



To: Members of the Licensing
Committee

Date: 6 June 2013

Direct Dial: 01824 712568

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 12 JUNE 2013** in the **COUNCIL CHAMBER, RUSSELL HOUSE, CHURTON ROAD, RHYL.**

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 APPOINTMENT OF CHAIR

To appoint a Chair of the Licensing Committee for the ensuing year.

3 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Licensing Committee for the ensuing year.

4 DECLARATION OF INTERESTS

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

5 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.

6 MINUTES OF THE LAST MEETING (Pages 7 - 14)

To receive the minutes of the Licensing Committee held on 6 March 2013 (copy enclosed).

7 LICENSING COMMITTEE PROCEDURES FOR DETERMINING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICATIONS AND REVIEWS (Pages 15 - 18)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' approval of revised Licensing Committee procedures for determining hackney carriage and private hire driver applications and reviews of existing drivers.

8 PROCEDURES FOR NEW AND REVISED POLICIES (Pages 19 - 22)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' approval of the procedures to be adopted for drafting new and revised policies.

9 LICENSING PROCEDURES (Pages 23 - 66)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' approval of procedures, including officer delegations, for dealing with applications.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2013/14 (Pages 67 - 70)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme for approval and updating members on relevant issues.

PART 2 - CONFIDENTIAL ITEMS

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 paragraphs 12, 13 and 14 of Part 4 of Schedule 12A of the Act would be disclosed.

11 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 047319 (Pages 71 - 76)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 047319

12 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 047324 (Pages 77 - 82)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 047324.

13 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 047331 (Pages 83 - 88)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 047331.

14 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 044473 (Pages 89 - 106)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 044473.

15 SUITABILITY OF A VEHICLE FOR A PRIVATE HIRE LICENCE (Pages 107 - 110)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application received for a Private Hire Vehicle Licence.

MEMBERSHIP

Councillors

Joan Butterfield
Bill Cowie
Richard Davies
Stuart Davies
Hugh Irving
Pat Jones

Barry Mellor
Win Mullen-James
Peter Owen
Arwel Roberts
Cefyn Williams

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All Councillors for information
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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF LICENSING APPLICATIONS

STEP	DESCRIPTION
1.	Head of Planning and Public Protection (or representative) briefly announces the application
2.	The applicant is requested to present his/her case The applicant can call any witnesses he/she chooses in support of the application
3.	Committee members can question the applicant and or his witnesses
4.	Any objectors to the application will be invited to speak
5.	The applicant is given the opportunity to question the objectors
6.	Committee members can ask questions of the objectors
7.	Technical officers are invited to present any findings (Police, Fire Service, Building Control, Pollution Control)
8.	The committee members followed by the applicant and objectors can ask questions of the technical officers
9.	The applicant will be invited to make a final statement
10.	The Head of Planning and Public Protection will make a final statement (if required)
11.	The following will be requested to leave the meeting whilst the application is discussed by members – the applicant, all third parties, Head of Planning and Public Protection, technical officers, press and public NB The only people remaining should be – committee members, translator, committee’s legal adviser and the minute taker
12.	The committee members will consider the application taking into account the evidence heard
13.	When the members have reached their decision, all parties will be recalled and the applicant will be informed of the members decision
14.	The applicant will be informed of the decision in writing as soon as practicable

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Council Chamber, Russell House, Rhyl on Wednesday, 6 March 2013 at 9.30 am.

PRESENT

Councillors Bill Cowie, Richard Davies, Stuart Davies (Chair), Win Mullen-James, Arwel Roberts and Cefyn Williams

ALSO PRESENT

Principal Solicitor (AL), Head of Planning and Public Protection (GB), Licensing Officers (NJ & JT), Senior Community Safety Enforcement Officer (TWE), Licensing Enforcement Officer (HB) and Committee Administrator (KEJ)

1 APOLOGIES

Councillor Joan Butterfield

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Licensing Committee held on 5 December 2012 and the Special Licensing Committee held on 24 January 2013 were submitted.

