change taking place. The operator must also provide proof of public liability insurance for the new premises, if members of the public will be allowed to enter, as well as proof of planning permission status within 7 days of such a change taking place. A fee will be payable for the change of address.

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

- 4.15 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

- 4.16 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.
- 4.17 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.
- 4.18 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.
- 4.19 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

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

5 ENFORCEMENT

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

6 FEES

Fee Structure

- 6.1 The legislation provides that the fees charged should only cover the cost of administering the private hire licence scheme. This will include the cost of determining and issuing the licences and ensuring compliance with the relevant legislation and conditions attached to the relevant licences.
- 6.2 The fees currently payable for the grant and renewal of private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.
- 6.3 The setting of fees is the responsibility of the Finance and Management Committee or its equivalent Committee.

Refunds and Duplicate Copies

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

7 AMENDMENTS TO THE POLICY

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

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

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

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

8 RIGHTS OF APPEAL

- 8.1 The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.
- 8.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.
- 8.3 Any appeal must be lodged at the Magistrates Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

9 CONTACT DETAILS

The Licensing Department can be contacted on the following details:

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

Telephone: 01283 595 716 / 890 / 724

Email: licensing@south-derbys.gov.uk

DOCUMENT HISTORY

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

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 ~~your~~ current image;
 - (x) a DVSA driving assessment certificate;
 - (xi) a local knowledge test pass, arranged through the Council.
- 1.4 In order to apply for a private hire driver's licence, an appointment must be made with the Licensing Department to submit the DBS application form [or DBS certificate for the DBS online checking service](#). The application form will be provided by the Licensing Department at the appointment. The applicant must provide three pieces of identification and the fee for the DBS. At the appointment, the applicant will be provided with details of the next available knowledge test date.
- 1.5 Once the DBS has been returned to the applicant and the knowledge test has been passed, the application form with all the remaining documentation and fee can be submitted to the Licensing Authority.
- 1.6 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 10 working days.

2 Renewals

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

- 2.3 In support of a completed renewal application form, the applicant must provide the following original documentation:
- (i) a current full UK or EU driving licence
 - (ii) the specified fee;
 - (iii) a completed DVLA mandate form;
 - (iv) a Passport style colour photo which must reflect your current image;
 - (v) an enhanced DBS disclosure application form, obtained via the Council;
- 2.4 It is advised to submit the DBS application form at least 8 weeks before the expiry of the licence. If the DBS certificate is not received back prior to the expiry of the licence then the renewal application will not be determined and the driver will not be permitted to work for private hire purposes.
- 2.5 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.
- 2.6 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.
- 2.7 A private hire driver will still be able to act as a private hire driver whilst their application is being determined as long as their current licence is in force. If the private hire driver's licence has expired and the renewal application has not been determined, the applicant is not permitted to act as a private hire driver until he is in possession of the new licence and badge.

PRIVATE HIRE VEHICLES

3 New Vehicles

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

(x) Wheelchair Test Assessment pass certificate for all drivers (if applicable).

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

4 Renewals

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

5 Transfer of Vehicle Ownership

- 5.1 Applications must be made on the form called Transfer of Vehicle Ownership Application Form.
- 5.2 In support of a completed transfer application form, the applicant must provide the same documentation as per a new vehicle application.
- 5.3 The full V5 will need to be submitted with the transfer application.
- 5.4 A fee is payable.

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

6 Replacing a vehicle

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

PRIVATE HIRE OPERATORS

7 New Operators

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

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

8 Renewals

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

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

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

9 GENERAL PROCEDURES

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

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

9.3 ~~In order to carry out an online check~~~~If a driver has paid a yearly fee to the DBS for the facility of online checking~~, the Council will still require the following:

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

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

9.5 Depot tests are completed on an appointment basis. Prior to submitting vehicles for testing at the depot, applicants must obtain an appointment and ensure that the vehicle is clean enough to be inspected and is mechanically sound. The initial test and the six monthly inspection is included in the application fee but any further re-inspections i.e. re-test following failure or test after an accident will be charged at the specified fee. Appointments are booked directly with the depot on 01283 595991 or by calling the Licensing Department at any time during normal office hours. A fee may be chargeable if the appointment is cancelled with less than 24 hours' notice or if the appointment is missed.

9.6 Plates, badges and licences may be collected from the Council Offices during office hours. All licence holders will be notified by phone or text once their documents are ready to collect. Existing licence holders must return their old plates and/or badges to collect their new ones.

10 CONSIDERING APPLICATIONS

10.1 The Council will only consider complete applications with all the necessary documentation and fee.

10.2 When submitting applications, applicants should be aware that it may take up to **ten** working days to process and issue a licence.

