



To: Members of the Performance
Scrutiny Committee

Date: 18 October 2013

Direct Dial: 01824 712554

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PERFORMANCE SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 24 OCTOBER 2013** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES OF THE LAST MEETING (Pages 5 - 12)

To receive the minutes of the Performance Scrutiny Committee held on 19 September 2013 (copy enclosed).

5 CCTV IN DENBIGHSHIRE (Pages 13 - 22)

To consider a report by the Head of Planning and Public Protection / Public Protection Manager (copy enclosed) to consult with members on a range of options for modernising, upgrading and improving the council's CCTV and Out of Hours Contact Team.

9.35 a.m. – 10.05 a.m.

6 TAXI LICENSING UPDATE (Pages 23 - 72)

To consider a report by the Head of Planning and Public Protection and the Public Protection Manager (copy enclosed) regarding the effectiveness of the new procedures for licensing following the implementation of the findings of the review of licensing matters conducted by the Internal Audit Department (with specific emphasis on taxi licensing and safeguarding responsibilities).

10.05 a.m. – 10.35 a.m.

~~~~~ **BREAK 10.35 a.m. – 10.45 a.m.** ~~~~~

**7 DROPPED KERBS STRATEGY UPDATE** (Pages 73 - 78)

To consider a report by the Head of Highways and Environmental Services (copy enclosed) regarding the development of a strategy and schedule for the provision of dropped kerbs across the county and its performance in delivering these objectives.

**10.45 a.m. – 11.15 a.m.**

**8 PLANNING APPLICATIONS** (Pages 79 - 90)

To consider a report by the Head of Planning and Public Protection / Development Control Manager (copy enclosed) to identify emerging trends or pressures that will affect the delivery of the council's corporate priorities in relation to ensuring access to good quality housing and developing the local economy.

**11.15 a.m. – 11.45 a.m.**

**9 SCRUTINY WORK PROGRAMME** (Pages 91 - 108)

To consider a report by the Scrutiny Coordinator (copy enclosed) seeking a review of the committee's forward work programme and updating members on relevant issues.

**11.45 a.m. – 12.05 p.m.**

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

To receive any updates from Committee representatives on various Council Boards and Groups.

**12.05 p.m. – 12.10 p.m.**

### **PART 2 - CONFIDENTIAL ITEMS. ITEM 5 APPENDIX 1**

It is recommended in accordance with Section 100A (4) of the Local Government Act 1972 that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in Paragraph(s) 14 of Part 4 of Schedule 12A of the Act) would be disclosed.

### **MEMBERSHIP**

#### **Councillors**

Bill Cowie  
Meirick Davies  
Richard Davies  
Colin Hughes  
Geraint Lloyd-Williams

Peter Owen  
Dewi Owens  
Arwel Roberts  
Gareth Sandilands  
David Simmons

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## PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 19 September 2013 at 9.30 am.

### PRESENT

Councillors Bill Cowie, Meirick Davies, Richard Davies, Colin Hughes, Geraint Lloyd-Williams, Dewi Owens, Arwel Roberts, Gareth Sandilands and David Simmons (Chair)

### ALSO PRESENT

Councillor Hugh Irving, Lead Member for Customers and Communities;  
Councillor Barbara Smith, Lead Member for Modernising and Performance;  
Councillor Eryl Williams, Lead Member for Education

### Co-optees:

Debra Houghton, Nicola Lewis and Dr. Dawn Marjoram.

Corporate Director: Economic and Community Ambition (RM), Corporate Improvement Team Manager (TW), Audit Manager (BS), Head of Customers and Education Support (JW), Head of Business Planning and Performance (AS), Head of Education (KE), Corporate Complaints Officer (CO'G),

Scrutiny Co-ordinator (RE), Democratic Services Officer (KAE) and Committee Administrator (SLW)

### 1 APOLOGIES

Apologies for absence were received from Mrs Gill Greenland (Co-opted Member)

### 2 DECLARATION OF INTERESTS

Councillor Geraint Lloyd Williams declared a personal and prejudicial interest regarding Item 5.

### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

### 4 MINUTES OF THE LAST MEETING

The minutes of the Performance Scrutiny Committee held on 20 June 2013 were submitted.

**RESOLVED** that the minutes of the meeting held on 20 June 2013 be received and approved as a correct record.

At this juncture, the Chair allowed Councillor Bill Cowie to raise an issue due to the fact Councillor Cowie had to leave the meeting early for a prior engagement.

Councillor Cowie, together with the Strategic Highways Manager and the Section Manager: Network Management had met recently regarding the Council's Policy into dropped kerbs. A report was to be submitted to the Performance Scrutiny Committee meeting on 24 October 2013. Both the Head of Environment and the Strategic Highways Manager were to attend to present the report.

The Service Manager: Quality and Systems Development had been in discussion with the Highways Department regarding Disabled Facility Grants (DFGs) to fund dropped kerb installations. The current Corporate Improvement Team Manager would be starting a new post the following week as the new Service Manager: Quality and Systems Development. He confirmed that once in post, he would check the feasibility of utilising DFGs to fund dropped kerbs and to check that the Council liaises with utility companies when undertaking work on highways and pavements etc., whether dropped kerbs could be installed at the same time if required.

The Corporate Director: Economic and Community Ambition confirmed she would contact both Highways and Social Services' Heads of Service to ensure that discussions took place appropriately to facilitate the provision of dropped kerbs where required. The matter would also be raised with all Heads of Service to ensure that a corporate approach would be taken to the provision of dropped kerbs once a strategy/policy had been adopted.

## **5 PROVISIONAL EXTERNAL EXAMINATIONS AND TEACHER ASSESSMENTS**

The Lead Member for Education, Councillor Eryl Williams, presented a report (previously circulated), to provide information regarding the performance of schools at all key stages and provisional external examinations results at Key Stage 4 and Post 16. A detailed analysis of results would be provided for Committee Members following the publication of the verified and benchmarked information, which would be available in December 2013.

To reduce any risks to school support and challenge in Denbighshire schools, Education Officers within the Authority were monitoring and assessing the quality of regional support from GwE (The Regional School Effectiveness and Improvement Service).

There had been concern expressed regarding the nature and purpose of tests. Some children had been affected emotionally due to the stress of taking the tests. The concern had been reported by the Head of Education to the Welsh Government (WG).

A further concern had been raised due to the fact that most teachers stated they had not received adequate training regarding the tests.

The issue of the decline in Level 2 results at Prestatyn High School had been anticipated and additional measures had therefore been put in place to try and mitigate the risk of the decline. A question was asked whether the large size of the school could be a contributory factor. This was dismissed due to the fact that if

school structures were effective then large schools performed well. Denbighshire County Council was working closely with Prestatyn High School and officers were due to meet the Head Teacher to discuss an improvement strategy and the types of assistance available from the local education authority and from GwE.

During the discussion on St. Brigid's School Councillor Geraint Lloyd Williams declared a personal and prejudicial interest as he was a parent Governor at St. Brigid's. Councillor Williams left the meeting room at this point.

Discussions were due to take place with the Interim Head Teacher of St. Brigid's School as there had been an issue at the school pertaining to attainment in Mathematics. An improvement strategy would be discussed. The Head of Education stated that the results for St. Brigid's appeared to be adequate but there was room for improvement. However, St. Brigid's circumstances were unique.

The Head of Education confirmed Rhyl Sixth Form College data would be collated when the information was provided by the College, the final results would be available in January 2014 along with the validated results for the county.

***RESOLVED** that subject to the above, members noted and accepted the report.*

**At this juncture (10.15 a.m.) there was a 15 minute break**  
Councillor Geraint Lloyd Williams re-joined the Committee.

**Meeting reconvened at 10.30 a.m.**

## **6 YOUR VOICE COMPLAINTS PERFORMANCE**

The Lead Member for Customers and Communities, Councillor Hugh Irving, presented a report (previously circulated) providing the Committee with information regarding the Council's performance in dealing and responding to customer complaints. The report provided an overview of the complaints received by Denbighshire County Council under the council's Customer Feedback Policy "Your Voice", during Q1, 2013/14.

The Head of Customers and Education Support confirmed that the report was brought before the Performance Scrutiny Committee on a quarterly basis. It had been agreed previously that the Performance Scrutiny Committee would monitor the time scales complaints were dealt with. Trends of complaints were being scrutinised and services were looking to eradicate complaints in the future. The Head of Customers and Education Support wished to draw to Committee's attention that Social Services had a different complaints procedure but she was attempting to bring the information management in line. Social Services would always be one month behind in their data. Currently 93% of their complaints were dealt with within the required timescales.

It was confirmed there was a large amount of work yet to be carried out within Customer Services. One action yet to be taken was the inclusion of the name of

the officer dealing with the complaint to be recorded on the CRM system and to appear on the response to the county councillor.

Also an App was being developed to enable members to be kept informed of activities within the community. The Head of Customers and Education Support gave a brief outline of how the App would work and explained it would be rolled out over the next month.

A workshop event was to take place in October to which members had been invited where an update on customer services would be given with an opportunity to discuss matters in more detail.

The restructuring of the Housing and Community Development Service had been raised as a potential issue which may increase the number of complaints received, as housing officers were now responsible for over 1000 cases each. The workload capacity would likely cause stress levels to rise. The Head of Customers & Education Support confirmed that the CRM system recorded all calls received. The system would highlight areas where responses were not being sent within the designated time. A monthly report would be produced for members informing them of the total number of questions lodged and the number of responses.

Following members' visits to the Council's housing stock, members questioned if a protocol/standard practice had been in existence for Housing Officers to report back to members on progress made in addressing issues identified during visits. The Corporate Director: Economic and Community Ambition confirmed she would check and report back to the Committee.

**RESOLVED** that subject to the above the members note and accept the report.

## **7 ANNUAL PERFORMANCE REVIEW REPORT 2012/13**

The Lead Member for Modernising and Performance, Councillor Barbara Smith, presented a report (previously circulated) which enabled members to scrutinise the draft report, prior to a final draft being presented to Council on 8 October 2013.

The council was required to publish an annual report of its performance by 31 October each year. The report presented before Committee showed the Council's draft Annual Performance Review for 2012/13.

Within the draft report were significant gaps. One reason for this was that the deadline for responses to the residents survey was not until Friday 20 September. Overall, the report showed Denbighshire had had another positive year for 2012/13 and again was the best performing Council in North Wales. The report had been the first year of a five year Corporate Plan. A number of the "red" items reasons were shown within the Corporate Plan.

The 5 year Corporate Plan had been developed and agreed during 2012. The Plan included the new Economic Ambition priority. As this priority was a new one, careful scoping and defining had been required with a view to measuring success in



this field. It was far too early to expect to see success in this area as the economic ambition priority was a long term one.

One indicator which was of concern was the decline in the performance of the Planning Department which seemed currently to be failing to deal with planning applications within the 8 week time frame. Members requested comparison figures of applications received in 2011/12 and 2012/13 and also the number of staff in employment within the Planning Department covering those two years. It was agreed the question should be asked of the Head of Planning and Public Protection, at the next Service Challenge, as to why the Service's performance against this indicator was lower in 2012/13 than in 2011/12.

Members requested that the date of the Annual Performance Review report be added to the front cover for ease of reference. Also, consideration to be given to using less colour (or shading on front cover) to save ink. Members also requested officers to validate the statistic relating to the average number of business miles claimed per Council employee prior to submission of the report to County Council for approval, as the total miles claimed seemed excessive.

**RESOLVED** that, subject to the above, the draft 2012/13 Annual Performance Review be submitted to County Council for approval.

The Committee wished Tony Ward well in his new post as Service Manager: Quality and Systems Development and sent their best wishes for the future to Craig MacLeod in his new role at Flintshire County Council and thanked him for his services to Denbighshire.

## **8 FUTURE OF PERFORMANCE REPORTING**

The Lead Member for Modernising and Performance, Councillor Barbara Smith, presented a report (previously circulated) to consult with members about future arrangements for reporting performance against the Corporate Plan.

The Corporate Improvement Team Manager would be leaving his post on 20 September 2013 due to an internal promotion. Therefore due to efficiency savings the decision had been taken to delete the Corporate Improvement Team Manager's post and to develop a new way of delivering the core business of the Service. There were different teams reporting performance against the Corporate Plan and the BIG Plan, but the two tasks were to be brought together under a single function as both plans used the same performance management framework. Rather than reporting quarterly and taking up members and officers' time, it had been suggested that in future the Corporate Plan Monitoring Report and the report on the Corporate Risk Register be combined and report to Performance Scrutiny Committee on a twice yearly basis at the end of Q2 and Q4. The draft Annual Performance Review Report would be presented to the Committee at its October meeting on an annual basis.

It was agreed that the report would be presented bi-annually and on the relevant agenda, the report would be timetabled for one hour. Due to this arrangement,

there would be a reduction of agenda items from 4 to 3 to allow time for detailed discussion.

**RESOLVED** that the Committee support the proposals:

- (i) To reduce the number of in-year Corporate Plan Performance Reports from four to two per year. In addition to this, the Committee would continue to receive an Annual Performance Report.
- (ii) To reduce the scale of the in-year reports so that they only focus on exceptions in relation to performance measures and activities (i.e. the things they could positively influence).
- (iii) To align the bi-annual reviews of the Corporate Risk Register so that they are considered by the Performance Scrutiny Committee at the same time as the proposed bi-annual Corporate Plan Performance Reports.

## 9 SCRUTINY WORK PROGRAMME

A report by the Scrutiny Co-ordinator was submitted (previously circulated) seeking Members' review of the Forward Work Programme (FWP):

- (i) In-house Provider Visits to be included on the March 2014 FWP, and thereafter on an annual basis.
- (ii) Joint Corporate Plan and Corporate Risk Register to be added to March 2014. Risk register to be moved from January 14 to March 14.
- (iii) Meeting between Scrutiny Chairs & Vice Chairs and the Cabinet Members took place recently. Lead Members to attend the Scrutiny Committee when the report on the Agenda requires it. Agreed Councillor David Smith to attend on 24 October 2013.
- (iv) Discussion took place regarding the Parking item which was scheduled on the FWP. It was currently split into 2 sections – one section to be discussed by Performance Scrutiny and the other to be discussed by Communities Scrutiny. CET and SLT would prefer it to be one item. The Corporate Director: Economic and Community Ambition stated that in her opinion it was a policy discussion for Communities Scrutiny. It had been agreed and seconded that the item should go to Communities for discussion. Vote took place. 3 in favour and 4 against. It was then agreed to defer the item being scheduled on Performance Scrutiny FWP until it had been discussed at Communities Scrutiny. Agreed to defer the item from October's Forward Work Programme pending Communities Scrutiny Committee's discussion in November on the impact of the Council's parking enforcement strategy on the Council's delivery of its corporate priority and ambition with respect to economic development
- (v) Risks of Grade 2 Listed Building to be added to the December 2013 meeting FWP.
- (vi) an information report be circulated on the level of the Council's use of supply teaching staff and the Authority's expectations of them. This request was made in light of a recent national report on the use of supply teachers by local education authorities and the impact on pupils' educational standards.

**RESOLVED** that subject to the above amendments/ additions and agreements, the Future Work Programme be approved.

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor Richard Davies gave a verbal report on a recent quarterly meeting he had had with the Human Resources Service. The main points were that sickness absence rates were currently lower than at the same time last year. All Services had been reminded of the importance of ensuring that CRB checks were up to date and on the requirement of complying with this policy and on the policy relating to obtaining references before confirming appointments.

Meeting concluded at 12.30pm

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**Report To:** Performance Scrutiny Committee

**Date of Meeting:** 24<sup>th</sup> October 2013

**Lead Member / Officer:** Lead Member for Public Realm

**Report Author:** Head of Planning and Public Protection/  
Public Protection Manager

**Title:** Denbighshire CCTV and Out of Hours Calls Service

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## **1. What is the report about?**

- 1.1 To consult with Members on a range of options for modernising, upgrading and improving the Council's CCTV and Out of Hours contact team.

## **2. What is the reason for making this report?**

- 2.1 At its meeting in April, Members specifically requested an update report, on the progress that has been made with proposals to develop the Council's CCTV and Out of Hours Calls function.

## **3. What are the Recommendations?**

- That Members:
- 3.1 note and comment on the contents of this report, support the proposed initiatives and agree the need for Officers to undertake a detailed business case analysis on each of the proposals; and
- 3.2 determine whether it would be appropriate for the Committee to consider an update report on progress in 6 months' time.

## **4. Report details**

- 4.1 The Council's CCTV system and Out of Hours calls centre is operated and managed by the Planning and Public Protection Service. It is located in Rhyl Police Station.