RESOLVED that the minutes of the meetings held on 5 December 2012 and 24 January 2013 be received and confirmed as a correct record.

At this point the Chair indicated his intention to vary the order of the agenda to accommodate those individuals who were attending the meeting in support of their applications/licence reviews and to hear their cases before any other business.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

5 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 045909

A confidential report by the Head of Planning and Public Protection Services (previously circulated) was submitted upon –

- (i) an application received from Applicant No. 045909 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the officers having not been in a position to grant the application in light of the information revealed following an enhanced disclosure from the Criminal Records Bureau (CRB);
- (iii) a summary of the convictions disclosed having been provided which related to a number of offences spanning a period from 1982 to 2009 including incidents relating to drunkenness, violence and dishonesty;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Applicant having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and advised that the Applicant was in attendance at the meeting. She indicated that the matter had been brought before the committee to assess the Applicant's suitability to hold a licence given the nature of the convictions.

The Applicant addressed the committee in support of his application advising that he was free from alcohol and often the designated driver for family and friends. He reported upon his part time work as a delivery driver advising that he was also good with customers and wished to make his living as a taxi driver. In response to members' questions the Applicant reported upon his previous occupations over the last few years and his desire for full time employment. He also explained the circumstances surrounding the offences revealed by the criminal record check. In making his final statement the Applicant stressed that he wanted to work and pursue a career as a taxi driver. The Licensing Officer confirmed that the Applicant had disclosed the offences to the best of his knowledge and had fully cooperated with officers during the application process.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 045909 be refused.

The reasons for the Licensing Committee's decision were as follows –

Whilst noting most of the offences had occurred some time ago the committee expressed reservations regarding granting the application in light of the nature of those offences and had not been completely satisfied with the explanations provided by the Applicant in that regard. Members had particular concerns regarding the last two offences committed in 2005 and 2009 regarding drunkenness and having given due regard to the council's policy regarding the relevance of convictions it was considered that, in the circumstances, the Applicant should be

free from such convictions for five years before attempting to apply for a licence. Consequently the committee invited the Applicant to re-apply in twelve months' time.

The Chair conveyed the committee's decision and reasons therefore the Applicant.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

6 APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

The Licensing Officer (JT) submitted a report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) advising that a renewal application for a sex establishment licence had been received from Adult World in respect of premises situated at 43 – 47 Queen Street, Rhyl. She indicated that the North Wales Police had raised no objection to the application and following public notice no objections had been received from members of the public.

The Principal Solicitor drew members' attention to a recent case R (Hemming and Others) v Westminster City Council which involved a legal challenge of licence fees charged for sex establishments. The case established two important principles –

- that where a Council profits from licence fees in that its expenditure is exceeded by its fee income, it must carry the surplus forward in determining the fee for future years, and
- that in authorisation schemes covered by the Provision of Services Regulations, enforcement costs may not be recharged to licensed operators.

Consequently members were advised that some reconsideration of the fee may be required in future because of potential challenges. After a brief discussion it was –

RESOLVED that –

- (a) *the application for renewal of a Sex Establishment Licence held in respect of premises at 43 – 47 Queen Street, Rhyl be granted with the option of paying the renewal fee of £2600 in instalments, and*
- (b) *officers be asked to review the current fees for sex establishment licensing in light of the recent case 'R (Hemming and Others) v Westminster City Council' and report back to the committee thereon if necessary.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

7 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 043120

[Prior to the commencement of this item the Chair permitted an adjournment to allow for all parties to familiarise themselves with the documentation.]

A confidential report by the Head of Planning and Public Protection Services (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 043120 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) a complaint having been received from a cyclist regarding the conduct of the Driver on two separate occasions on 31 December 2012 and 1 January 2013 with recorded footage of both incidents being made available for the committee to view (a summary of facts together with witness statements, transcripts of conversations recorded and associated documentation had also been attached to the main report), and
- (iii) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Licensing Enforcement Officer (HB) introduced the report and detailed the summary of facts of the case. The committee then watched footage relating to both incidents referred to within the report obtained from (1) the complainant's head cam fixed to his cycle helmet, (2) a recording made by the Driver's passenger on her mobile phone/tablet, and (3) clips recorded via Rhyl Town Centre CCTV cameras.