- 10.3 Renewal applications must be submitted before the existing licence expires. Failure to do so will result in the old licence expiring and the applicant will need to comply with the entry requirements for a new application.

APPENDIX 2

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

1 General

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

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

1.2 Each case will be considered on its own merits.

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

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

2 Minor motoring offences

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

3 Major traffic offences

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

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

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

4 Drug offences

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

5 Sexual / Indecency offences

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

6 Violence Offences

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

7 Dishonesty

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

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	18th AUGUST 2016	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES / DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	OPEN
MEMBERS' CONTACT POINT:	STUART BATCHELOR (EXT. 5820) / MIKE HAYNES (EXT.5775)	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

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

2.0 Purpose of Report

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

3.0 Detail

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

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee – 18th August 2016
Work Programme 2016 onwards

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered By Last 3 Committees		
Corporate Plan 2009-15: Performance Management Report 1st October -31st December 2015)	3 rd March 2016	Keith Bull Head of Communications (01283 228705)
Derby and Derbyshire Minerals Local Plan Update	3 rd March 2016	Kevin Exley Planning Policy Officer (Sustainability) (01283 598717)
Key Performance Indicators – Licensing Department	3 rd March 2016	Emma McHugh Senior Licensing Officer (01283 595716)
Fixed Penalty Notice sanctions under the Unauthorised Deposit of Waste (Fixed Penalty) Regulations	14 th April 2016	Matt Holford Environmental Health Manager (01283 595856)
Local Development Scheme	14 th April 2016	Nicola Sworowski Planning Policy Manager (01283 595983)
Local Plan Part 2	14 th April 2016	Nicola Sworowski Planning Policy Manager (01283 595983)

Air Quality Annual Status Report - findings and implications	2 th June 2016	Matt Holford Environmental Health Manager (01283 595856)
2016/17 Service Plans	2 th June 2016	Stuart Batchelor / Mike Haynes / Frank McArdle Service Directors (01283) 595702
Street Trading	2 nd June 2016	Emma McHugh Senior Licensing Officer (01283 595716)
Key Performance Indicators – Licensing Department	2 nd June 2016	Emma McHugh Senior Licensing Officer (01283 595716)
Towards a Minerals Local Plan for Derby and Derbyshire – Towards a Vision and Objectives	2 nd June 2016	Richard Groves Planning Policy Officer (01283 595738)
Provisional Programme of Reports To Be Considered by Committee		
Performance Reports	18 th August 2016	Keith Bull Head of Communications (01283 228705)
Update of Private Hire Licensing Policy	18 th August 2016	Emma McHugh Senior Licensing Officer (01283 595716)

Vehicle Management Policy including vehicle replacement plan.	29 th September 2016	Adrian Lowery Direct Services Manager (01283 595764)
Key Performance Indicators – Licensing Department	29 th September 2016	Emma McHugh Senior Licensing Officer (01283 595716)
Adoption of Dog Boarding Establishment Model Conditions	29 th September 2016	Emma McHugh Senior Licensing Officer (01283 595716)
River Mease DCS 2	29 th September 2016	Kevin Exley Planning Policy Officer (Sustainability) (01283 228717)
Local Plan Part 2 Regulation 19	29 th September 2016	Nicola Sworowski Planning Policy Manager (01283 595983)
Draft Waste Local Plan	29 th September 2016	Richard Groves Planning Policy Officer (01283 595738)
Draft Minerals Local Plan	17 th November 2016	Richard Groves Planning Policy Officer (01283 595738)
Hartshorne Conservation Area	17 th November 2016	Nicola Sworowski Planning Policy Manager (01283 595983)

Healthier Communities – Urban planning and growth	17 th November 2016	Vicky Smyth Health Partnership Manager (01283 595776)
Performance Reports	17 th November 2016	Keith Bull Head of Communications (01283 228705)
Driving at Work Policy	17 th November 2016	Adrian Lowery Direct Services Manager (01283 595764)
Corporate Enforcement Policy	17 th November 2016	Matt Holford Environmental Health Manager (01283 595856)
Public Spaces Protection Order proposals	17 th November 2016	Matt Holford Environmental Health Manager (01283 595856)
Climate Change Adaptation and Flood Resilience	5 th January 2017	Matt Holford Environmental Health Manager (01283 595856)
Air Quality	5 th January 2017	Matt Holford Environmental Health Manager (01283 595856)
Performance Reports	2 nd March 2017	Keith Bull Head of Communications (01283 228705)

The Waste (England and Wales) (Amendment) Regulations 2012	2 nd March 2017	Adrian Lowery Direct Services Manager (01283 595764)
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