- 4.2 The provision of a public space CCTV service is a major contribution towards Denbighshire's responsibilities under the Crime and Disorder Act 1998, and is highly regarded by the Community Safety Partnership (particularly North Wales Police), Enforcement Officers within the Council and Members as providing an excellent and essential service. However the public space CCTV is limited to Rhyl, Prestatyn and a limited part of Rhuddlan i.e. it is not a Council wide service.
- 4.3 The primary purpose of the system is to support the Community Safety Partnership's approach to reduce both the level of crime and fear of crime, to

provide a safe public environment for the benefit of those who reside, visit and work in the area.

- 4.4 Council Officers staff the CCTV control room, working shifts to provide 24 hour cover, 7 days a week, 365 days per year. Because of this 24/7 operation the responsibility also includes acting as the Council's CRM (single point of contact) outside normal office hours (e.g. the team take all calls for the Council from the public during evening/night, weekends, public holidays etc).
- 4.5 Members will be aware that a long running feasibility project for a single CCTV control room for North Wales was only recently concluded. The findings being that it was not a project the Region wanted to pursue, Officers and the Lead Member of the Council agreed with that conclusion. Given the Regional Project is not to proceed Officers and Members are eager to see how the Council's CCTV/Out of Hours Calls team can be developed to offer a wider service and become more efficient. This must be done against the backdrop of the Council's Medium Term Financial Plan which has given the CCTV/Out of Hours Calls team a target of reducing its budget by a third (from the 10/11 budget level of £341k) by the financial year 2014/15. Therefore by 2014/15 the budget should be reduced from £341k to £228k per annum (i.e. a net saving of £113k). £50k of that saving has already been delivered, leaving £63k still to be found, over the next 18 months.
- 4.6 A list of proposals on how to possibly transform the functions of the team and still deliver the savings has been drawn up by Officers and before progressing to more detailed business case analysis on each of the options the views of Members are sought.
- 4.7 All proposals are attached as Appendix 1 and are built on the precept of maintaining a 24/7 operation for both CCTV and the Council's Out of Hours Call centre.
- 4.8 Subject to the views of Members, all the proposals contained in Appendix 1 will be explored further by undertaking a detailed business case analysis on each. This work will include Officers from across the Council, but specifically Public Protection, Property, Leisure, Education, Highways, Housing and Finance.

## **5. How does the decision contribute to the Corporate Priorities?**

- 5.1 The operation of a CCTV and Out of Hours Calls service directly contributes towards the corporate priorities of protecting the vulnerable within our communities, keeping our streets clean and tidy and bringing the Council closer to the community.

**6. What will it cost and how will it affect other services?**

- 6.1 There are no direct costs associated with this report. Any future budget implications will be assessed via the detailed business case analysis for each option. Dependent on the conclusions of the details business case analysis there may be wider implications, but they will need to be considered at that time.

**7. What are the main conclusions of the Equality Impact Assessment? (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

- 7.1 The potential impact of the options has been EIA assessed. Any decision to progress with any of the previously mentioned proposals will need to be assessed for equality impact, as part of the detailed business case analysis.

**8. What consultations have been carried out with Scrutiny and others?**

- 8.1 None, at this stage, although it is accepted that a number of the proposed options will require extensive consultation prior to implementation.

**9. Chief Finance Officer Statement**

- 9.1 The business case needs to reflect the proposed future CCTV savings and the impact of the reduction in budget. At this stage there are no further financial implications.

**10. What risks are there and is there anything we can do to reduce them?**

- 10.1 There are no risks associated with this report.

**11. Power to make the Decision**

- 11.1 No formal decision is required.
- 11.2 Article 6.3.2(c) of the Council's Constitution stipulates that Scrutiny can "consider any matter affecting the area or its inhabitants", and Article 6.3.3(a) states that Scrutiny can "assist the Council and the Cabinet in the development of its budget and policy framework..."

**Contact Officer:**

Head of Planning and Public Protection  
01824 706925

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By virtue of paragraph(s) 12 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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**Report To:** Performance Scrutiny Committee

**Date of Meeting:** 24<sup>th</sup> October 2013

**Lead Member:** Lead Member for Public Realm

**Report Author:** Head of Planning and Public Protection/  
Public Protection Manager

**Title:** Taxi Licensing Update

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**1. What is the report about?**

1.1 The report provides an update on the Council's Taxi Licensing function and recent changes to procedures and delegation authority.

**2. What is the reason for making this report?**

2.1 To inform Members of the progress that has been made in reviewing the taxi licensing function including the implementation of improved, more robust procedures for the protection of the public, particularly the vulnerable within our communities.

**3. What are the Recommendations?**

That Members consider the information provided and comment accordingly.

**4. Report details.**

4.1 Members will remember that a report was presented to Scrutiny Committee in November 2012 providing an update on the comprehensive review being undertaken on taxi licensing systems and to inform Members of the future forward work programme of the Licensing Committee. Members supported the approach being developed. We are now able to provide a further update on the work undertaken to date.

4.2 In Denbighshire there are currently:

| Type of License                                          | Number Issued |
|----------------------------------------------------------|---------------|
| Private Hire Vehicle Licensed Operators                  | 17            |
| Private Hire Vehicle Licensed Vehicles                   | 84            |
| Private Hire Licensed Drivers                            | 49            |
| Hackney Carriage Licensed Vehicles (Taxis)               | 238           |
| Hackney Carriage + Private Hire Vehicle Licensed Drivers | 338           |

Licenses are received, considered and issued by the Licensing Officers within the Public Protection Section. Vehicle licenses are issued by Fleet Services once authorised by Licensing Officers. The licensing administration system however involves a number of Officers, including Licensing, Community Safety Enforcement, Fleet, Members and outside agencies including the police. It is therefore important to ensure that a robust system is in place which is understood by all parties. In addition to the Licensing administration system is the need for a strong, proactive enforcement regime which is led by the Council's Community Safety Enforcement team, also within the Public Protection Section. Enforcement is often a partnership approach with Officers working closely with other Enforcement Agencies.

- 4.3 In addition to taxi licensing and associated enforcement the Licensing administration and Community Safety Enforcement Officers also licence and regulate a variety of other licensable activities e.g. Premises & Personal Licences for the purposes of the sale of alcohol, gambling premises licences, street trading, market regulations etc.
- 4.4 The total income received from all licensing related matters in Public Protection is approx £225k of which approx £115k is generated from taxi related activities.
- 4.5 In order to ensure that the taxi licensing process is as robust as possible a full systems thinking review was undertaken of the taxi licensing processes. This was facilitated by internal audit and involved Officers from licensing, Community Safety Enforcement, fleet, legal, social services and North Wales Police.
- 4.6 The group reviewed 8 separate taxi licensing processes and produced newly revised procedures. These were subsequently reviewed by a specialist licensing solicitor (James Button) to ensure that they were legally sound.
- 4.7 All revised procedures were presented to the Head of Planning and Public Protection for approval in May 2013 and were subsequently approved by Licensing Committee in June 2013. These are now being implemented by officers. The new procedures included changes to the delegation agreement. Attached as Appendix 1 are the new procedure documents as approved by Licensing Committee.
- 4.8 In addition to the review of procedures, we are also undertaking a complete review of our taxi licensing policies. This covers standards for driver convictions, conduct and behaviour, dress code, vehicle standards and others. This process has started with a public engagement exercise to find out what the residents and visitors think of the taxi trade and their experiences of using taxis within the county. The findings of the exercise are now being collated prior to further internal discussions on the content of any future revised Policy.

- 4.9 A revised Policy is intended to provide us with higher standards and should drive up standards even further within the taxi fleet. It is also proposed to introduce a penalty points system for breaches of licence conditions; so that incremental enforcement action may be taken against licence holders that routinely breach a variety of conditions. The revised Policy was hoped to be reported to Licensing Committee in December. However the project is more complex than initially envisaged, as such Licensing Committee will be asked in December to review its Forward Work Programme, including when best to report on the revised policy. Attached as Appendix 2 is a copy of the Forward Work Programme for Licensing Committee.
- 4.10 A significant amount of enforcement work has been done over recent times to tackle the non compliant drivers and operators. This has been as part of a multi agency approach with VOSA, North Wales Police and other agencies including the Dept of Work and Pensions. Several operations have been undertaken, where taxis have been stopped on the road and examined to make sure that they are safe and that they are operating in compliance with their licence conditions. This has resulted in several prohibitions and suspensions taking place and some taxis being immediately taken off the road due to the poor standard of vehicles. These operations are having an effect of improving standards and there is now an awareness and an understanding within the trade that we will take robust and proportionate action against non compliant operators. Attached as Appendix 3 are PR related items regarding Taxi Enforcement Work led by our Community Safety Enforcement team.

**5. How does the decision contribute to the Corporate Priorities?**

- 5.1 The work on reviewing the taxi licensing process, with particular emphasis on safeguarding the public directly contributes to the corporate priority of 'Protection of the vulnerable' and also the wider aim and Service Outcome of keeping our communities safe.

**6. What will it cost and how will it affect other services?**

- 6.1 The cost will be met within service budgets with the new procedures improving internal governance arrangements when dealing with the taxi trade and protecting the public.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

- 7.1 An equality impact assessment for this decision is not required. Equality impact assessments have and will be undertaken for each review of procedures and policies.

**8. What consultations have been carried out with Scrutiny and others?**

- 8.1 Consultation has taken place throughout this process with officers from the Planning and Public Protection, Fleet Services, Legal Services, North Wales

Police, Social Services, the licensed taxi trade and members of the public. Licensing Committee is kept fully updated, authorised changes to policies and procedures and makes decisions on a range of licensing issues.

**9. Chief Finance Officer Statement**

There are no further financial implications, costs met within existing budgets.

**10. What risks are there and is there anything we can do to reduce them?**

The review of procedures and policies is designed to reduce the risk of procedural maladministration and not to ensure the Council takes appropriate action to regulate the taxi trade and to protect the public.

**11. Power to make the Decision**

Article 6.3.3(a) of the Council's Constitution sets out Scrutiny's powers with respect to policy matters.

**Contact Officer:**  
Head of Planning and Public Protection  
01824 706925


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## Planning and Public Protection Service

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**Name of Procedure:**

**Procedure for dealing with expired insurance and compliance documents**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12th June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                                |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

|                         |                |                       |              |
|-------------------------|----------------|-----------------------|--------------|
| <b>VERSION CONTROL:</b> |                |                       |              |
| <b>Reference:</b>       | <b>Status:</b> | <b>Authorised by:</b> | <b>Date:</b> |
| V01                     | Final          | Licensing Committee   | 12.06.13     |

## 1. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to be clear on what process need to be followed when dealing with insurance and compliance documents and to ensure that legislation is adhered to.

## 2. Related Documents

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976 Section 49

Blue Book (Conditions and Policy)

Flowcharts Attached

## 3. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| <b>FUNCTION</b>                                             | <b>OFFICER</b>                                                                                                                      |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Suspension of vehicle licence under Section 60 LG(MP)A 1976 | Head of Service or<br>Public Protection Manager or<br>Senior Licensing Officer or<br>Senior Community Safety<br>Enforcement Officer |

## 4. Legislation/Policy

There is no specific section of the legislation that requires a proprietor of a vehicle licence to provide continuous cover of insurance and compliance/MOT certificates. It is a condition of their licence, contained within the policy and conditions.

The existing policy states:

The licensee shall ensure that renewed motor insurance cover and certificate of compliance are submitted to the Licensing Officer, in original form, either prior to or on their expiry. Failure to provide such documentation will result in the immediate suspension of licences.

## 5. Process

- i) Weekly report printed from Licensing System of documents that have expired
- ii) Suspension notice issued and signed by SLO/LEO. Suspension will only take effect after 21 days so it will give the licensee time to submit the updated document.



- iii) Update licensing system
- iv) Notify School Transport and Social Services Contract Teams
- v) If the documents are received within the 21 days then the suspension will be lifted
- vi) SLO to issue a letter lifting the suspension.
- vii) Inform School Transport and Social Services Contract Teams that the vehicle is no longer suspended
- viii) Update Licensing system.
- ix) If the documents are not received within the 21 days then the suspension is in force and Enforcement will be instructed to remove the plate(s) from the vehicle if the licence holder has not surrendered it.
- x) The vehicle will remain suspended until such time as original renewal documents have been received
- xi) Once documents have been received follow step (v) – (viii) above.

## **6. Right of Appeal**

The proprietor has a right of appeal against any of the Council's decisions , to the Magistrates Court .

## **7. Review of Procedure**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.


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## Planning and Public Protection Service

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**Name of Procedure:**

**Procedure for the Grant/Renewal of a Private Hire Operator Licence**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

**VERSION CONTROL:**

| Reference: | Status: | Authorised by:      | Date:    |
|------------|---------|---------------------|----------|
| V01        | Final   | Licensing Committee | 12.06.13 |

## 6. PURPOSE

To ensure consistency of administering and enforcing the Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal Operator Licences and to ensure that legislation is adhered to.

## 7. RELATED DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart 1 Grant of a Private Hire Operator Licence

2 Renewal of a Private Hire Operator Licence

## 8. OFFICER DELGATAIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| <b>FUNCTION</b>                                | <b>OFFICER</b>                                                           |
|------------------------------------------------|--------------------------------------------------------------------------|
| Processing of application                      | Licensing Support Officer                                                |
| Rejection of application                       | Public Protection Manager or Senior Licensing Officer                    |
| Referral of application to Licensing Committee | Public Protection Manager or Senior Licensing Officer                    |
| Grant/renewal of application                   | Public Protection Manager or Senior Licensing Officer                    |
| Refusal of application                         | Head of Service or Public Protection Manager or Senior Licensing Officer |

## 4. LEGISLATION

Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority power to licence Private Hire Operators, which states:

'55(1) subject to the provisions of this Part of the Act, a district Council shall, on receipt of an application for any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

## 5. GENERAL NOTES

Once an application has been received, the only ground for refusal is whether the applicant is a fit and proper person.

It is not possible to obtain an enhanced DBS (Disclosure and Barring Service) Check (formerly a CRB Check) for an operator licence applicant. An Operator applicant is not on the DBS's list of relevant occupations for an enhanced disclosure. A basic disclosure can be obtained along with a statutory declaration.

Conditions may be attached to an Operator's Licence but they must be reasonably necessary.

## **6. PROCESSING APPLICATION FOR GRANT (flow chart 1)**

- i. Licensing Support Officer to check the application form is completed and signed by applicant/dated. If not complete reject application
- ii. Is the applicant a licensed driver with the County? If yes then a new DBS is not required but if he is not a licensed driver then a basic disclosure and signed statutory declaration must be produced – see section 10 below
- iii. Has the applicant stated he has a radio licence? If so you must see a copy of it. If applicant fails to produce reject application
- iv. Licensing Support Officer to receipt fee – Code to H290019428
- v. If application complete pass to SLO for determination
- vi. SLO to determine whether applicant is a fit and proper person in line with legislation
- vii. If deemed NOT fit then application must be referred to Licensing Committee
- viii. SLO to prepare committee report, for committee to determine application
- ix. If deemed FIT then the application can be granted by SLO
- x. Licensing Support Officer to enter application onto licensing system
- xi. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xii. An Operator file will need to be prepared and documents filed
- xiii. Licensing Support Officer to inform Planning if application is granted

## **7. PROCESSING APPLICATION FOR RENEWAL (see flowchart 2):**

- i. Each month, Licensing to produce a monthly licensing system report detailing the operator licences due for renewal
- ii. Print renewal form and letter from licensing system and send out to licence holder. Ensure that the renewal documents are sent out to licence holder with at least one month notice of expiry.
- iii. Licensing Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated.
- iv. If the applicant is not a licensed driver, we need to ensure that the applicant has not declared any new convictions or pending prosecutions on the application form. If applicants circumstances have changed move onto step xi below
- v. If the application requires supporting documents eg Radio Licence check documents thoroughly to ensure that it has a valid date in force
- vi. Check correct fee received (see table of fees attached)
- vii. Licensing Support Officer to receipt fee (Code to H290019428)

- viii. Licensing Support Officer to update licensing system and produce the renewal licence
- ix. Licence to be signed by SLO and one copy sent to licence holder and one to be attached to renewal documents.
- x. Documents to be filed in Operator file.
- xi. **IF APPLICANT DECLARES** new convictions SLO to inform School Contracts and Social Services Contracts
- xii. **IF APPLICANT DECLARES** a pending prosecution SLO to liaise with Licensing Manager and dependant on allegation SLO to take either no action, refer to committee or wait until the outcome of the Court hearing.
- xiii. SLO to prepare a report for Committee for determination

## **8. APPLICATION NOT RECEIVED BEFORE EXIPRY:**

If the application is not renewed by the expiry date of the existing licence then refer the matter to Enforcement Team the day after the expiry date

## **9. DBS AND STATUTORY DECLARATION**

It is very unusual for new applications to be received for an Operator's Licence when the applicant is not already an existing licensed driver within the County, but on occasions this may happen and then we must ask the applicant to submit a basic disclosure from the DBS along with a Statutory Declaration signed by a Solicitor.