The Driver addressed the committee advising that he became a licensed driver in 2009 and had never before been subject of a complaint. He stated that he had not been aggressive to the cyclist in any way but had asked him to stop riding in the middle of the road because he could cause an accident and was stopping cars overtaking. He denied following the cyclist on 1 January 2013 adding that he had no control over the actions of his passenger.

Members took the opportunity to question the Driver regarding the incidents concerned, particularly referring to the rationale behind his behaviour and his intentions during the incident recorded on 1 January 2013. The Driver responded to questions and denied deliberately following the cyclist or harassing him adding that he had displayed no signs of aggression towards him at any time. He also advised that he was aware of the rules and regulations in both the licensing conditions and the Highway Code. In that regard he accepted that a cyclist should ride away from the kerb in particularly circumstances but felt there was no need to ride in the middle of the road unnecessarily.

In making his final statement the Driver wished to clarify that he had not received a harassment notice from the Police but had been advised of the meaning of harassment and asked to ignore the cyclist in future. In response to a question the Driver indicated that he may have seen the cyclist since then but had no reason to approach him.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that Driver No. 043120 be issued with a severe warning regarding his behaviour and to his future conduct.

[Councillor Bill Cowie took no part in the discussion or voting on this item as he had not been present throughout the entire proceedings.]

The reasons for the Licensing Committee's decision were as follows –

Having considered the evidence presented in this case including the recorded footage and the Driver's explanation of events members believed that the Driver had deliberately followed the cyclist on 1 January 2013 and had driven too close and intimidated him. The committee also concluded that the Driver had displayed a lack of knowledge of both the Highway Code and the Council's hackney carriage/private hire licensing conditions, particularly regarding the entitlement of cyclists to drive in the middle of the lane. Consequently the committee determined the Driver's conduct to be inconsistent with that of a professional driver and fell below the required standard in his dealings with the cyclist and therefore a severe warning should be issued regarding his behaviour and future conduct.

The Chair conveyed the committee's decision and reasons therefore to the Driver.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

8 UPDATE ON REVIEW OF LICENSING FEES AND CHARGES FOR 2013/14

The Licensing Officer (NJ) submitted a report by the Head of Planning and Public Protection Services (previously circulated) seeking members' approval to retain the current fee structure until such time as the review of licensing fees and charges was completed. The current fee structure had been attached to the report.

The committee was updated on progress made with the review of licensing fees and charges and advised that specialist legal advice was being sought on the calculation of licensing fees in order to avoid any legal challenges. This work would commence shortly following completion of the review of taxi and private hire procedures. In the meantime officers would be attending a course at the end of March on licensing fees and charges. Members were also advised that there was a National Task & Finish Group working under the All Wales Licensing Technical Panel tasked with looking at fees and charges, specifically for taxis.

In view of the above members considered it prudent to retain the current fee structure pending the full review of fees and charges. Members also asked that the recent case 'R (Hemming and Others) v Westminster City Council' involving a legal challenge of fees for licensing sex establishments be taken into account as part of that review together with the court of appeal ruling once known.

RESOLVED that the current fee structure for Licensing Fees and Charges (as detailed in the appendix to the report) be retained for 2013/14 pending the outcome of the full review.

9 REVIEW OF MARKET CONDITIONS FOR RHYL

The Licensing Officer (NJ) submitted a report by the Head of Planning and Public Protection Services (previously circulated) seeking members' approval of revised conditions for Rhyl Market together with a new fee structure (as set out in Appendix 1 and 2 to the report respectively).