## **10. REJECTION OF APPLICATION**

Rejection of application would take place if:

- a. if the applicant has not provided all appropriate supporting documents
- b. If the applicant has not fully completed the application form.

Insert reasons for rejection in the body of letter.  
Rejection Letter must be signed by SLO

## **11. REFUSAL TO GRANT**

A Local Authority has very little reasons for refusal of a licence if the applicant complies with all the application requirements. The only grounds are whether the applicant is a fit and proper person which will be determined by scrutinising the information on the application form, basic DBS and statutory declaration or if the applicant is a licensed driver he/she would have an enhanced DBS.

## **12. COMMITTEE DECISION**

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Operator Licence. Members may resolve to take one of the following decisions:

1. **Grant**
2. **Refuse**

Members need to give appropriate reasons for refusal

### **13. RIGHT OF APPEAL**

Section 55(4) - any person aggrieved by the refusal of a district council to grant an operator's licence under this section or by any conditions specified in such a licence, may appeal to a magistrates' court.


### **14. REVIEW OF PROCEDURE**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

**Planning and Public Protection Service**

**Procedure:**

**Procedure for the Grant/Renewal of a Hackney Carriage and Private Hire Vehicle Licence**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

**VERSION CONTROL:**

| <b>Reference:</b> | <b>Status:</b> | <b>Authorised by:</b> | <b>Date:</b> |
|-------------------|----------------|-----------------------|--------------|
| V01               | Final          | Licensing Committee   | 12.06.13     |

**9. PURPOSE**

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal vehicles and ensure that legislation is adhered to.

## 10. RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

|           |   |                                               |
|-----------|---|-----------------------------------------------|
| Flowchart | 1 | Grant of a Private Hire Vehicle Licence       |
|           | 2 | Grant of Hackney Carriage Vehicle licence     |
|           | 3 | Renewal of a Private Hire Vehicle Licence     |
|           | 4 | Renewal of a Hackney Carriage Vehicle Licence |

## 11. OFFICER DELEGATIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| <b>FUNCTION</b>                                | <b>OFFICER</b>                                                           |
|------------------------------------------------|--------------------------------------------------------------------------|
| Processing of application                      | Licensing Support Officer                                                |
| Rejection of application                       | Public Protection Manager or Senior Licensing Officer                    |
| Referral of application to Licensing Committee | Public Protection Manager or Senior Licensing Officer                    |
| Grant/renewal of application                   | Public Protection Manager or Senior Licensing Officer                    |
| Refusal of application (as per policy)         | Head of Service or Public Protection Manager or Senior Licensing Officer |

## 12. LEGISLATION

### Private Hire Vehicles

Section 48 of the LG(MP)A'76 give the Council the power to grant an application to use a vehicle as a private hire vehicle, provided that they are satisfied that the vehicle is:

- i. suitable in type, size and design for use as a PHV
- ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- iii. in a suitable mechanical condition
- iv. safe and comfortable
- v. that there is in force in relation to the use of the vehicle a policy of insurance

### Hackney Carriage Vehicles



Section 37 of the TPCA'47 gives the Council power to licence a hackney carriage. The legislation does not contain detailed requirements as found in the LG(MP)A'76

## **NEW VEHICLE APPLICATIONS (Flow Chart 1 & 2)**

### **13. Pre-Inspections**

- i. Licensing Enforcement Officer (LEO) to inspect all new vehicles to ensure compliance with the vehicle specification as detailed in the policy.
- ii. If LEO satisfied that vehicle meets specification a notice to that effect will be issued to the proprietor authorising the vehicle to undergo the Council's Compliance test
- iii. If LEO is not satisfied that the vehicle meets the specifications then the LEO must issue a rejection letter with details of reasons for rejection eg vehicle is a left hand drive/bodywork is in poor condition

### **14. Testing Requirements**

Following the pre-inspection all suitable vehicles (as deemed by LEO) must undertake a Compliance Test at the County's Fleet Services Depot in Bodelwyddan.

### **7. Processing application for GRANT (PHV flowchart 1, H/C Flowchart 2):**

- xiv. Application received – check all documents are present
- xv. If the application is for a new to fleet PHV check to see if applicant has a current Operating Licence (see section 11 below)
- xvi. Check Insurance document has appropriate cover for use and has a valid date in force (see section 9 below)
- xvii. Check details on V5 match application details (see section 10 below)
- xviii. Check correct fee received (see table of fees attached)
- xix. Pass to SLO to check application

**If SLO satisfied that the above requirements are complete ONLY then move to next step. If Not satisfied SLO to issue rejection letter (see section 5 below).**

- xx. Receipt fee - Code to H290019428
- xxi. Allocate licence number from VIP and Licensing system. You must select the next highest free number. NB do not use a number that has previously been issued before even if the licence has been surrendered or revoked.
- xxii. Enter insurance/certificate of compliance/V5 details onto Licensing System
- xxiii. Enter vehicle details VIP and issue Plate/Door Stickers

- xxiv. Issue paper licence from Licensing System
- xxv. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- xxvi. Documents to be filed

**8. Processing application for RENEWAL (PHV flowchart 3, H/C flowchart 4):**

- xiv. Each month, produce a monthly licensing system report detailing the vehicle licences due for renewal
- xv. Print renewal form and letter from licensing system and send out to licence holder. Ensure that the renewal documents are sent out to licence holder with at least one month notice of expiry.
- xvi. Applications must be submitted to Licensing Section. Licensing Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated.
- xvii. If the application requires supporting documents eg Insurance/Compliance please check documents thoroughly to ensure that the correct cover for use and has a valid date in force (see section 9 below)
- xviii. Check correct fee received (see table of fees attached)
- xix. Receipt fee – Code to H290019428
- xx. VIP to be updated and new plate printed
- xxi. Update licensing system and produce the paper licence
- xxii. Licence to be signed by SLO and one copy sent to licence holder and one to be attached to renewal documents.
- xxiii. Documents to be filed in Operator file.

**9. APPLICATION NOT RECEIVED BEFORE EXPIRY:**

- i. If the application is not renewed by the expiry date of the existing licence then refer the matter to Enforcement Team the day after the expiry date

**10.INSURANCE DOCUMENTS**

Inspection of the insurance document must be done before authorising the application. Officer must be looking for the following:

- a. Insurance document relates to the vehicle application or is included on a schedule for fleet vehicle cover
- b. Start and expiry date of cover. Application cannot be accepted if cover has expired or if the start date commences after grant of licence. I.e. cover must start on the date the licence has been granted for.
- c. The cover must be for the carriage of passengers for hire and reward or for private hire/public hire. NB the carriage of school children as part of a contract is not sufficient even if the applicant “only carries out school contracts”.
- d. Full Certificate or cover notes may be accepted.

***If in doubt of any certificate or cover note please see SLO.***

## **11. VEHICLE REGISTRATION DOCUMENTS (V5)**

Part of the application procedure is for the production of a V5 document . This cannot always be produced if the vehicle has just been purchased and the applicant has sent the V5 to the DVLA in Swansea for a change of owner details.

If the applicant cannot produce a V5 then proof of ownership should be sought until the applicant can produce the updated V5 eg receipt for purchase from garage.

## **12. OPERATOR'S LICENCE**

If the application is for a PHV you must check the following information:

- a. Does the applicant have an Operator Licence? If not, does the application detail another Operator who the applicant is proposing to work under? If not, then the application must be rejected

## **13. APPLICATION FORM**

All applicants must sign the application form

## **14. REJECTION OF APPLICATION**

Rejection of application would take place if:

- c. the vehicle does not meet the specifications as per policy
- d. if the applicant has not provided all appropriate supporting documents
- e. If the applicant does not have an Operating Licence or has not specified details of an Operating Licence that the vehicle will be attached to.

Insert reasons for rejection in the body of letter.

If the application has been rejected because the vehicle does not meet the Council's requirements (a) above, the applicant can request his/her application be referred to the Licensing Committee for consideration  
Rejection Letter must be signed by SLO

## **15. REFUSAL TO GRANT**

A Local Authority has very few reasons for refusal of a licence if the applicant complies with all the application requirements. However the Council can refuse an application if the grant of that licence would breach the overriding aim of protecting the public eg if the application comes from a known or suspected criminal

## **16. COMMITTEE DECISION**

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the vehicle is fit for purpose or if the vehicle does not meet the specifications as detailed in the policy.  
Members may resolve to take one of the following decisions:

**3. Grant**

**4. Refuse**

Members need to give appropriate reasons for refusal

**17. RIGHT OF APPEAL**

A person aggrieved by the Council's decision has rights of appeal:

- If an application for a private hire vehicle licence is refused, or granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 48(7) LG(MP)A 1976);
- If an application for a new hackney carriage vehicle licence is refused, an appeal lies to the Crown Court (section 7, Public Health Acts Amendment Act 1907);
- If an application for a hackney carriage vehicle licence is granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 47(3) LG(MP)A 1976);
- If an application for renewal of either a hackney carriage or private hire vehicle licence is refused, an appeal lies to the magistrates court (section 60(3) LG(MP)A 1976);


**18. REVIEW OF PROCEDURE**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

## Planning and Public Protection Service

**Name of Procedure:**

**Procedure for the Grant/Renewal of a Hackney  
Carriage and Private Hire Driver Licence**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

### VERSION CONTROL:

| Reference: | Status: | Authorised by:      | Date:    |
|------------|---------|---------------------|----------|
| V01        | Final   | Licensing Committee | 12.06.13 |

## 15.PURPOSE

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal drivers and ensure that legislation is adhered to.

## 16.RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

|             |                                                                                  |
|-------------|----------------------------------------------------------------------------------|
| Flowchart 1 | Grant of a Private Hire/hackney carriage driver Licence                          |
| 2           | Renewal of a Private Hire/Hackney Carriage driver licence (no medical or DBS)    |
| 3           | Renewal of a Private Hire/Hackney Carriage driver Licence (with DBS and medical) |
| 4           | Renewal of a Private Hire/Hackney Carriage driver licence (with medical)         |
| 5           | Renewal of a Private Hire/Hackney Carriage driver licence (with DBS)             |

## 17.OFFICER DELEGATIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| <b>FUNCTION</b>                                   | <b>OFFICER</b>                                                           |
|---------------------------------------------------|--------------------------------------------------------------------------|
| Processing of application                         | Licensing Support Officer                                                |
| Rejection of application                          | Public Protection Manager or Senior Licensing Officer                    |
| Referral of application to Licensing Committee    | Public Protection Manager or Senior Licensing Officer                    |
| Grant/renewal of application                      | Public Protection Manager or Senior Licensing Officer                    |
| Refusal of application (as per conviction policy) | Head of Service or Public Protection Manager or Senior Licensing Officer |

## 18.LEGISLATION

### Private Hire Drivers

Section 51 of the LG(MP)A76 give the Council the power to grant an application for a driver licence, provided that they are satisfied that the person is:

- unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

- b) to any person who has not for at least 12 months been authorised to drive a motor car, or it not at the date of the application for a driver's licence so authorised.

### **Hackney Carriage Drivers**

Section 46 of the TPCA'47 gives the Council power to licence a hackney carriage driver. Section 59 of the LG(MP)A'76 contains identical requirements for hackney carriage drivers as for private hire drivers. .

## **5. NEW DRIVER APPLICATIONS (Flow Chart 1)**

### **Processing application for GRANT :**

- xxvii. Licensing Support Officer to check application form fully completed and all supporting documents are present :
- xxviii. DBS/Medical/Statutory Declaration/DVLA driving licence/photos/DVLA mandate, if not complete Support Officer to reject application – SLO to sign the rejection letter if application received via post
- xxix. If all documents present and application form fully completed then you can proceed to process the DBS application form
- xxx. Licensing Support Officer to check the required identification documents have been produced – must be original documents (see section below)
- xxxi. Licensing Support Officer to receipt fee - Code to H290019422
- xxxii. Licensing Support Officer to complete section W & X on the DBS form and open process on the licensing system
- xxxiii. Licensing Support Officer to pass DBS form/application to drive and all supporting documents to SLO
- xxxiv. SLO to verify all information on the DBS is correct before signing and sending it in the post to DBS
- xxxv. SLO to complete DVLA mandate and send to DVLA
- xxxvi. SLO to update DBS spreadsheet and licensing system
- xxxvii. SLO to inform the First Contact Team and School Transport of the application allowing 14 days for consultation (see section 17 below)
- xxxviii. Applicant may now take his/her knowledge test (see section 12 below)
- xxxix. Once DBS returned and comments from First Contact Team and School Transport (if applicable), SLO to scrutinise results and if a **SATISFACTORY DBS** received as determined by Policy– SLO to update DBS spreadsheet and enter DBS details on licensing system
- xl. SLO to pass application to Licensing Support Officer for issuing licence and badge
- xli. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xlii. **UNSATISFACTORY DBS** received as determined by Policy SLO to either:
  - a. Issue Licence with warning letter
  - b. Refer application to Licensing Committee – issue letter to applicant and invite First Contact Team and School Transport to meeting (if submitted representations)

- c. Refuse the application – right of appeal to magistrates Court within 21 days. No right to drive whilst appealing
- xl. School Transport and First Contact Team informed of decision.
- xli. Documents to be filed

## **6. RENEWAL DRIVER APPLICATION**

### Processing application for **RENEWALS**

- Flowchart 2.
- 2. Renewal no medical or DBS
  - 3. Renewal with DBS and medical
  - 4. Renewal with medical
  - 5. Renewal with DBS

- xxiv. Licensing Support Officer to produce a monthly licensing system report detailing the driver licences due for renewal
- xxv. Print renewal form and letter from licensing system and send out to licence holder. Please ensure that the renewal documents are sent out to licence holder with at least 6 weeks notice of expiry.
- xxvi. Renewal applications received - Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated. If not rejection letter sent and signed by SLO
- xxvii. If the application requires supporting documents e.g. DBS or medical certificate please check documents thoroughly to ensure that they meet the requirements (see sections 10 & 11 below)
- xxviii. Licensing Support Officer to inform the First Contact Team and School Transport of the renewal application allowing 14 days for consultation (see section 17 below)
- xxix. Check correct fee received (see table of fees attached)
- xxx. Licensing Support Officer to receipt fee – Code to H290019422
- xxxi. If application is a renewal with no medical/DBS then process on licensing system
- xxxii. Print 3 copies of the licence, one for applicant/one employer/one file
- xxxiii. Licence to be signed by SLO
- xxxiv. Documents to be filed.

## **7. APPLICATION NOT RECEIVED BEFORE EXPIRY:**

- i. If the application is not renewed by the expiry date of the existing licence then SLO to issue a letter stating licence has lapsed and request return of driver's badge.
- ii. SLO to inform School Contracts and Social Services Contracts that licence not renewed

## **8. APPLICATION RECEIVED AFTER EXPIRY**

- i. If the renewal application is submitted after the expiry date then it must be rejected and a new full application submitted
- ii. SLO to issue a rejection letter stating reasons for rejection

## **9 DVLA DRIVING LICENCE**



Both parts of the DVLA driving licence must be produced with the application. We cannot accept the old style driving licence, it must be a photographic style licence for DBS purposes. If an applicant produces an old style licence we must reject the application and advise the applicant to apply for a new style licence. When accepting a new style licence the accepting Officer must be looking for the following:

- e. Does the name and address on the application match the one that appears on the DVLA driving licence – if not reject application
- f. Has the applicant held a DVLA driving licence for 12 months – if not reject application
- g. Has the applicant accrued any penalty points? If yes and there are 10 or more penalty points on the licence the application must be referred to the Licensing Committee by SLO for determination. For points less than 10 please pass the application to the SLO for determination – SLO to refer to Conviction Policy and if necessary take appropriate steps.

***If in doubt of any DVLA driving licence please see SLO.***

## **10. MEDICAL CERTIFICATE**

Part of the application procedure is for the production of a Group 2 medical certificate. Due to the cost involved in applicants having to undergo a medical, applicants do not have to produce this document with the application. Applicants can wait until a satisfactory DBS has been received and the passing of the knowledge test. **It should be noted that an application will not be granted until the production of a satisfactory medical certificate.**

Medical Certificates can be accepted from either the applicants REGISTERED GP or Occupational Health Unit at Glan Clwyd Hospital. The preferred option is the applicants GP but it is known that GP's only undertake medicals at a certain time and to obtain an appointment for a medical can sometimes result in applicants waiting weeks/months for an appointment.

## **11. DBS(previously known as CRB)**

The Disclosure and Barring Service (DBS) application form and supporting identification must accompany the application form for a licence. We cannot accept the DBS on its own. Officers must be satisfied that the applicant has met all other licensing requirements before applying to the DBS. There are guidance notes issued by the DBS that you must follow, which are attached. If you are in doubt about anything please consult with SLO.

## **12. KNOWLEDGE TEST**

All new applicants must sit a knowledge test and pass each section with 2 out of 3. The applicant must make an appointment for their test in order for the test paper to be prepared and to ensure a room is available. The test may be taken verbally if preferred by the applicant. Officers must ensure that they assist applicants with any disability, but they must not make any hints/clues to the answers. Officers may explain a question if the applicant does not understand.

If the applicant fails to pass the test then he/she may re-take the test after 7 days. If the applicant fails the test for a second time then each further test may be taken after 7 days but will be subjective to an administrative fee each time. There is no limit to the number of tests an applicant can take.

### **13. APPLICATION FORM**

The application form must be fully completed, signed and dated. If there is any part of the application form that has not be completed then the application must be rejected. If you reject the application please return **all** documents, do not keep any part of the application i.e. supporting documents.

### **14. REJECTION OF APPLICATION**

Rejection of application would take place if:

- f. the applicant has not fully completed the application form
- g. the applicant has not fulfilled the DBS requirements
- h. the applicant has not submitted a photographic driving licence

Insert reasons for rejection in the body of letter.

Rejection Letter must be signed by SLO

Documents and letter must be sent recorded delivery.

### **15. REFUSAL TO GRANT/RENEW**

A Local Authority is under a duty to grant a private hire driver licence if the applicant complies with all the application requirements.

A similar but not identical requirement exists in relation to hackney carriage drivers licences..

As this Council issues dual licences which allow a licensee to drive both hackney carriages and private hire vehicles, the process is treated the same.

### **16. RIGHT OF APPEAL**

Sections 52 and 59 of the LG(MP)A 1976 provide a right of appeal to a magistrates' court to anyone aggrieved by the refusal to grant a drivers' licence or by any conditions attached to such a licence.

### **17. PARTNER AGENCIES**

It will be standard procedure to consult with School Transport and Social Services on new applications. The purpose of this is to establish whether the applicant is known to either or both services and , whether in their opinion granting a licence could pose a risk to the public. If either service provides information to Officers and the DBS is returned clear, then the SLO will need to consult with the Licensing Manager as to whether the information received from our partners can be used to determine the

application. If the DBS reply shows convictions that would result in the application being referred to the Licensing Committee then the information from our partners can be used to assist Members in their deliberations.

## **18. COMMITTEE DECISION**

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Hackney Carriage and Private Hire Vehicle Driver licence. Members may resolve to take one of the following decisions:

5. **Grant**

6. **Refuse**

Members need to give appropriate reasons for refusal

## **19. REVIEW OF PROCEDURE**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.


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## Planning and Public Protection Service

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**Name of Procedure:**

**Procedure for the Suspension/Revocation of a  
 Hackney Carriage and Private Hire Driver Licence**

|                                                                  |                                                                                                                   |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                       | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                              | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                                | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                      | Annual                                                                                                            |
| <b>Review date:</b>                                              | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>     (date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                               | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                                | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>     (signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

**VERSION CONTROL:**

| <b>Reference:</b> | <b>Status:</b> | <b>Authorised by:</b> | <b>Date:</b> |
|-------------------|----------------|-----------------------|--------------|
| V01               | Final          | Licensing Committee   | 12.06.13     |

## 19. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to follow when information/complaints have been received from interested parties on alleged conduct/inappropriate behaviour of an existing licensed driver and to ensure that legislation is adhered to.

## 20. Related Documents

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions ) Act 1976  
Blue Book (Conditions and Policy)  
Flowcharts Attached

## 21. Officer Delegations

The Local Government (Miscellaneous Provisions) Act 1976 section 61 gives the Local Authority powers to suspend or revoke private hire or hackney carriage driver's licence.

The Licensing Committee have delegated the function of suspension and revocation to the Head of Service.

The Head of Service has delegated the suspension to Senior Officers.

The Head of Service has delegated the option of revocation to the Public Protection Manager along with the Chair or Vice Chair of Licensing. In the absence of the Public Protection Manager the Head of Service has delegated this function to the Head of Legal and Democratic Services in consultation with Chair or Vice Chair of Licensing.

| <b>FUNCTION</b>                 | <b>OFFICER</b>                                                                                                                                                                                                                              |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Suspension of driver licence    | Head of Service or<br>Public Protection Manager or<br>Senior Community Safety<br>Enforcement Officer or<br>Senior Licensing Officer                                                                                                         |
| Immediate Revocation of licence | Head of Service or<br>Public Protection Manager along with<br>Chair of Licensing (Vice Chair in the<br>Chair's absence) or<br>Head of Legal and Democratic<br>Services along with Chair of Licensing<br>(Vice Chair in the Chair's absence) |

## 4. Legislation

Section 61 of the LGMPA 76 give a local authority powers to suspend or revoke a drivers' licence issued under section 51 of the LGMPA 76 or

section 46 of the Town Police Clauses Act 1847, or refuse to renew a drivers' licence on any of the following grounds:

- a) that he has since the grant of the licence –
  - (i) been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or the LGMPA 76; or
- b) any other reasonable cause.

## **5. PROCESS**

- i) Information is received from partners/interested parties on conduct of existing driver or conviction as detailed in section 4 above.
- ii) If the allegation is a Child Protection/Vulnerable Adult concern then pass the details onto First Contact Team immediately who will carry out their own investigations and make a decision on whether a Part IV meeting will take place.
- iii) For all allegations eg public safety/fit and proper/child protection/vulnerable adults, then the details are to be passed onto Enforcement Team to log on to Complaints database.
- iv) Enforcement Officer to gather evidence and consult with the Senior Enforcement Officer when all evidence is present
- v) Is further action required? If no then update house file otherwise proceed to next step
- vi) If further action is required, and the matter requires immediate action on a public safety issue then Enforcement Officer to consult with Legal Team and if there is sufficient evidence then the licence must be revoked
- vii) EO to prepare a revocation letter for Head of Service/Public Protection Manager to sign and issue to driver.
- viii) Inform School Transport and Social Services Contracts that driver licence has been revoked – right of appeal to driver
- ix) EO to notify complainant/partner of action taken
- x) If immediate action is not required, then officers to consider the evidence and if matter warrants a suspension then SLO to issue suspension notice

## **6. Decisions**

Officers will take the appropriate action under the scheme of delegation. An email will be sent to Licensing Committee Members to inform them of what actions Officers have taken.

## **7. Right of Appeal**

A person aggrieved by the Council's decision has rights of appeal to the Magistrates Court.

## **8. Review of Procedure**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.


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## Planning and Public Protection Service

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**Name of Procedure:**

**Procedure for the Suspension/Revocation of a  
Hackney Carriage and Private Hire Vehicle Licence**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

### VERSION CONTROL:

| Reference: | Status: | Authorised by:      | Date:    |
|------------|---------|---------------------|----------|
| V01        | Final   | Licensing Committee | 12.06.13 |

**22.Purpose**



To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to follow when suspending or revoking a vehicle licence and to ensure that legislation is adhered to.

### 23. Related Documents

Town Police Clauses Act 1847  
 Local Government (Miscellaneous Provisions) Act 1976  
 Blue Book (Conditions and Policy)  
 Flowcharts Attached

### 24. Officer Delegations

The Licensing Committee have delegated the function of suspension down to the Head of Service. The Head of Service has delegated this function down to Officers.

| <b>FUNCTION</b>                                  | <b>OFFICER/COMMITTEE</b>                                                                                                       |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Suspension of a Vehicle Licence under Section 60 | Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer or Community Enforcement Officer |
| Suspension of a Vehicle Licence under Section 68 | Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer or Community Enforcement Officer |
| Revocation of Vehicle Licence under Section 60   | Head of Service or Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer               |

### 4. Legislation

Section 60 of the LGMPA 76 give a local authority powers to suspend and revoke or refuse to renew a hackney carriage or private hire vehicle licence for one of the following reasons:

- i. that the vehicle is unfit for use as a hackney carriage or private hire vehicle.
- ii. Any offence under, or non-compliance with, the provisions of the Act of 1847 or 1976 by the operator or driver, or
- iii. Any other reasonable cause

Section 68 of the LGMPA 76 allows an authorised officer of the council or a police constable to inspect and test any hackney carriage or private hire vehicle or any taximeter, and if necessary, suspend the licence and direct that it must be inspected before the licence is reinstated. If the suspension is not lifted within 2 months, the licence is deemed to have been revoked.

## **5. PROCESS**

- i) Information received from partner agencies/VOSA checks, renewal applications or general enforcement duties highlighting a problem vehicle
- ii) Receiving Officer to pass details onto Enforcement Team for logging onto Complaints system
- iii) Enforcement Officer to gather evidence to establish what action should be taken
- iv) Enforcement Officer to consult with Senior Enforcement Officer
- v) Does the vehicle require inspecting and testing? If it does then please follow the Section 68 suspension process below, otherwise please move onto Section 60 Suspensions as detailed below:

## **6. Section 60 Suspension and Revocation**

This process will be used when a vehicle is no longer deemed fit for use during life of the licence or renewal. For clarification purposes the fitness of the vehicle will relate to its mechanical condition, safety and comfort. Also when an offence under the LG (MP)A 1976 or the TPCA 1847 in respect of the operator or driver for any non-compliance, or for any other reasonable cause.

- i) A Suspension Notice issued must be issued to the proprietor in writing stating the ground on which the vehicle licence is being suspended and the reasons for decision. This must be issued within 14 day of the decision.
- vi) The decision will take effect at the end of the period of 21 days beginning with the day on which the notice is given. This must be made clear in the notice.
- vii) Enforcement Officer to update licensing system
- viii) Once the vehicle has been deemed fit for use the suspension must be lifted in writing.
- ix) Enforcement Officer to update licensing system and house file
- x) For refusal to renew a vehicle licence the application should be referred to the Licensing Committee to make a decision on the fitness of the vehicle to act as a licensed vehicle. In these cases then a Section 68 suspension should be issued – please see below
- xi) Enforcement Officer to prepare report for committee and invite proprietor to the meeting

## **7. Section 68 Immediate Suspension or Revocation**

This process will be used when a vehicle has been initially inspected (not a compliance or MOT eg VOSA inspection or a complaint received that vehicle is not fit) and an authorised officer or police constable require the vehicle to be re-

inspected and sent for a compliance test to ascertain its fitness to be a licensed vehicle or when the accuracy of the meter may be questioned.

- i) Enforcement Officer to issue an immediate suspension notice in writing requiring the proprietor to make its vehicle/taximeter available for further inspection and testing at Fleet Services . The notice must state a reasonable date and time for the vehicle to be inspected.
- ii) The notice must state that the vehicle will remain suspended until such time as the authorised officer or constable is satisfied that it is fit for purpose as a licensed vehicle.
- iii) If the vehicle is not deemed fit for the suspension to be lifted before the expiration of a period of two months, the licence shall be deemed revoked.
- iv) Enforcement Officer to prepare a notice of revocation to the proprietor as detailed below
- v) SEO or SLO to sign notice
- vi) Enforcement Officer to update licensing system and house file

## **8. NOTICE OF SUSPENSION/REVOCATION/REFUSAL TO RENEW**

Notice of any decision to suspend, revoke or refuse to renew a vehicle licence must be given to the proprietor in writing, stating the grounds on which the licence has been suspended, revoked or refused, together with reasons for that decision. This must be within 14 days of the decision.

## **9. Decisions**

Officers will take the appropriate action under the scheme of delegation. An email will be sent to Licensing Committee Members to inform them of what actions Officers have taken.

## **10. Right of Appeal**

The proprietor has a right of appeal against any of the Council's decisions, to the Magistrates Court (section 60 of the LGMPA)


## **11. Review of Procedure**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

**Planning and Public Protection Service**

**Name of Procedure:**

**Procedure for the Transfer of interest/replacement vehicle of a Hackney Carriage and Private Hire Vehicle Licence**

|                                                             |                                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                                  | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                         | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                           | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                                 | Annual                                                                                                            |
| <b>Review date:</b>                                         | May/June 2014                                                                                                     |
| <b>Equality Impact Assessment completed:<br/>(date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                          | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                           | Public Domain                                                                                                     |
| <b>Head of Service Approval:<br/>(signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

**VERSION CONTROL:**

| <b>Reference:</b> | <b>Status:</b> | <b>Authorised by:</b> | <b>Date:</b> |
|-------------------|----------------|-----------------------|--------------|
| V01               | Final          | Licensing Committee   | 12.06.13     |

## 25. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for vehicle transfers and to ensure that legislation is adhered to.

There is no mention within the legislation of hackney carriage or private hire for the transferring the licence to a substitute vehicle. In the absence of a statutory mechanism, a practical approach has been taken.

## 26. Related Documents

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976 Section 49  
Blue Book (Conditions and Policy)  
Flowcharts Attached

## 27. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| <b>FUNCTION</b>                                | <b>OFFICER</b>                                                           |
|------------------------------------------------|--------------------------------------------------------------------------|
| Processing of application                      | Licensing Support Officer                                                |
| Rejection of application                       | Public Protection Manager or Senior Licensing Officer                    |
| Referral of application to Licensing Committee | Public Protection Manager or Senior Licensing Officer                    |
| Grant of application                           | Public Protection Manager or Senior Licensing Officer                    |
| Refusal of application (as per policy)         | Head of Service or Public Protection Manager or Senior Licensing Officer |

## **TRANSFER OF INTEREST OF LICENCE TO ANOTHER PERSON**

This process should be followed when an existing licence holder wishes to transfer the licence into another person's name

- i. Applicant submits a Transfer Consent Form
- ii. Licensing Support Officer to check that all details have been fully completed on the transfer form and signed/dated. If not fully completed reject application
- iii. The applicant must submit a valid insurance document in their name. (Please see note 8 below)
- iv. Check the correct payment has been received (see table of fees attached)
- v. Issue receipt code to H29 001 9428

- vi. Licensing Support Officer to update licensing system and print 2 copies of the transferred licence
- vii. One copy of licence to be attached to application and documents and one to be issued to the licence holder.
- viii. File documents on operator file.

## **TRANSFER/CHANGE OF VEHICLE**

Within the lifetime of a licence, it may be necessary or desirable to replace the original vehicle with another eg because it is newer or because of accident damage or breakdown. In the absence of a statutory mechanism, a practical approach is required. It is necessary for the proprietor to surrender his licence in respect of the original vehicle and a new licence issued in respect of the replacement vehicle. Please follow the following procedures:

### **28. Pre-Inspections**

- i. Licensing Enforcement Officer (LEO) to inspect all new vehicles to ensure compliance with the vehicle specification as detailed in the policy.
- ii. If LEO satisfied that vehicle meets specification a notice to that effect will be issued to the proprietor authorising the vehicle to undergo the Council's Compliance test
- iii. If LEO is not satisfied that the vehicle meets the specifications then the LEO must issue a rejection letter with details of reasons for rejection eg vehicle is a left hand drive/bodywork is in poor condition

### **29. Testing Requirements**

Following the pre-inspection all suitable vehicles (as deemed by LEO) must undertake a Compliance Test at the County's Fleet Services Depot in Bodelwyddan.

### **6. Processing application for Transfer of vehicle:**

- xliv. Have you received the existing licence and vehicle plate/s in order to surrender the licence? If no, please do not proceed until such time as you have same.
- xlvi. Application received by Licensing Support Officer
- xlvii. Senior Licensing Officer (SLO) to check all details on application form fully completed, signed and dated
- xlviii. Check Insurance document has appropriate cover for use and has a valid date in force (see note 8 below)
- xlix. Check details on V5 match application details (see note 9 below)
  - l. Check correct fee received (see table of fees attached)

**If SLO satisfied that the above requirements are complete ONLY then move to next step. If Not satisfied SLO to issue rejection letter (see section 11 below).**

- li. receipt fee – Code to H290019428

- lii. enter application details on Licensing System -insurance/certificate of compliance/V5 details
- liii. Enter details of V5 onto VIP and issue Plate/Door Stickers
- liv. Licence to be printed
- lv. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- lvi. Documents to be filed

## **8. Insurance Documents**

Inspection of the insurance document must be done before authorising application. Officer must be looking for the following:

- h. Insurance document relates to the vehicle application or is included on a schedule for fleet vehicle cover
- i. Start and expiry date of cover. Application cannot be accepted if cover has expired or if the start date commences after grant of licence. The cover must start on the date the licence has been granted for.
- j. The cover must be for the carriage of passengers for hire and reward or for private hire/public hire. NB the carriage of school children as part of a contract is not sufficient even if the applicant "only carries out school contracts".
- k. Full Certificate or cover notes may be accepted.