Members were advised that –

- since the establishment of the market in 2011 there had been a number of changes leading to the revision of the conditions to ensure they better reflected current working practices
- permanent planning permission for the market was granted in October 2012
- a Service Level Agreement had been drawn up for Denbighshire Voluntary Service Council (DVSC) to manage and promote ten stalls which would be offered to the community free of charge for up to eight weeks; if the enterprise was successful the stallholders could apply to rent a stall on a permanent basis
- following the purchase and provision of the market stalls (gazebos) it had been possible to simplify the fee structure based on the number of gazebos used as opposed to calculating per metre and fees had been calculated fairly to ensure traders were paying a realistic fee for each gazebo hired.

During consideration of the report members discussed the following issues with officers –

- Councillor Bill Cowie queried whether current stallholders had been consulted on the proposed changes and the Licensing Officer replied that no major materialistic changes had been made and the revisions would ensure more workable, simplified and clear conditions for stallholders
- Councillor Cefyn Williams referred to the management of ten free stalls and queried whether the impact on existing stallholders had been taken into account. The Head of Planning and Public Protection (H:PPP) explained the reasoning behind the decision to support local people and local produce and provided assurances that prospective stallholders would need to meet a certain criteria in order to qualify. He reported upon the promotion of Rhyl Market as a community market with local ownership highlighting the benefits to the local community as a result
- Councillor Win Mullen-James reported upon complaints she had received from the less abled bodied and wheelchair users in the community regarding restricted access on market days and highlighted the need for sufficient room between stalls to allow greater access for those individuals. She also sought assurances regarding the quality of goods to be sold. The H:PPP cautioned against introducing a blanket ruling regarding second hand goods but provided assurances that the quality of merchandise would be vetted and appropriately managed.

***RESOLVED** that the proposed amended Market Conditions together with the proposed fee structure (as detailed in Appendix 1 and 2 to the report respectively) be approved.*

10 LICENSING COMMITTEE WORK PROGRAMME 2013/14

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee's future work programme.

***RESOLVED** that the Licensing Committee work programme as detailed within the report be noted.*

The meeting concluded at 11.30 a.m.

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Agenda Item 7



REPORT TO:	Licensing Committee
DATE:	12 June 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Procedures for Members to follow when determining Hackney Carriage and Private Hire driver applications and reviews

1. PURPOSE OF THE REPORT

- 1.2 For Members to consider and approve a procedure for Members to follow when determining applications for Hackney Carriage and Private Hire Vehicle Drivers and reviews of existing licensed drivers.

2. EXECUTIVE SUMMARY

- 2.1 On occasion it is necessary for Officers to refer applicants or existing licence holders to Members for consideration. This report concerns proposed revised procedures for Members to follow when considering such matters.

3. BACKGROUND INFORMATION

- 3.1 Officers have felt it appropriate to ask Members to consider and approve procedures for Members to follow when determining hackney carriage and private hire vehicle driver applications and reviews of existing licensed drivers.
- 3.2 The current procedures that Members follow when determining a driver licence application or review were originally drafted and approved for Public Entertainment Licences/Premises Licences. Officers consider that due to the increased number of driver applications and reviews being brought before Members consideration, that a set of procedures specific to this function would be more appropriate and will hopefully contribute to the smooth running of our existing Licensing Committee meetings. A copy of the proposed procedures can be found at Appendix A.

4. RECOMMENDATION

- 4.1 That Members approve the Licensing Committee Procedures for determining hackney carriage and private hire driver applications and reviews of existing licensed drivers, as detailed in Appendix A.