***If in doubt of any certificate or cover note please see SLO.***

## **9. Vehicle Registration Documents (V5)**

Part of the application procedure is for the production of a V5 document . This cannot always be produced if the vehicle has just been purchased and the applicant has sent the V5 to the DVLA in Swansea for a change of owner details.

If the applicant cannot produce a V5 then proof of ownership should be sought until the applicant can produce the updated V5 eg receipt for purchase from garage.

## **11.Rejection of Application**

Rejection of application would take place if:

- i. the vehicle does not meet the specifications as per policy
- j. if the applicant has not provided all appropriate supporting documents
- k. If the applicant does not have an Operating Licence.

Insert reasons for rejection in the body of letter.

The applicant can request his/her application be referred to the Licensing Committee for consideration if rejected on the grounds detailed in (a) above. Rejection Letter must be signed by SLO

## **12. Refusal to grant**

A Local Authority has very few reasons for refusal of a licence if the applicant complies with all the application requirements. However, in both cases there is a discretion given to the authority. In relation to hackney carriages, the council must consider the use of the vehicle, especially in relation to out of district use. In relation to both types of vehicles it must be possible for the Council to refuse an application if the grant of that licence would breach the overriding aim of protecting the public.

## **13. Right of Appeal**

A person aggrieved by the Council's decision has rights of appeal:

- If an application for a private hire vehicle licence is refused, or granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 48(7) LG(MP)A 1976);
- If an application for a new hackney carriage vehicle licence is refused, an appeal lies to the Crown Court (section 7, Public Health Acts Amendment Act 1907);
- If an application for a hackney carriage vehicle licence is granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 47(3) LG(MP)A 1976);

## **14. Committee Decision**

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the vehicle is fit for purpose or whether the vehicle meets the specification as detailed in the policy. Members may resolve to take one of the following decisions:

7. **Grant**

8. **Refuse**

Members need to give appropriate reasons for refusal

## **15. Review of Procedure**


This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.



**Planning and Public Protection Service**

**Name of Procedure:**

**Procedure for the notification of a Hackney Carriage and Private Hire vehicle driver conviction**

|                                                         |                                                                                                                   |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Author / Custodian:</b>                              | Nicky Jones                                                                                                       |
| <b>Date agreed and implemented:</b>                     | Agreed: 12 <sup>th</sup> June 2013<br>Implemented: 1 <sup>st</sup> August 2013                                    |
| <b>Agreed by:</b>                                       | Licensing Committee                                                                                               |
| <b>Frequency of Review:</b>                             | Annual                                                                                                            |
| <b>Review date:</b>                                     | May/June 2013                                                                                                     |
| <b>Equality Impact Assessment completed: (date)</b>     | N/A                                                                                                               |
| <b>Member involvement (if any)</b>                      | Licensing Committee                                                                                               |
| <b>Internal or Public Domain:</b>                       | Public Domain                                                                                                     |
| <b>Head of Service Approval: (signature &amp; date)</b> | <br>22 <sup>nd</sup> May 2013 |

**VERSION CONTROL:**

| <b>Reference:</b> | <b>Status:</b> | <b>Authorised by:</b> | <b>Date:</b> |
|-------------------|----------------|-----------------------|--------------|
| V01               | Final          | Licensing Committee   | 12.06.13     |

### 30. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to be clear on what process need to be followed when information about a conviction is received on a licensed driver and to ensure that legislation is adhered to.

### 31. Related Documents

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976 Section 49  
Guidelines relating to the Relevance of Convictions Policy  
Blue Book (Conditions and Policy)  
Flowcharts Attached

### 32. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

In the event of defining minor/non minor offences, it will be at the discretion of the Head of Service or Public Protection Manager or Senior Licensing Officer

| <b>FUNCTION</b>                                                                                              | <b>OFFICER</b>                                        |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Issue warning letter to licence holder if minor offence/less than 10 points in total on DVLA driving licence | Public Protection Manager or Senior Licensing Officer |
| Referral to Committee if 10 points or over on DVLA driving licence or for non minor offence                  | Public Protection Manager or Senior Licensing Officer |

### 33. Legislation/Policy

There is no specific section of the legislation that requires a licensed driver to inform the council that he/she has received a conviction. It is a condition of their licence, contained within the policy and conditions.

The existing policy states the driver shall:

- i) Disclose to the Council, in writing, details of any criminal or motoring convictions imposed on him during the period of licence, within 7 days of a convictions being obtained.
- ii) In cases of motoring offences for both Hackney Carriage and Private Hire Drivers where an applicant or licence holder had 10 or more valid penalty point endorsed on their driving licence the matter would be referred to the Licensing Committee for determination/consideration

### 34. Process

- xii) If information has come directly from licensee then move onto step (iii)
- xiii) If information has come via other sources SLO to write to licensee requesting a change of detail form to be completed and submitted within 7 days
- xiv) Licence holder must complete a change of details form
- xv) Driver file and change of details form to be passed to SLO for consideration
- xvi) **If the conviction is relating to a motoring offence** the DVLA licence must be produced (unless it is with DVLA Swansea then we will ask the licence holder to complete a DVLA Mandate)
- xvii) Does the DVLA licence now have 10 points or more? If so then the SLO must refer the matter to the Licensing Committee for consideration
- xviii) If the DVLA licence has less than 10 points the SLO will issue a letter to the licence holder warning him/her of their conduct
- xix) **For non motoring offences** the SLO must refer to policy guidelines on convictions and if the conviction does not fall within policy then the matter should be referred to Licensing Committee
- xx) SLO to determine whether the licence holder is a threat to public safety and/or child protection/vulnerable adult if so the matter should be referred to Enforcement for consideration of suspension or Social Services First Response Team immediately
- xxi) **If the offence falls within policy guidelines** then the SLO to have an informal interview with the licence holder within 10 working days of receiving the notification and to keep a record on file for future reference
- xxii) School Transport and Social Services should be informed of the matter
- xxiii) Licensing System updated and driver file

### 6. Committee Decision

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to continue to hold a Hackney Carriage and Private Hire Vehicle Driver Licence. Members may resolve to take one of the following decisions:

#### 9. **Issue Warning**

#### 10. **Suspend**

Members may decide to suspend for a period of time. Reasons must be given for suspension

#### 11. **Revocation**

The Committee may decide to revoke the licence, reasons must be given for revocation

## **7. Right of Appeal**

A person aggrieved by the Council's decision has rights to appeal to the Magistrates Court.

## **8. Review of Procedure**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

**REPORT TO: LICENSING COMMITTEE**

**DATE: 18 September 2013**

**REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2012/14**

| <b>DATE</b>       | <b>REPORT</b>                                                                                       | <b>COMMENT</b>                                                                                        |
|-------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 18 September 2013 | Review of House to House and Street Collection Policies                                             | Update report on the results of the consultation undertaken on the revised policies                   |
|                   | Review of Licensing Fees and Charges for 2014/15                                                    | Report for Members' consideration and approval                                                        |
| December 2013     | Review of the existing Sex Establishment Policy                                                     | Report for Members' consideration                                                                     |
|                   | Report for Members' consideration and approval for Officers to consult with all interested parties  | Review of existing policy and conditions for Hackney Carriage and Private Hire Vehicles and Operators |
|                   | Report on implementing a Penalty Point System for Hackney Carriage and Private Hire licence holders | Report for Members' consideration                                                                     |
| March 2014        | Agree Forward Working Programme priorities for 2014/15                                              |                                                                                                       |
|                   | Review of the existing Street Trading Policy                                                        | Report for Members' consideration and approval for Officers to consult all interested parties         |
|                   | Sex Establishment Renewal                                                                           | Report for Members' to consider the renewal of existing Sex Establishment Licence                     |

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**Press Release Oct 2013**

**Putting taxi passenger safety first**

Taxi operators must protect the safety of the public - that's the message from Denbighshire County Council, North Wales Police and the Vehicle and Operator Service Agency following a joint road safety initiative in Rhyl.

Officers from the Council's Community Safety Enforcement team worked with the police's Road Policing Unit and VOSA, carrying out detailed roadworthiness checks on 11 taxis in the town.

The checks resulted in five taxis being immediately prohibited and suspended by VOSA officers and Council Licensing/ Community Safety Enforcement Officers for a range of issues, including a defective tyre, defective brakes, seat belt, suspension, windscreen and warning lights.

Three taxi drivers were issued with deferred suspensions by Council Officers in relation to taxi licensing conditions, bodywork damage and lighting defects. Deferred suspension is when they can continue to operate the taxi but they have to get some works done or face suspension afterwards for not getting them done.

Councillor David Smith, Cabinet Lead Member for Environment, said: "These operations must send a clear message to all taxi proprietors that Denbighshire County Council, the Police and VOSA are jointly committed to a course of action that will seek out any vehicles that are not fit for purpose. This activity is also designed to gain the confidence of the paying public who use such vehicles and all those persons who use the roads of Denbighshire.

The Council will continue to work in partnership with North Wales Police and VOSA in carrying out taxi and private hire vehicle roadworthiness checks and take appropriate action where necessary".

Sergeant Tony Gatley of the Roads Policing Unit said: "It is disappointing that once again we detected an unacceptable number of offences that resulted in immediate prohibitions with respect to vehicles that were being used to transport members of the public. People however should be reassured in that we will continue with our work in an aim to ensure the safety of everyone who uses the roads of North Wales."

Examples of News Articles

# Taxis are targeted in police crackdown

By OWEN HUGHES

DEFECTIVE tyres, no MOT, failing to wear seatbelts and using a mobile phone while driving were just some of the offences detected by officers during a Taxi Enforcement Operation.

Police targeted vehicles at Rhyl and Prestatyn on Thursday alongside VOSA and Denbighshire County Council.

A total of 25 vehicles were stopped, which included taxis and other road users. A number of offences were found including driving whilst using a mobile phone, failing to wear seat belts, no current MOT, defective tyres, and no headlamp.

One vehicle was hauled off the road for a defective tyre while three vehicles were given delayed prohibitions for an oil leak and defective tyres.

# DANGEROUS TAXIS FORCED OFF ROAD

## 'Serious defects' found in cabbie clampdown

By OWEN HUGHES

DANGEROUS taxis have been hauled off the road in a police and council crackdown to ensure the safety of passengers.

Cabbies were pulled over in Denbighshire by officers from North Wales Police as part of an enforcement campaign.

Checks on the roadworthiness of 15 taxis were then carried out, supported by VOSA and Licensing staff from Denbighshire council.

Four vehicles were immediately halted due to "serious defects" and the cabbies told to have the repairs carried out before they can drive them again. Other drivers were given notice to carry out works.

FULL STORY - PAGE 11

DAILY POST June 27, 2012

EAST

DENBIGHSHIRE

# Taxi firm boss loses his licence appeal

By GARETH HUGHES

A DISTRICT judge has ruled a taxi boss is not a fit and proper person to hold a licence.

Now Drew Bloor, the boss of Yellow Line Taxis and chairman of Denbighshire Taxi Drivers' Association, could face a bill of almost £12,000 after losing his appeal against Denbighshire and Conwy

county councils.

Both authorities, who share licensing services, had revoked Mr Bloor's licences six months ago after it was found that he had not disclosed convictions for minor motoring offences when he first applied for a new licence in 2005. The court also

heard Mr Bloor, of Lon Clwyd, Denbigh, had failed to disclose he had been arrested and interviewed in connection with an alleged serious sex offence in 2000. Though he was never charged he should have mentioned the fact on his Conwy Council form. He claimed the form had been completed



Drew Bloor

by a member of staff.

Tony Rose, representing Mr Bloor, said it had to be conceded he should not have lied about his 2004 convictions but the offences were so minor that, had they been disclosed, he would almost certainly have been granted his licence.

He argued councillors had been wrong to consider unsubstantiated

complaints made by parents that Mr Bloor had been taking photographs outside Cefnmeiriadog primary school - complaints which had led to his suspension last June.

But the District judge said Mr Bloor had perpetrated the fraud each year since 2005 by failing to mention the convictions, and that put his credibility into question.



**Report To: Performance Scrutiny Committee**

**Date of Meeting: 24<sup>th</sup> October 2013**

**Lead Member / Officer: Steve Parker, Head of Highways and Environmental Services**

**Report Author: Tim Towers, Asset Manager**

**Title: Dropped Kerbs Strategy Update**

---

## **1. What is the report about?**

To update Members on progress with the development of a Dropped Kerbs Strategy, the establishment of key routes in communities, and prioritised schedule of installations.

## **2. What is the reason for making this report?**

To provide information regarding progress on various dropped kerb issues relating to performance measures in the Corporate Plan??

## **3. What are the Recommendations?**

That Members note the progress made to date.

## **4. Report details.**

The 2013/14 Service Plan states

*Outcome 1 - Residents and visitors in Denbighshire have access to a well-managed road network*

To support the Outcome there is an Improvement Activity:

*Develop and implement policy and key routes regarding delivery of increased dropped kerbs at strategic locations*

This was also included in the 2012/13 Service Plan but was not progressed.

To measure overall progress an indicator has been developed:

*The percentage of key routes where a dropped kerb route is in place.*

The first step in this process is to develop a policy and understand what a key route is e.g. between centres of population and health or leisure facilities, between care facilities and bus routes, from day nurseries and local housing, etc.

To start this process a draft project plan was prepared and developed with the Corporate Equalities Officer. The plan is attached as Appendix A. The overall aim of the project is summarised in the strapline: Creating unencumbered movement for everyone.

Kerbs are a necessity for highway safety but do cause a potential difficulty or hazard in different ways for visually impaired people, wheelchair and mobility scooter users, people with pushchairs and prams, ambulant-disabled people, and even for shoppers with heavy shopping bags/trolleys.

Dropped kerbs will improve or ensure access to shops and services and support individual independence and potentially regeneration of local town centres.

Meetings have been held to understand what information may be available internally regarding the location of potential users and also to discuss the possibility of providing a specific budget for use by Social Services to deal with 'one-off' requests outside of the established criteria.

The next step is to establish consultation with the local community. This will focus on local access champions/groups and will be used to develop criteria. This meeting is arranged for 5<sup>th</sup> November 2013.

The Council allocates a rolling block of capital for highways covering traffic schemes, patching works, street lighting etc. It would be appropriate to set aside an element of the Highways block allocation for dropped kerbs. A typical installation costs approximately £600 per individual crossing which would indicate that an initial allocation of £30,000 would be appropriate to develop a sustainable programme. Whenever possible external funding will be used e.g. when cycle routes are being developed.

Even a brief audit of locations indicates that there is a real need to improve the situation but resources will be limited and therefore the policy needs to reflect these limitations by giving clear guidance (derived from feedback with stake holders) on how routes can be prioritised. Such factors may include:-

1. Immediate safety issues – e.g. dangerous or damaged existing crossings.
2. Maximum benefit/impact
  - a. focus on main pedestrian routes between centres of population and local facilities
  - b. when creation of one crossing links up existing routes
  - c. where there are known large numbers of potential users e.g. Health Centres, Day care/sheltered accommodation, residential care homes, nursery provision, Bus Stations, Leisure facilities, Railway Stations
3. Car parks – all car parks provide disabled parking and many provide parent and child spaces. Many don't ensure access outside of the car park perimeter.
4. On street parking – access from disabled bays on to and across the highway in close proximity

5. Maximise any opportunity to develop routes when other maintenance or highway activity is taking place including utility undertakings.
  - a. Formal process to ensure all highways schemes include, wherever possible, dropped kerb installations.
  - b. Regular discussions with Utilities regarding any potential investment opportunities for the Council to install a dropped kerb
  - c. Maximising opportunities afforded through the planning process

Complaints already received should be reviewed as additional evidence and then dealt with through this process or via SS specific allocation.

Once it has been determined as to which strategic routes will be addressed we can then enhance the approach by carrying out the following:-

1. Wheelchair/pram friendly routes maps – although the aim is to remove the necessity this will take some time
2. Protection of dropped kerbs – implementation of yellow or white lines where possible and pro-active enforcement
3. Clearly defined guidelines relating to planning applications for new developments tied in with complete routes to access to local facilities.
4. Programme of access audits of all town centres.
5. Ongoing discussion with focus group
6. Social Services dealing with issues that fall outside of the above criteria

An opportunity has arisen to undertake work linking the Medical Centre in Rhyl with the Town Centre. The Traffic team are undertaking work on West Kinmel Street including 2 dropped kerbs. This will be increased to 13 dropped kerbs and will link through to the town centre. This complies with the criteria described above but is primarily being undertaken as the opportunity became available.

Other immediate works will be undertaken following the meeting with the consultative group.

## **5. How does the decision contribute to the Corporate Priorities?**

The agreed strategy will lead to the provision of more dropped kerbs across the County in locations where there will be maximum benefit. This has been developed as an improvement action to support the Council's priority of improving the roads. The will also support the priority to ensure vulnerable people are protected and are able to live as independently as possible and may assist in developing the local economy.

## **6. What will it cost and how will it affect other services?**

The overall budget will be allocated from within the existing Highways block allocation. Within that budget there will be an element provided for one-off requirements which do not fit with the agreed criteria but are deemed essential. These ad hoc projects will be prioritised by Social Services but procured by Highways so as to obtain competitive rates.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

It is the intention to include the views of as many stake holders as possible so that the needs of all can be addressed in a focussed and sustainable way.

**8. What consultations have been carried out with Scrutiny and others?**

Consultation with Social Services  
Consultation with focus/user groups

**9. Chief Finance Officer Statement**

This Strategy should be delivered within the existing budget allocation for the Highways service and will mitigate the risks identified below

**10. What risks are there and is there anything we can do to reduce them?**

Currently there is a risk that we construct dropped crossings in an arbitrary manner which does not address the real needs and is therefore a waste of resource so this policy will take away that risk and will provide a focussed approach with suitable resources.

Whilst application of the Disability Discrimination Act, as it may apply to highways has not really been challenged there is always the risk that the county may be asked to show its commitment to complying with the Act in this regard and therefore this approach will mitigate such potential action.

**11. Power to make the Decision**

Highways Act 1980

Disability Discrimination Act 1995

## Appendix A

### ACTION PLAN FOR DEVELOPMENT AND IMPLEMENTATION OF DROPPED KERBS STRATEGY

Creating unencumbered movement for everyone!

|     | ACTION                                                                                                   | BY WHO                           | BY WHEN                |
|-----|----------------------------------------------------------------------------------------------------------|----------------------------------|------------------------|
| 1.  | Set up:<br>Meet with Karen Beattie to discuss approach<br>Make contact with Social Services              | Mike Hitchings                   | July 2013              |
| 2.  | Develop draft criteria to establish 'strategic routes' in our communities<br>Prior to consultation stage | Mike Hitchings/Tim Towers/Others | August/September 2013  |
| 3.  | Identify budget and specific element for Social Services prioritisation outside of strategic processes.  | Mike Hitchings/Social Services   | October 2013           |
| 4.  | Submit to Strategic Investment Group as part of overall Highways and Environmental Services capital bid  | Mike Hitchings                   | November 2013          |
| 5.  | Consult with relevant groups, members (MAGs?), social Services                                           | Mike Hitchings/Tim Towers        | November/December 2013 |
| 6.  | Apply criteria to each community and establish strategic routes.                                         | Tim Towers                       | December 2013          |
| 7.  | Review actual facilities on each of these routes and establish the need for dropped kerbs                | Ian Hewitt                       | December 2013          |
| 8.  | Create a prioritisation criteria and apply to potential projects                                         | Tim Towers                       | December 2013          |
| 9.  | Develop 3 year programme and communicate to stakeholders                                                 | Tim Towers                       | December 2013          |
| 10. | Immediate implementation of prioritised schemes – 13/14                                                  | Richard Jones                    | March 2014             |
| 11. | Implementation                                                                                           | Richard Jones                    | From April 2014        |

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**Report To:** Performance Scrutiny Committee

**Date of Meeting:** 24<sup>th</sup> October 2013

**Lead Member / Officer:** Lead Member for Public Realm

**Report Author:** Head of Planning and Public Protection/  
Development Control Manager

**Title:** Planning Applications

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**1. What is the report about?**

This report is about the performance in terms of the speed of determining planning applications.

**2. What is the reason for making this report?**

This report was requested by Members in order to identify emerging trends or pressures that will affect the delivery of the Council's corporate priorities in relation to ensuring access to good quality housing and developing the local economy.

**3. What are the Recommendations?**

The report is for Members information and comment.

**4. Report details.**

4.1 This report was requested by Members following the inclusion of the Annual Performance Report onto the Performance Scrutiny agenda on 19<sup>th</sup> September 2013.

4.2 Members requested figures for comparison purposes for the financial years 2011/12, 2012/13 and 2013/14 (to date) as they felt that clarification was required as to why Denbighshire was not performing in the top quartile in Wales in relation to the speed of determining householder applications within 8 weeks. This report provides Members with sufficient information for them to comment on the Council's performance in terms of the speed of dealing with all types of planning applications.

4.3 The only statistics relating to this issue within the Annual Performance Report is in relation to the percentage of householder applications determined within 8 weeks. Although this provides a good indication of how the authority is performing against all other authorities in Wales within a certain type of application, Members have asked for a broader explanation of performance relating to all types of planning applications.

- 4.4 Attached as Appendix 1 are tables that provide the information on speed of determining a range of planning applications between 2011/12 up to the 1<sup>st</sup> quarter (Apr-Jun) of this year. The detail in Appendix 1 then goes on to compare our performance against the all Wales data.
- 4.5 Appendix 1 therefore provides a comprehensive analysis of the performance in terms of speed on determining planning applications. Overall performance is considered to be good with the main performance issues for 2012-13 being:
- 9<sup>th</sup> in Wales in terms of % of applications approved (above the median)
  - 7<sup>th</sup> in Wales in terms of speed of determining 'major' applications (above the median)
  - 17<sup>th</sup> in Wales in terms of speed of determining 'minor' applications (below the median)
  - 15<sup>th</sup> in Wales in terms of speed of determining 'household' applications (below the median)
  - 9<sup>th</sup> in Wales in terms of speed of determining 'other' planning applications (above the median)
- 4.6 In terms of areas for improvement therefore we should look at speed in determining 'minor' and 'householder' applications.
- 4.7 For both categories our performance was better in 2011/12 than it was in 2012/13

|             | <b>2011/12</b> | <b>2012/13</b> |
|-------------|----------------|----------------|
| Minor       | 70%            | 57%            |
| Householder | 90%            | 82%            |

So there is clearly scope to make more improvements this year. Early indications show we are on track to make these improvements by comparing 2012/13 performance against the 1<sup>st</sup> quarter for this year

|             | <b>2012/13</b> | <b>1<sup>st</sup> quarter this year</b> |
|-------------|----------------|-----------------------------------------|
| Minor       | 57%            | 67%                                     |
| Householder | 82%            | 86%                                     |

- 4.8 Obviously performance will vary year on year dependent on a number of variables such as staff resources, sickness, complexity of applications etc and our comparative position in Wales will also vary dependent on how other authorities are performing.
- 4.9 In the end the performance in terms of speed of determining applications comes down to how important and how much emphasis each authority puts on speed compared to engagement with the community and quality of the decision actually taken. Officers consider we generally strike the right balance between speed and engaging with Members, being closer to our community and quality of decision, although clearly these latter issues are far harder to quantify and are far more subjective than speed. While speed is easier to measure than the more subjective issues, Officers consider speed to be a crude method of judging how planning contributes to the 2 Council priorities of housing and the economy.



**5. How does the decision contribute to the Corporate Priorities?**

The Planning sections contribute to meeting the Council priorities in ensuring access to good quality housing and developing the local economy.

**6. What will it cost and how will it affect other services?**

This report has no cost implications and will not affect other services.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

Not relevant.

**8. What consultations have been carried out with Scrutiny and others?**

There has been no consultation carried out in order to compile this report.

**9. Chief Finance Officer Statement**

There are no financial implications resulting from this report.

**10. What risks are there and is there anything we can do to reduce them?**

The current levels of performance present no risks to the Council.

**11. Power to make the Decision**

Articles 6.1 and 6.3.4(b) of the Council's Constitution stipulate the Committee's role and powers with respect to performance management and monitoring service delivery.

**Contact Officer:**

Head of Planning and Public Protection  
01824 706925

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## **Appendix 1 – Planning Applications**

### **2011/12**

|                                                                                                                                       | Local Target | Actual Achieved |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|
| Percentage of all applications determined within the statutory time scale                                                             | 75%          | 78%             |
| Percentage of major planning applications determined during the year within 13 weeks                                                  | 40%          | 45%             |
| Percentage of minor planning applications determined during the year within 8 weeks                                                   | 70%          | 70%             |
| Percentage of householder planning applications determined during the year within 8 weeks                                             | 90%          | 90%             |
| Percentage of all other planning applications determined during the year within 8 weeks (mineral, general regs, advert and all other) | 80%          | 82%             |

### **2012/13**

|                                                                                                                                       | Local Target | Actual Achieved |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|
| Percentage of all applications determined within the statutory time scale                                                             | 70%          | 71%             |
| Percentage of major planning applications determined during the year within 13 weeks                                                  | 40%          | 42%             |
| Percentage of minor planning applications determined during the year within 8 weeks                                                   | 60%          | 57%             |
| Percentage of householder planning applications determined during the year within 8 weeks                                             | 80%          | 82%             |
| Percentage of all other planning applications determined during the year within 8 weeks (mineral, general regs, advert and all other) | 70%          | 74%             |

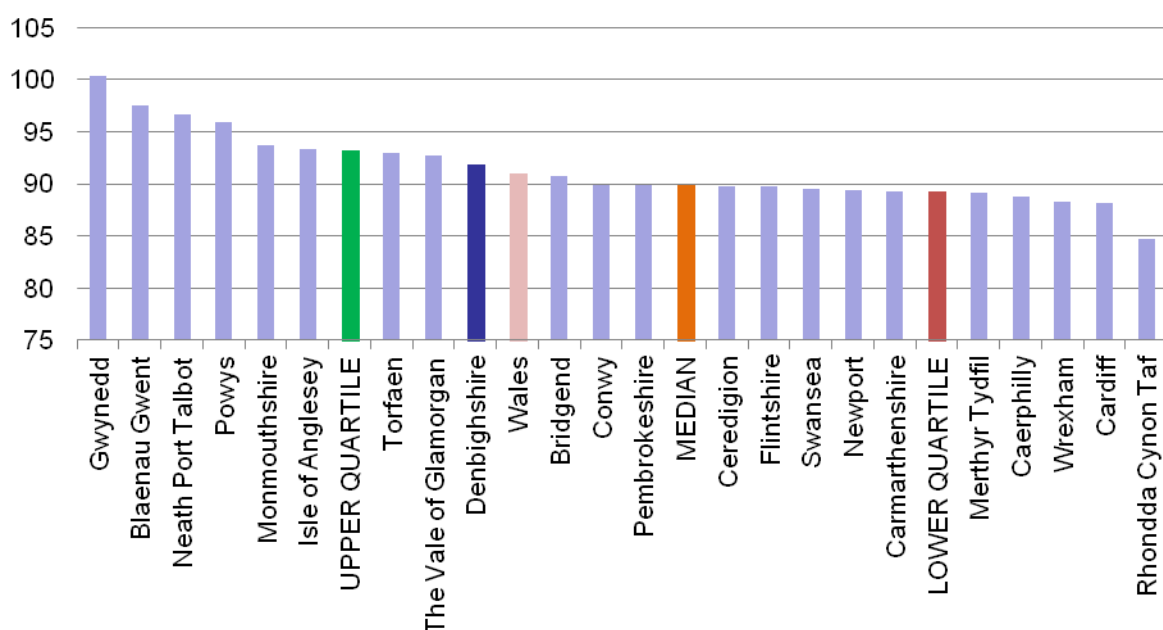
### **Quarter 1 of 2013/14**

|                                                                                                                                       | Local Target | Actual Achieved |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|
| Percentage of all applications determined within the statutory time scale                                                             | 70%          | 74%             |
| Percentage of major planning applications determined during the year within 13 weeks                                                  | 40%          | 67%             |
| Percentage of minor planning applications determined during the year within 8 weeks                                                   | 60%          | 67%             |
| Percentage of householder planning applications determined during the year within 8 weeks                                             | 80%          | 86%             |
| Percentage of all other planning applications determined during the year within 8 weeks (mineral, general regs, advert and all other) | 70%          | 66%             |

## DEVELOPMENT CONTROL & COMPLIANCE

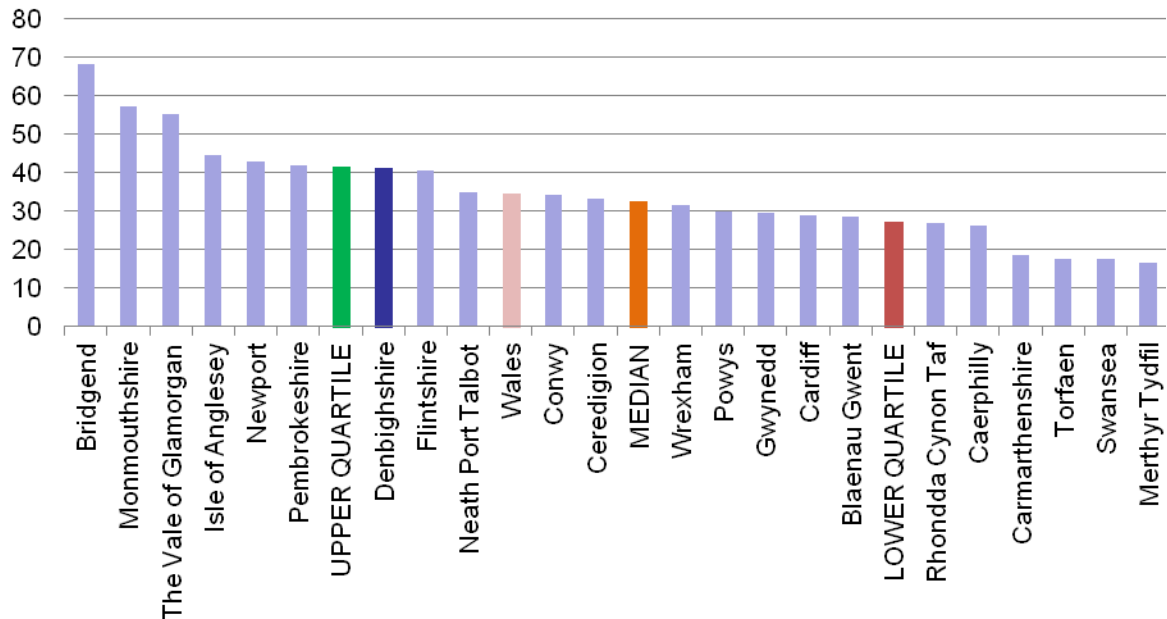
A number of national performance measures are collected to demonstrate performance and assist in comparison between local authority planning services. These include planning application approval rates but focus is overwhelmingly on the speed at which planning applications are processed. The Service has raised the point that there is great diversity in the type and complexity of planning applications received and that the broad categories utilised in the measures can be a blunt tool for analysis.

**Planning Applications Approved (%)**  
Financial Year 2012-13



Analysis of the longer-term trend shows increasing percentage of approvals, across Wales, particularly since 2008-09. In 2012-13, Denbighshire approved 92% of planning applications determined with a total of 623 applications. This performance places Denbighshire above the Median for Welsh local authorities or 9<sup>th</sup> of the 22 authorities. It was the third highest in North Wales and an increase of 1.8% from 2011-12. This indicates a fourth year of genuine progress, which could imply that negotiations are being carried out with developers in order to secure a more acceptable scheme, which can often take longer for a decision to be made, and therefore affect the speed of determination .

**Major Planning Applications determined within 13 weeks (%)  
Financial Year 2012-13**



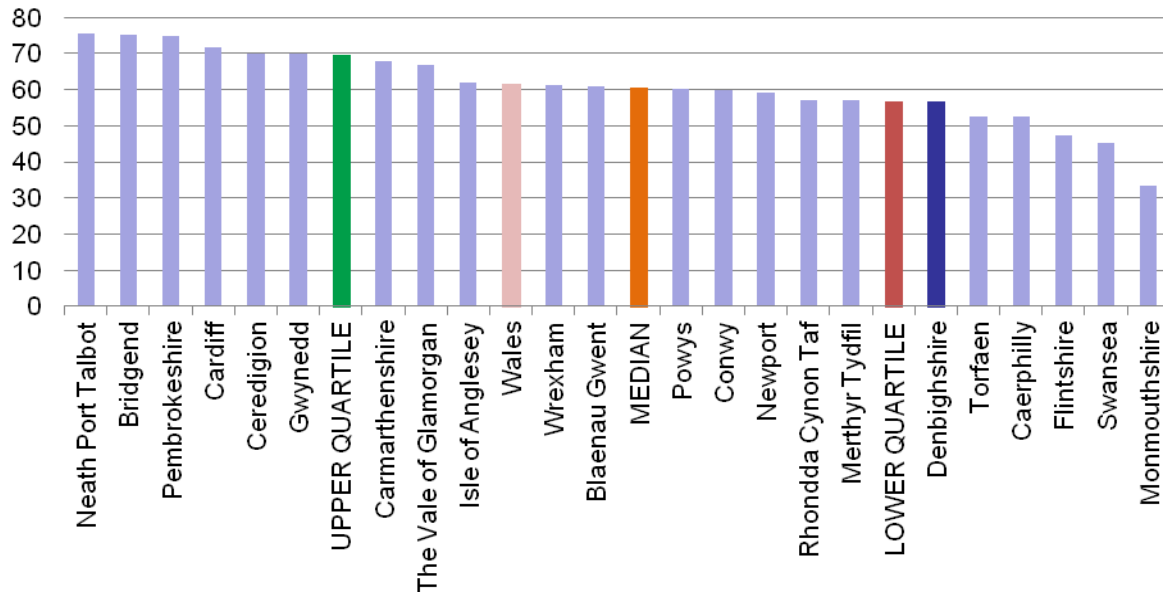
Denbighshire determined 41% of major planning applications within 13 weeks in 2012-13 (i.e. 7 out of 17). This placed Denbighshire above the median in 7<sup>th</sup> out of 22 Authorities. A 'Major' Development is one where:

- The number of dwellings to be constructed is 10 or more, or the site area is 0.5 hectares or more; or
- Commercial or industrial floor space is 1,000 square metres or more, or the site area is 1 hectare or more

Denbighshire had the highest percentage figures compared to our neighbouring local authorities, Flintshire, Conwy, Wrexham, Gwynedd and Powys. Bridgend had the highest percentage overall with 68% and determined 17 out of 25 major planning applications within 13 weeks.