**LICENSING COMMITTEE
PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND
PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS
OF EXISTING LICENSED DRIVERS**

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/license holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
3.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish

11.	<p>The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers</p> <p>NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker</p>
12.	<p>The committee members will consider the application/review taking into account the evidence heard</p>
13	<p>Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.</p>
14.	<p>When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.</p>
15	<p>The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council’s Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.</p>
16.	<p>If the decision is to refuse or there is a decision to suspend or revoke, the Council’s Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates’ Court (the decision letter will also include these details).</p>
17.	<p>For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either:</p> <ol style="list-style-type: none"> 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
18.	<p>The applicant/licence holder will be informed of the decision in writing as soon as practicable.</p>
19	<p>The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee</p>

Agenda Item 8



REPORT TO:	Licensing Committee
DATE:	12 June 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Procedures for New and Revised Policies

1. PURPOSE OF THE REPORT

- 1.2 For Members to consider and approve a procedure for Officers to follow when drafting new and revising existing policies.

2. EXECUTIVE SUMMARY

- 2.1 On occasion it is necessary for Officers to draft new, and revise existing policies within the remit of the Licensing Section. This report concerns proposed procedures for Officers to follow when considering such matters.

3. BACKGROUND INFORMATION

- 3.1 Officers have felt it appropriate to ask Members to consider and approve procedures for Officers to follow when drafting new licensing policies and also for reviewing existing licensing policies.
- 3.2 Currently there are no written procedures in place for Officers to follow, (apart from statutory requirements as detailed in some pieces of legislation) which could lead to an important element of the process being overlooked, for example not carrying out the correct consultation or not fulfilling the requirement to undertake an equality impact assessment.
- 3.3 The proposed procedures covers new policies for which a full consultation exercise will take place, including screening the proposed policy using the Equality Impact Assessment Toolkit, together with reporting the outline of the proposed policy and the scope of consultation proposed to Members.
- 3.4 For existing policies that require general amendments, Officers will discuss the proposed amendments with Members, along with any

consultation requirements and will seek Members to recommend to the Lead Member the adoption of the amendments.

- 3.5 For minor amendments to an existing policy, for example legislative updates or where it is deemed to have no effect on the purpose of the policy, it is proposed the Head of Service will approve such amendments.
- 3.6 By approving a set of procedures to guide Officers through the process, should reduce any risk of exposing the Council to challenge and/ or the policy being unenforceable due to an administrative error. A copy of the proposed procedures can be found at Appendix A.

4. **RECOMMENDATION**

- 4.1 That Members approve the procedures for new and revised policies as detailed in Appendix A

GENERAL LICENSING POLICY PROCESS

NEW POLICY OR SIGIFICENT AMENDMENT TO EXISTING POLICY

PRE-CONSULTATION PREPARATION

1. **Check the requirements of the legislation for consultation**
Some licensing functions have statutory consultation requirements
2. **Evidence gathering and informal consultation**
 - a. Need to involve Licensing Committee members in setting timetable eg to approve Forward Work Programme.
 - b. Outline of issues to be covered and who should be consulted etc
3. **Equality Impact Assessment**
 - a. Screen the policy/policies using the Equality Impact Assessment Toolkit. If necessary undertake a full EqIA. Once the assessment has been undertaken, publish it on –line and save a copy in the Working Document Store.
4. **Licensing Committee**
Take a report to Licensing Committee outlining the proposed policy and scope of consultation proposed. Members would be asked to agree the draft policy for consultation and agree the scope of consultation.

CONSULTATION

5. **Who to consult**
Varies depending on the nature of the policy, but generally, as a minimum:
 - ✓ Licence holders
 - ✓ Relevant business groups/user groups
 - ✓ County Councillors
 - ✓ Town and Community Councils
 - ✓ Any specified statutory requirements within the legislation
6. **Publicity**
Press release
Letter sent to agreed consultees
Drop-in sessions – venues and dates to be decided closer to consultation time
Any statutory public notices
7. **Consultation**
4 week minimum consultation period

Documents to be made available in libraries and One-Stop Shops
Documents to be published on-line with on-line facility to respond
Translation

POST CONSULTATION

- a. log all consultation responses into database
- b. consider and respond to each of the consultation responses

8. Report back to Licensing Committee

Report back on consultation and any suggested changes to the policy, for Licensing Committee to support and recommend adoption to Full Council

9. Full Council to adopt the final Policy

The policy will only become effective following a Full Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved policy, either in an annex or in a separate document.

10. General Amendments to existing Policy

Discuss proposed amendments at Licensing Committee.
Consider consultation requirements
Officers to undertake consultation requirements and report back to Licensing Committee for Members to recommend amendments to Lead Member
Report to Lead Member recommending approving amendments to existing Policy

11. Minor Amendments to existing Policy

Officers to prepare internal report to Head of Service highlighting minor amendments to policy.
Head of Service to consider amendments to policy and implement, if appropriate.

Agenda Item 9



REPORT TO:	Licensing Committee
DATE:	12 June 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Licensing Procedures

1. PURPOSE OF THE REPORT

- 1.2 For Members to approve a set of procedures, including Officer delegations, for Officers to follow when dealing with applications.

2. EXECUTIVE SUMMARY

- 2.1 For Members to consider and approve a set of draft procedures for hackney carriage and private hire licensing following an extensive review of the licensing regime.
- 2.2 Each procedure details appropriate delegations for Officers and it is therefore necessary to amend the existing scheme of delegation to reflect those detailed in the attached procedures.

3. BACKGROUND INFORMATION

- 3.1 Hackney Carriage and private hire vehicles are an important mode of local transport. The Council has a responsibility to provide a robust licensing system, which ensures the public travel safely and receive a good level of service.
- 3.2 Hackney Carriage and Private hire licensing is a particularly complex area of licensing. Co-ordination and communication between service areas of the Council and also partner agencies is integral to the safe operation of the system, and to protect the safety of the public.
- 3.3 To ensure that the licensing processes are as robust as possible and that all interested parties have an understanding of the licensing processes a full review commenced back in June 2012, initially facilitated by Internal Audit. There were a number of Officers present at the review meeting;

Licensing and Enforcement, Social Services, Fleet Services, School Transport and North Wales Police. This review was a useful tool as it identified areas for improved communication and achieved the desired outcome of clarifying roles and responsibilities within the hackney carriage and private hire licensing regime and a better understanding by all of how it should work.

- 3.4 Since the initial review in June 2012, Officers have met on a regular basis to finalise the 8 hackney carriage and private hire procedures.
- 3.5 The draft procedures have been scrutinised by James Button, a Licensing Legal Specialist and his comments have been considered and incorporated within the revised procedures. A copy of the 8 procedures can be found at Appendix A.
- 3.6 It is proposed that the attached procedures will come into effect on the 1st August 2013, allowing Officers sufficient time to implement same.
- 3.7 The procedures will be reviewed on an annual basis. The Head of Service will approve any minor operational alterations to the procedures. For any changes in delegations, Officers will refer the matter back to the Licensing Committee for Members consideration and approval.

4. RECOMMENDATION

- 4.1 That Members approve the 8 hackney carriage and private hire procedures as detailed in Appendix A, to come into effect on the 1st August 2013
- 4.2 That Members approve the delegations as detailed in the attached procedures, to form part of the scheme of delegation, to come into effect on the 1st August 2013

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

Procedure for dealing with expired insurance and compliance documents

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

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
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.

FUNCTION	OFFICER
Suspension of vehicle licence under Section 60 LG(MP)A 1976	Head of Service or Public Protection Manager or Senior Licensing Officer or Senior Community Safety 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 licence(s)

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

Name of Policy / Procedure / Protocol / Plan:

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

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

VERSION CONTROL:

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

1. 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.

2. 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

3. 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.

FUNCTION	OFFICER
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.

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Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

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

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

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
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 accepting and processing applications for new and renewal vehicles and ensure that legislation is adhered to.

2. 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

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.

FUNCTION	OFFICER
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

4. 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)

5. 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

6. 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):

- i. Application received – check all documents are present
- ii. If the application is for a new to fleet PHV check to see if applicant has a current Operating Licence (see section 11 below)
- iii. Check Insurance document has appropriate cover for use and has a valid date in force (see section 9 below)
- iv. Check details on V5 match application details (see section 10 below)
- v. Check correct fee received (see table of fees attached)
- vi. 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).