The 2012-13 figures represent a small fall in percentage terms. In 2011-12, the figure was 46% i.e. 5 out of 11 determined in 13 weeks.

**Minor Planning Applications determined within 8 weeks (%)  
Financial Year 2012-13**



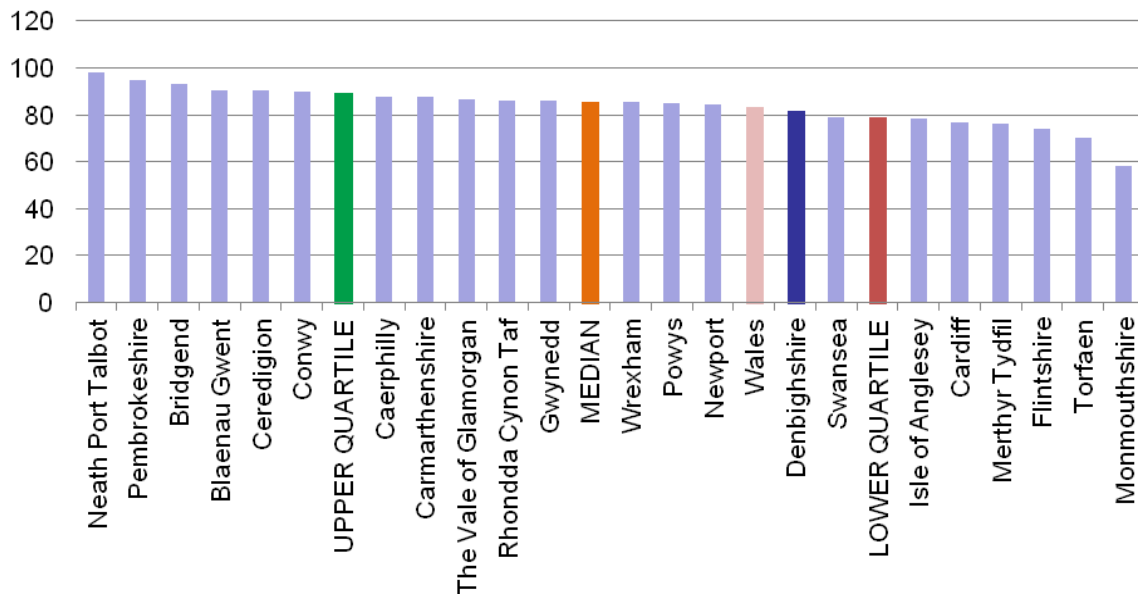
In 2012-13, Denbighshire determined 56% of minor planning applications within 8 weeks (i.e. 180 out of 318). This placed Denbighshire in the lower quartile in 17<sup>th</sup> out of 22. A 'Minor' Development is one where the development:

- Does not meet the criteria for major development; or
- Is not of a type defined as householder development

The highest percentage in North Wales was 70% for Gwynedd with 317 applications being determined within 8 weeks out of a total of 452.

In 2011-12, Denbighshire had the highest percentage of minor planning applications determined within 8 weeks in North Wales with 70% (i.e. 243 out of 347)

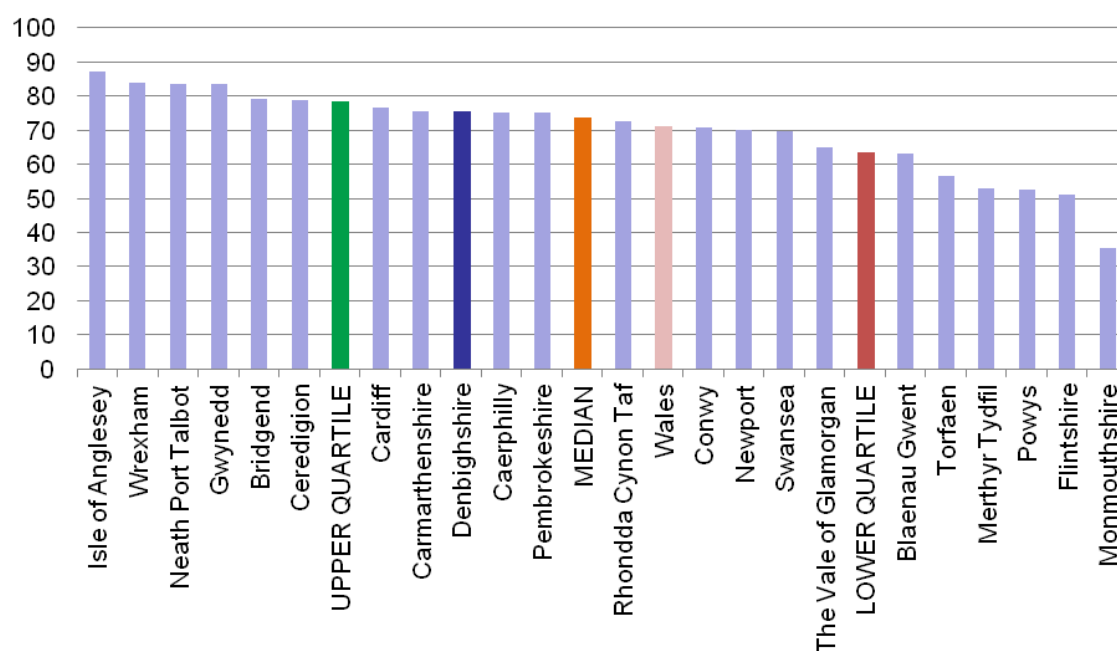
**Householder Planning Applications determined within 8 weeks (%)**  
**Financial Year 2012-13**



In 2012-13, 82% of householder planning applications in Denbighshire were determined within 8 weeks (i.e. 239 out of 292), this placed Denbighshire below the median being 15 out of 22. A 'Householder' application included the development of an existing residential property and does not alter the number of dwellings. (They also exclude permitted developments).

This is a decrease of 8% for Denbighshire compared to the figure in 2011-12. The highest overall percentage was 98% for Neath Port Talbot. The highest percentage in North Wales was Conwy with 90%.

**All Other Planning Applications determined within 8 weeks  
(%)  
Financial Year 2012-13**



Denbighshire determined 76% of all other planning applications within 8 weeks in 2012-13 (i.e. 37 out of 49). This placed Denbighshire above the median in 9<sup>th</sup> out of 22.

‘All other’ planning applications include:

- Mineral applications
- General regulation applications
- Advertisement applications
- Any other applications not included in other categories

In comparison, Anglesey determined the highest percentage (87%) of all other planning applications within 8 weeks. In 2011-12, Denbighshire determined 82% of all other planning applications within 8 weeks which is a decrease of 6.1% in 2012-13.

## WORKLOADS AND EFFICIENCY

The table below shows a comparison of staff and workloads between Denbighshire and some of its neighbouring local authority’s planning functions, as at September 2013. The table shows that Denbighshire has the lowest number of staff dealing with planning applications and the highest caseload per officer.

|                                          | <b>Conwy</b>                                                  | <b>Denbighshire</b>                             | <b>Flintshire</b>                       |
|------------------------------------------|---------------------------------------------------------------|-------------------------------------------------|-----------------------------------------|
| No of officers dealing with applications | 5 No. full time<br>2 No. part time<br><b>7 in total (exc.</b> | 1 No. full time<br>Principal<br>1 No. part time | 4 No. Senior Planners<br>5 No. Planners |



|                          |                                           |                                                                                                              |                                                                |
|--------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
|                          | <b>Manager)</b>                           | Principal<br>3 No. Planners<br>1 No. Temporary<br>Renewables Officer<br><b>6 in total (exc.<br/>Manager)</b> | 2 No. Team<br>Leaders<br><b>13 in total (exc.<br/>Manager)</b> |
| Caseloads per<br>officer | Major 20 - 30<br>Minor between<br>30 – 40 | Major 24<br>Minor 51                                                                                         | Major 30<br>Minor 40                                           |

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**Report to:** Performance Scrutiny Committee

**Date of Meeting:** 24 October 2013

**Report Author:** Scrutiny Coordinator

**Title:** Scrutiny Work Programme

---

**1. What is the report about?**

The report presents Performance Scrutiny Committee with its draft forward work programme for members' consideration.

**2. What is the reason for making this report?**

To seek the Committee to review and agree on its programme of future work, and to update members on relevant issues.

**3. What are the recommendations?**

That the Committee: considers the information provided and approves, revises or amends its forward work programme as it deems appropriate.

**4. Report details.**

4.1 Article 6 of Denbighshire County Council's Constitution sets out each Scrutiny Committee's terms of reference, functions and membership, whilst the rules of procedure for scrutiny committees are laid out in Part 4 of the Constitution.

4.2 The Constitution stipulates that the Council's scrutiny committees must prepare and keep under review a programme for their future work. By reviewing and prioritising issues, members are able to ensure that the work programme delivers a member-led agenda.

4.3 For a number of years it has been an adopted practice in Denbighshire for scrutiny committees to limit the number of reports considered at any one meeting to a maximum of four plus the Committee's own work programme report. The aim of this approach is to facilitate detailed and effective debate on each topic.

4.4 The Committee is requested to consider its draft work programme for future meetings, as detailed in appendix 1, and approve, revise or amend it as it deems appropriate taking into consideration:

- issues raised by members of the Committee
- matters referred to it by the Scrutiny Chairs and Vice-Chairs Group
- relevance to the Committee's/Council's/community priorities

- the Council's Corporate Plan and the Director of Social Services' Annual Report
  - meeting workload
  - timeliness
  - outcomes
  - key issues and information to be included in reports
  - whether the relevant lead Cabinet member will be invited to attend (having regard to whether their attendance is necessary or would add value). (In all instances this decision will be communicated to the lead member concerned)
  - questions to be put to officers/lead Cabinet members
- 4.5 When considering future items for inclusion on the forward work programme members may also find it helpful to have regard to the following questions when determining a subject's suitability for inclusion on the work programme:
- what is the issue?
  - who are the stakeholders?
  - what is being looked at elsewhere
  - what does scrutiny need to know? and
  - who may be able to assist?
- 4.6 As mentioned in paragraph 4.2 above the Council's Constitution requires scrutiny committees to prepare and keep under review a programme for their future work. To assist the process of prioritising reports, if officers are of the view that a subject merits time for discussion on the Committee's business agenda they have to formally request the Committee to consider receiving a report on that topic. This is done via the submission of a 'proposal form' which clarifies the purpose, importance and potential outcomes of suggested subjects. No such proposal form has been received for consideration at the current meeting.

#### Cabinet Forward Work Programme

- 4.7 When determining their programme of future work it is useful for scrutiny committees to have regard to Cabinet's scheduled programme of work. For this purpose a copy of the Cabinet's forward work programme is attached at Appendix 2.

#### Progress on Committee Resolutions

- 4.9 A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 3 to this report.

### **5. Scrutiny Chairs and Vice-Chairs Group**

Under the Council's scrutiny arrangements the Scrutiny Chairs and Vice-Chairs Group (SCVCG) performs the role of a coordinating committee. The Group has not met since the Committee's last meeting

on 19 September. Its next scheduled next meeting is on the afternoon of 24 October 2013.

**6. How does the decision contribute to the Corporate Priorities?**

Effective scrutiny will assist the Council to deliver its corporate priorities in line with community needs and residents' wishes. Continual development and review of a coordinated work programme will assist the Council in monitoring and reviewing policy issues.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

No Equality Impact Assessment has been undertaken for the purpose of this report as consideration of the Committee's forward work programme is not deemed to have an adverse or unfair impact on people who share protected characteristics.

**8. What will it cost and how will it affect other services?**

Services may need to allocate officer time to assist the Committee with the activities identified in the forward work programme, and with any actions that may result following consideration of those items.

**9. What consultations have been carried out?**

None required for this report. However, the report itself and the consideration of the forward work programme represent a consultation process with the Committee with respect to its programme of future work.

**10. What risks are there and is there anything we can do to reduce them?**

No risks have been identified with respect to the consideration of the Committee's forward work programme. However, by regularly reviewing its forward work programme the Committee can ensure that areas of risk are considered and examined as and when they are identified, and recommendations are made with a view to addressing those risks.

**11. Power to make the decision**

Article 6.3.7 of the Council's Constitution stipulates that the Council's scrutiny committees must prepare and keep under review a programme for their future work.

**Contact Officer:** Scrutiny Coordinator

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**Note: Any items entered in italics have not been approved for inclusion at the meeting shown by the Committee. Such reports are listed here for information, pending formal approval.**

| Meeting     | Lead Member(s)                                                                       | Item (description / title)                                        | Purpose of report                                                                                                                                                                                                                                   | Expected Outcomes                                                                                                                                                                                                                                     | Author                       | Date Entered   |
|-------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------|
| 12 December | <b>Cllr. Barbara Smith</b><br><i>(not required but can attend at own discretion)</i> | 1. Corporate Plan QPR: Q2 2013/14 and the Corporate Risk Register | To monitor the Council's progress in delivering the Corporate Plan 2012-17 and the latest version of the Council's Corporate Risk Register following the latest formal review by CET                                                                | Ensuring that the Council meets its targets, delivers its Corporate Plan and the Council's services in line with its aspirations and to the satisfaction of local residents; and identification of effective measures to address the high level risks | Alan Smith/Nicola Kneale     | February 2013  |
|             | <b>Cllr. Hugh Irving</b><br><i>(required)</i>                                        | 2. Your Voice' complaints performance (Q2)                        | To scrutinise Services' performance in complying with the Council's complaints process                                                                                                                                                              | Identification of areas of poor performance with a view to the development of recommendations to address weaknesses.                                                                                                                                  | Jackie Walley/Clare O'Gorman | February 2013  |
|             | <b>Cllr. David Smith</b><br><i>(required)</i>                                        | 3. Grade II Listed Buildings                                      | To detail the number (and location) of all Grade II listed buildings in the County, listing those which are at risk of posing a problem to the Authority in the near future and the measures which are being taken to mitigate the risks identified | To mitigate the risks to the Council of it not being able to deliver its corporate priorities due to external factors relating to Grade II listed buildings which have the potential to damage the Authority's reputation                             | Graham Boase/Phil Ebbrell    | September 2013 |
|             | <b>No further items to be included for December meeting</b>                          |                                                                   |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                       |                              |                |

| Meeting         | Lead Member(s)             | Item (description / title)                                                      | Purpose of report                                                                                                                                                                                                                                                                                                                         | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Author                                    | Date Entered   |
|-----------------|----------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------|
| 16 January 2014 | <b>Cllr. Eryl Williams</b> | 1. Verified External Examinations and Teacher Assessments<br><b>[Education]</b> | To review the performance of schools, including PR6 and that of looked after children                                                                                                                                                                                                                                                     | Scrutiny of performance leading to recommendations for improvement                                                                                                                                                                                                                                                                                                                                                                                                     | Julian Molloy                             | January 2013   |
|                 | <b>Cllr. Eryl Williams</b> | 2. Estyn Action Plan<br><b>[Education]</b>                                      | To<br>(i) monitor the progress achieved to date in implementing the actions to address the 2 recommendations in the 2012 Estyn Inspection of the Quality of Education Services; and<br>(ii) inform members of proposed changes to education delivery, performance/attainment measures and future inspection arrangements and expectations | (i) Better quality services and better outcomes for pupils through early identification of any slippages in progressing actions, or in implementing mitigating measures to address identified risks; and<br>(ii) identification of measures to address national policy requirements/challenges and consequential inspection arrangements with a view to mitigating the risk of disruption to pupils and teachers and deterioration in performance and attainment rates | Joint report by Karen Evans/Diane Hesketh | June 2013      |
|                 | <b>Cllr. David Smith</b>   | 3. Fly Tipping                                                                  | To detail the number of fly tipping incidents in the county,                                                                                                                                                                                                                                                                              | Improve the environment of the                                                                                                                                                                                                                                                                                                                                                                                                                                         | Steve Parker/Vince                        | September 2013 |



| Meeting     | Lead Member(s)            | Item (description / title)                  | Purpose of report                                                                                                                                                                                                                                                  | Expected Outcomes                                                                                                                                                                     | Author                       | Date Entered  |
|-------------|---------------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------|
|             |                           |                                             | the Council's performance in responding to those incidents and in recording statistics relating to fly tipping in comparison to other authorities across Wales. Details also to be provided on the definition of 'excellence' with regards to reducing fly tipping | county and the quality of life of residents and visitors, whilst delivering the corporate priority of clean and tidy streets                                                          | Russell                      |               |
| 20 February | <b>Cllr. Hugh Irving</b>  | 1 'Your Voice' complaints performance (Q3)  | To scrutinise Services' performance in complying with the Council's complaints process                                                                                                                                                                             | Identification of areas of poor performance with a view to the development of recommendations to address weaknesses.                                                                  | Jackie Walley/Clare O'Gorman | February 2013 |
|             |                           |                                             |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                       |                              |               |
| 20 March    | <b>Cllr. Bobby Feeley</b> | 1. In-House Provider Visit 2013/14 Overview | To consider feedback on the visits undertaken in-house social care providers which highlight the quality, customer experience and good practice/improvement actions for the providers                                                                              | To monitor the quality of services provided and identify any issues which arise from the visits which require to be addressed in order to improve the quality of the service provided | Phi Gilroy                   | August 2013   |
|             |                           |                                             |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                       |                              |               |
| 1 May       |                           |                                             |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                       |                              |               |
| June 2014   | <b>Cllr. Hugh Irving</b>  | 1 Your Voice' complaints performance (Q4)   | To scrutinise Services' performance in complying with the Council's complaints                                                                                                                                                                                     | Identification of areas of poor performance with a view to the development                                                                                                            | Jackie Walley/Clare O'Gorman | February 2013 |

| Meeting      | Lead Member(s)                  | Item (description / title)                                                      | Purpose of report                                                                                                                                                                             | Expected Outcomes                                                                                                                                                                                                                                     | Author                   | Date Entered   |
|--------------|---------------------------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------|
|              |                                 |                                                                                 | process                                                                                                                                                                                       | of recommendations to address weaknesses.                                                                                                                                                                                                             |                          |                |
|              | <b>Cllr. Barbara Smith</b>      | 2. Corporate Plan QPR: Q4 2013/14 and Corporate Risk Register                   | To monitor the Council's progress in delivering the Corporate Plan 2012-17 and consider the latest version of the Council's Corporate Risk Register following the latest formal review by CET | Ensuring that the Council meets its targets, delivers its Corporate Plan and the Council's services in line with its aspirations and to the satisfaction of local residents; and identification of effective measures to address the high level risks | Alan Smith/Nicola Kneale | February 2013  |
|              | <b>3 items maximum for June</b> |                                                                                 |                                                                                                                                                                                               |                                                                                                                                                                                                                                                       |                          |                |
|              |                                 |                                                                                 |                                                                                                                                                                                               |                                                                                                                                                                                                                                                       |                          |                |
| Sept/October | <b>Cllr. Barbara Smith</b>      | 1. Annual Performance Review 2013/14                                            | To seek Scrutiny's view on the Council's Annual Performance Review report prior to its submission to County Council for approval                                                              | Participation in the consultation on the Annual Report will assist the Committee to identify areas of weakness and build them into its future work programme with a view to realising improvements going forward                                      | Alan Smith               | September 2013 |
|              | <b>Cllr. Eryl Williams</b>      | 2. Provisional External Examinations and Teacher Assessments <b>[Education]</b> | To review the performance of schools and that of looked after children                                                                                                                        | Scrutiny of performance leading to recommendations for improvement                                                                                                                                                                                    | Julian Molloy            | September 2013 |

**Future Issues**

| Item (description / title)                                                                                                                                                                                                  | Purpose of report                                                                                                                                                                                                                                                                                                                                                       | Expected Outcomes                                                                                                                                                                                            | Author            | Date Entered                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------|
| <i>Parking Enforcement (deferred until after Communities Scrutiny Committee has considered a report on the impact of the Council's Parking Enforcement Strategy on economic development scheduled for 25 November 2013)</i> | <i>To examine the statistics on the number of Penalty Charge Notices (PCNs) issued during 2012/12 and 2013/14 to date, the breakdown of PCNs per MAG area (and per town), the number of prosecutions arising from the issue of CPNs (and the associated costs of pursuing prosecutions), cost of the running the service and the income generated for the Authority</i> | <i>Assurances that the Service is demonstrating value for money and supporting the Council's delivery of its corporate priorities of developing the local economy and maintaining clean and tidy streets</i> | <i>Mike Jones</i> | <i>By the SCVCG September 2013</i> |
|                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                              |                   |                                    |

**Information/Consultation Reports**

| Date                | Item (description / title)                                                       | Purpose of report                                                                                                                                                                                                                                                                                                                                              | Author      | Date Entered   |
|---------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|
| <b>October 2013</b> | Use of Supply Teachers<br><b>[Education – to be shared with coopted members]</b> | To detail the use made of supply teachers within the county during recent years and to date this year. The report to detail the costs to the Council of hiring supply teachers, the lengths of time for their hire, the expectations/objectives given to them upon engagement and the quality monitoring arrangements in place to evaluate their effectiveness | Karen Evans | September 2013 |

**Note for officers – Committee Report Deadlines**

| Meeting     | Deadline           | Meeting         | Deadline              | Meeting     | Deadline          |
|-------------|--------------------|-----------------|-----------------------|-------------|-------------------|
| 12 December | <b>28 November</b> | 16 January 2014 | <b>2 January 2014</b> | 20 February | <b>6 February</b> |

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Cabinet Forward Work Plan

Appendix 2

| Meeting    | Item (description / title) |                                   | Purpose of report                                                                                                                                                     | Cabinet Decision required (yes/no) | Author – Lead member and contact officer            |
|------------|----------------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------|
| 29 October | 1                          | Finance Report Update             | To update Cabinet on the current financial position of the Council                                                                                                    | Tbc                                | Cllr Julian Thompson-Hill / Paul McGrady            |
|            | 2                          | Faith Based Provision             | To note the findings of the formal consultation on the faith review and to consider whether to proceed to the publication of the proposal by way of statutory notice. | Yes                                | Cllr Eryl Williams / Jackie Walley                  |
|            | 3                          | Items from Scrutiny Committees    | To consider any issues raised by Scrutiny for Cabinet's attention.                                                                                                    | Tbc                                | Scrutiny Coordinator                                |
|            | 4                          | Community Infrastructure Levy     | To develop a Community Infrastructure Levy                                                                                                                            | Tbc                                | Cllr David Smith / Eleri Evans / Angela Loftus      |
|            | 5                          | Business Rates Write-offs PART II | To authorise any business rates write offs                                                                                                                            | Yes                                | Cllr Julian Thomspen-Hill / Paul McGrady / Ian Paul |
|            | 6                          | GIFT Tender Exemption             | To approve the GIFT Tender exemption and award the contract                                                                                                           | Yes                                | Cllr Bobby Feeley / Sally Ellis / Gary Major        |

Cabinet Forward Work Plan

| Meeting            |   | Item (description / title)                                                    | Purpose of report                                                  | Cabinet Decision required (yes/no) | Author – Lead member and contact officer |
|--------------------|---|-------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------|------------------------------------------|
| <b>26 November</b> | 1 | Finance Report Update                                                         | To update Cabinet on the current financial position of the Council | Tbc                                | Cllr Julian Thompson-Hill / Paul McGrady |
|                    | 2 | Establishment of an AONB Joint Committee                                      | To approve the establishment of a joint committee                  | Yes                                | Cllr Huw Jones / Lisa Jones              |
|                    | 3 | Items from Scrutiny Committees                                                | To consider any issues raised by Scrutiny for Cabinet's attention. | Tbc                                | Scrutiny Coordinator                     |
|                    | 4 | Vibrant and Viable Places - Funding bid for Rhyl Town Centre projects         | To update members on progress.                                     | No                                 | Cllr Hugh Evans / Tom Booty / Sian Owen  |
|                    | 5 | Procurement Business Case for a combined Denbighshire and Flintshire service. | To consider Business Case                                          | Yes                                | Cllr D I Smith / Paul McGrady            |
|                    | 6 | Response to the Consultation on Town & Area Plans                             | To consider the response to the consultation on Town & Area Plans  | Tbc                                | Cllr Hugh Evans / Rebecca Maxwell        |
|                    | 7 | Approval of Contract Award for Sub-regional Young Carers' Service             | To award the contract                                              | Yes                                | Vicky Allen                              |
| <b>17 December</b> | 1 | Finance Report Update                                                         | To update Cabinet on the current financial position of the Council | Tbc                                | Cllr Julian Thompson-Hill / Paul McGrady |

Cabinet Forward Work Plan

| <b>Meeting</b>         | <b>Item (description / title)</b> |                                                                                                            | <b>Purpose of report</b>                                                                                                      | <b>Cabinet Decision required (yes/no)</b> | <b>Author – Lead member and contact officer</b>                       |
|------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------|
|                        | 2                                 | Corporate Plan QPR: Quarter 2 2013/14                                                                      | To monitor the Council's progress in delivering the Corporate Plan 2012 -17                                                   | Tbc                                       | Cllr Barbara Smith / Tony Ward                                        |
|                        | 3                                 | Items from Scrutiny Committees                                                                             | To consider any issues raised by Scrutiny for Cabinet's attention                                                             | Tbc                                       | Scrutiny Coordinator                                                  |
|                        | 4                                 | Response to the Consultation on Town & Area Plans                                                          | To consider the response to the consultation on Town & Area Plans                                                             | Tbc                                       | Cllr Hugh Evans / Rebecca Maxwell                                     |
|                        | 5                                 | Public Realm Strategy                                                                                      | To approve the Council's Public Realm Strategy following the conclusion of the public consultation on its aims and objectives | Yes                                       | Cllr. David Smith/ Hywyn Williams                                     |
|                        |                                   |                                                                                                            |                                                                                                                               |                                           |                                                                       |
| <b>14 January 2014</b> | 1                                 | Finance Report Update                                                                                      | To update Cabinet on the current financial position of the Council                                                            | Tbc                                       | Cllr Julian Thompson-Hill / Paul McGrady                              |
|                        | 2                                 | West Rhyl Housing Improvement Project                                                                      | Concept design of open green space to be considered                                                                           | Tbc                                       | Cllr Hugh Evans / Carol L Evans                                       |
|                        | 3                                 | North Wales Schools and Public Buildings Contractor Framework (NWSPBC Framework) - Contractors Appointment | A decision is required to award the places to become part of the NWSPBC Framework following the                               | Yes                                       | Cllr Julian Thompson-Hill / Tania Silva / Sion Evans / Stuart Andrews |

Cabinet Forward Work Plan

| Meeting            |   | Item (description / title)                                      | Purpose of report                                                                           | Cabinet Decision required (yes/no) | Author – Lead member and contact officer |
|--------------------|---|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------|
|                    |   |                                                                 | tender process.                                                                             |                                    |                                          |
|                    | 4 | Items from Scrutiny Committees                                  | To consider any issues raised by Scrutiny for Cabinet's attention.                          | Tbc                                | Scrutiny Coordinator                     |
|                    | 5 | Procurement Business Case for Three Counties                    | To consider the Business Case                                                               | Yes                                | Cllr D.I. Smith / Paul McGrady           |
|                    |   |                                                                 |                                                                                             |                                    |                                          |
| <b>18 February</b> | 1 | Finance Report Update                                           | To update Cabinet on the current financial position of the Council                          | Tbc                                | Cllr Julian Thompson-Hill / Paul McGrady |
|                    |   |                                                                 |                                                                                             |                                    |                                          |
|                    | 2 | Items from Scrutiny Committees                                  | To consider any issues raised by Scrutiny for Cabinet's attention.                          | Tbc                                | Scrutiny Coordinator                     |
|                    | 3 | Advocacy Provision for Children and young people in North Wales | To commission a regional N. Wales advocacy service for vulnerable children and young people | Tbc                                | Cllr Bobby Feeley / Michelle Hughes      |
|                    |   |                                                                 |                                                                                             |                                    |                                          |
| <b>25 March</b>    | 1 | Finance Report Update                                           | To update Cabinet on the current financial position of the Council                          | Tbc                                | Cllr Julian Thompson-Hill / Paul McGrady |
|                    | 2 | Corporate Plan QPR: Quarter 3 2013/14                           | To monitor the Council's progress in delivering the Corporate Plan 2012 -17                 | Tbc                                | Cllr Barbara Smith / Tony Ward           |



Cabinet Forward Work Plan

| <b>Meeting</b>  | <b>Item (description / title)</b> |                                       | <b>Purpose of report</b>                                                    | <b>Cabinet Decision required (yes/no)</b> | <b>Author – Lead member and contact officer</b> |
|-----------------|-----------------------------------|---------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------|
|                 | 3                                 | Items from Scrutiny Committees        | To consider any issues raised by Scrutiny for Cabinet's attention           | Tbc                                       | Scrutiny Coordinator                            |
| <b>29 April</b> | 1                                 | Finance Report Update                 | To update Cabinet on the current financial position of the Council          | Tbc                                       | Cllr Julian Thompson-Hill / Paul McGrady        |
|                 | 2                                 | Items from Scrutiny Committees        | To consider any issues raised by Scrutiny for Cabinet's attention.          | Tbc                                       | Scrutiny Coordinator                            |
| <b>27 May</b>   | 1                                 | Finance Report Update                 | To update Cabinet on the current financial position of the Council          | Tbc                                       | Cllr Julian Thompson-Hill / Paul McGrady        |
|                 | 2                                 | Items from Scrutiny Committees        | To consider any issues raised by Scrutiny for Cabinet's attention.          | Tbc                                       | Scrutiny Coordinator                            |
| <b>June</b>     | 1                                 | Finance Report Update                 | To update Cabinet on the current financial position of the Council          | Tbc                                       | Cllr Julian Thompson-Hill / Paul McGrady        |
|                 | 2                                 | Corporate Plan QPR: Quarter 3 2013/14 | To monitor the Council's progress in delivering the Corporate Plan 2012 -17 | Tbc                                       | Cllr Barbara Smith / Tony Ward                  |
|                 | 3                                 | Items from Scrutiny Committees        | To consider any issues                                                      | Tbc                                       | Scrutiny Coordinator                            |

Cabinet Forward Work Plan

| Meeting | Item (description / title) | Purpose of report                          | Cabinet Decision required (yes/no) | Author – Lead member and contact officer |
|---------|----------------------------|--------------------------------------------|------------------------------------|------------------------------------------|
|         |                            | raised by Scrutiny for Cabinet's attention |                                    |                                          |
|         |                            |                                            |                                    |                                          |

Note for officers – Cabinet Report Deadlines

| <i>Meeting</i> | <b>Deadline</b>   | <i>Meeting</i>  | <b>Deadline</b>    | <i>Meeting</i>  | <b>Deadline</b>   |
|----------------|-------------------|-----------------|--------------------|-----------------|-------------------|
|                |                   |                 |                    |                 |                   |
| <i>October</i> | <b>15 October</b> | <i>November</i> | <b>12 November</b> | <i>December</i> | <b>3 December</b> |

Updated 10/10/2013 - KEJ

Cabinet Forward Work Programme.doc

## Progress with Committee Resolutions

| Date of Meeting   | Item number and title                       | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Progress                                                                                                                                                                                                                                                              |
|-------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 September 2013 | 7. Annual Performance Review Report 2012/13 | <b>RESOLVED</b> that, subject to the above, the draft 2012/13 Annual Performance Review be submitted to County Council for approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The Annual Performance Review for 2012/13 was submitted to County Council at its meeting on 8 October for approval. It will be published in line with the statutory requirement by 31 October 2013                                                                    |
|                   | 8. Future of Performance Reporting          | <b>RESOLVED</b> that the Committee support the proposals:<br>(i) To reduce the number of in-year Corporate Plan Performance Reports from four to two per year. In addition to this, the Committee would continue to receive an Annual Performance Report.<br>(ii) To reduce the scale of the in-year reports so that they only focus on exceptions in relation to performance measures and activities (i.e. the things they could positively influence).<br>(iii) To align the bi-annual reviews of the Corporate Risk Register so that they are considered by the Performance Scrutiny Committee at the same time as the proposed bi-annual Corporate Plan Performance Reports | See Appendix 1: the combined Corporate Plan Performance Monitoring and Corporate Risk Register Report will be presented to the Committee in December 2013 and June 2014, with the draft Annual Performance Review Report scheduled for presentation in September 2014 |

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