- vii. Receipt fee - Code to H290019428
- viii. 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.
- ix. Enter insurance/certificate of compliance/V5 details onto Licensing System

- x. Enter vehicle details VIP and issue Plate/Door Stickers
- xi. Issue paper licence from Licensing System
- xii. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- xiii. Documents to be filed

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

- i. Each month, produce a monthly licensing system report detailing the vehicle 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. 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.
- iv. 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)
- v. Check correct fee received (see table of fees attached)
- vi. Receipt fee – Code to H290019428
- vii. VIP to be updated and new plate printed
- viii. Update licensing system and produce the paper 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.

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:

- a. the vehicle does not meet the specifications as per policy
- b. if the applicant has not provided all appropriate supporting documents
- c. 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:

1. **Grant**
2. **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 Policy / Procedure / Protocol / Plan:

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

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

VERSION CONTROL:			
Reference:	Status:	Authorised by:	Date:
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 accepting and processing applications for new and renewal drivers and ensure that legislation is adhered to.

2. 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)

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.

FUNCTION	OFFICER
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

4. 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:

- a) 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 :

- i. Licensing Support Officer to check application form fully completed and all supporting documents are present :
- ii. 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
- iii. If all documents present and application form fully completed then you can proceed to process the DBS application form
- iv. Licensing Support Officer to check the required identification documents have been produced – must be original documents (see section below)
- v. Licensing Support Officer to receipt fee - Code to H290019422
- vi. Licensing Support Officer to complete section W & X on the DBS form and open process on the licensing system
- vii. Licensing Support Officer to pass DBS form/application to drive and all supporting documents to SLO
- viii. SLO to verify all information on the DBS is correct before signing and sending it in the post to DBS
- ix. SLO to complete DVLA mandate and send to DVLA
- x. SLO to update DBS spreadsheet and licensing system
- xi. SLO to inform the First Contact Team and School Transport of the application allowing 14 days for consultation (see section 17 below)
- xii. Applicant may now take his/her knowledge test (see section 12 below)
- xiii. 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
- xiv. SLO to pass application to Licensing Support Officer for issuing licence and badge
- xv. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xvi. **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
- xvii. School Transport and First Contact Team informed of decision.
- xviii. Documents to be filed

6. RENEWAL DRIVER APPLICATION

Processing application for **RENEWALS**

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

- i. Licensing Support Officer to produce a monthly licensing system report detailing the driver licences due for renewal
- ii. 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.
- iii. 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
- iv. 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)
- v. 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)
- vi. Check correct fee received (see table of fees attached)
- vii. Licensing Support Officer to receipt fee – Code to H290019422
- viii. If application is a renewal with no medical/DBS then process on licensing system
- ix. Print 3 copies of the licence, one for applicant/one employer/one file
- x. Licence to be signed by SLO
- xi. 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:

- a. Does the name and address on the application match the one that appears on the DVLA driving licence – if not reject application
- b. Has the applicant held a DVLA driving licence for 12 months – if not reject application
- c. 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:

- a. the applicant has not fully completed the application form
- b. the applicant has not fulfilled the DBS requirements
- c. 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:

1. **Grant**
2. **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

Name of Policy / Procedure / Protocol / Plan:

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

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

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
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 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.

2. Related Documents

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

3. 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.

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

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

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

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2014
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
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Head of Service Approval: (signature & date)	22 nd May 2013

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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/REVOCAION/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 Policy / Procedure / Protocol / Plan:

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

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

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
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 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.

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.

FUNCTION	OFFICER
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:

4. 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

5. 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:

- i. 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.
- ii. Application received by Licensing Support Officer
- iii. Senior Licensing Officer (SLO) to check all details on application form fully completed, signed and dated
- iv. Check Insurance document has appropriate cover for use and has a valid date in force (see note 8 below)
- v. Check details on V5 match application details (see note 9 below)
- vi. 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).

- vii. receipt fee – Code to H290019428

- viii. enter application details on Licensing System -insurance/certificate of compliance/V5 details
- ix. Enter details of V5 onto VIP and issue Plate/Door Stickers
- x. Licence to be printed
- xi. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- xii. 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:

- 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. The 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.

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:

- a. the vehicle does not meet the specifications as per policy
- b. if the applicant has not provided all appropriate supporting documents
- c. 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

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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 information about a conviction is received on a licensed driver and to ensure that legislation is adhered to.

2. 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

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.

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

FUNCTION	OFFICER
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

4. 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

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:	12 June 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Forward Work Programme 2013/14

1. PURPOSE OF THE REPORT

- 1.2 To advise Members of amendments to the existing work programme for the Licensing Committee for the year 2013/14.

2. EXECUTIVE SUMMARY

- 2.1 A revised Forward Work Programme is attached, at appendix 1, for Members to consider and approve following changes to the previously approved work programme.

3. BACKGROUND INFORMATION

- 3.1 Members approved the existing forward work programme in December 2012 to which Officers have been adhering.
- 3.2 A report on the review of hackney carriage/private hire drivers was scheduled for Members' consideration at this meeting, with a further report on hackney carriage/private hire vehicle and operator policy and conditions review later in the year.
- 3.3 Officers have engaged with a licensing legal specialist, who has provided some useful advice on best practice when undertaking our review and consultation. The advice is to undertake one review and consultation of the existing hackney carriage and private hire policy, which would include driver/operator/vehicle.
- 3.4 Officers have taken onboard this useful advice and propose to present a report to Members in December 2012 on the entire review of the existing policy.

- 3.5 For Members information Officers have to date reviewed the current driver policy and drafted the following policies:
1. General Policy for Drivers
 2. Driver Dress Code
 3. Code of Good Conduct
 4. Conviction Policy
 5. Penalty Point System.
- 3.6 The above policies are currently with a licensing legal expert for scrutiny.
- 3.7 The next step in the review is for Officers to scrutinize the existing Private Hire and Hackney Carriage Operator and Vehicle Policy. This process has already begun and is progressing well.
- 3.8 For Members information Officers are working towards compiling questionnaires on the current policy and future proposals, for existing licensees and also for key partners and service users. Officers are very interested in the views of our existing licence holders on the current policy and any future proposals.
- 3.9 Officers are hopeful, that by the time this report is presented to Members, the questionnaire will be ready for distribution, allowing approximately 8 weeks for responses to be returned.
- 3.10 Officers have planned to carry out street surveys on the most important elements of the policy with the intention of including tourists and visitors so that we have the views of as many different service users as possible.
- 3.11 For Members information any proposals will have to be approved by the Committee before a full formal consultation exercise is undertaken.

4. **RECOMMENDATION**

- 4.1 For Members to note the contents of the report and amendments in the Forward Work Programme for the Licensing Committee.

REPORT TO: LICENSING COMMITTEE

DATE: 12 June 2013

REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION

SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2012/14

DATE	REPORT	COMMENT
June 2013	Hackney Carriage and Private Hire Procedures	Report for Members' to approve the revised procedures
	Review of existing policy and conditions for Hackney Carriage and Private Hire Drivers to include; Conviction Policy Driver Dress Code Code of Conduct	Report for Members' consideration and approval for Officers to consult with all interested parties
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 existing policy and conditions for Hackney Carriage and Private Hire Vehicles and Operators	Report for Members' consideration and approval for Officers to consult with all interested parties
	Review of Licensing Fees and Charges for 2014/15	Report for Members' consideration and approval
	Review of the existing Sex Establishment Policy	Report for Members' consideration
December 2013	Report on implementing a Penalty Point System for Hackney Carriage and Private Hire licence holders	Report for Members' consideration
	Agree Forward Working Programme priorities for 2014/15	
March 2014	Review of the existing	Report for Members'

	Street Trading Policy	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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